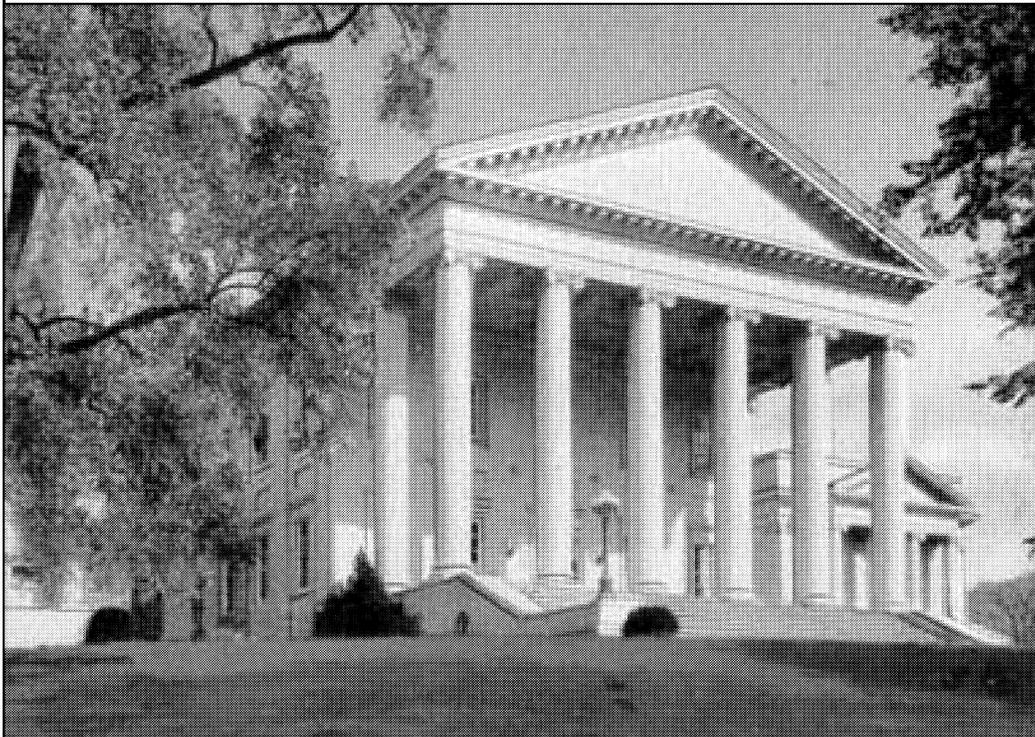


VIRGINIA GENERAL ASSEMBLY



2009 SESSION SUMMARY

VIRGINIA GENERAL ASSEMBLY



2009 SESSION SUMMARY

Published by the Division of Legislative Services

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

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Larry Garton *Senior Systems Analyst*
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Preface

This publication presents a summary of legislation considered by the Virginia General Assembly at the 2009 Session. Bill summaries are arranged by subject areas corresponding to the appropriate titles in the Code of Virginia. Noncodified bills of a substantive nature are also contained under their proper subject headings. Within each heading, the material is further separated into *Passed* and *Failed* categories. (The General Assembly sometimes incorporates provisions from several bills in one substitute bill. Thus a bill may have failed, but all or some of its provisions have been "incorporated" in another bill. The summary for the bill will so note.) Bills affecting more than one title are printed under the dominant subject area of the legislation.

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

The major substantive provisions of each measure are summarized. The appropriate bill number and patron are also noted so that one can obtain further information, if needed. A researcher should refer to the enrolled bill, the appropriate chapter of the 2009 Acts of Assembly, or the Legislative Information System on the Internet (<http://leg1.state.va.us/lis.htm>) for detailed information on legislation.

These summaries reflect actions of the regular session of the 2009 General Assembly through adjournment *sine die* on February 28, 2009. Many of the measures are subject to gubernatorial review and veto. Therefore, some measures may be amended and some may not become law.

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

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

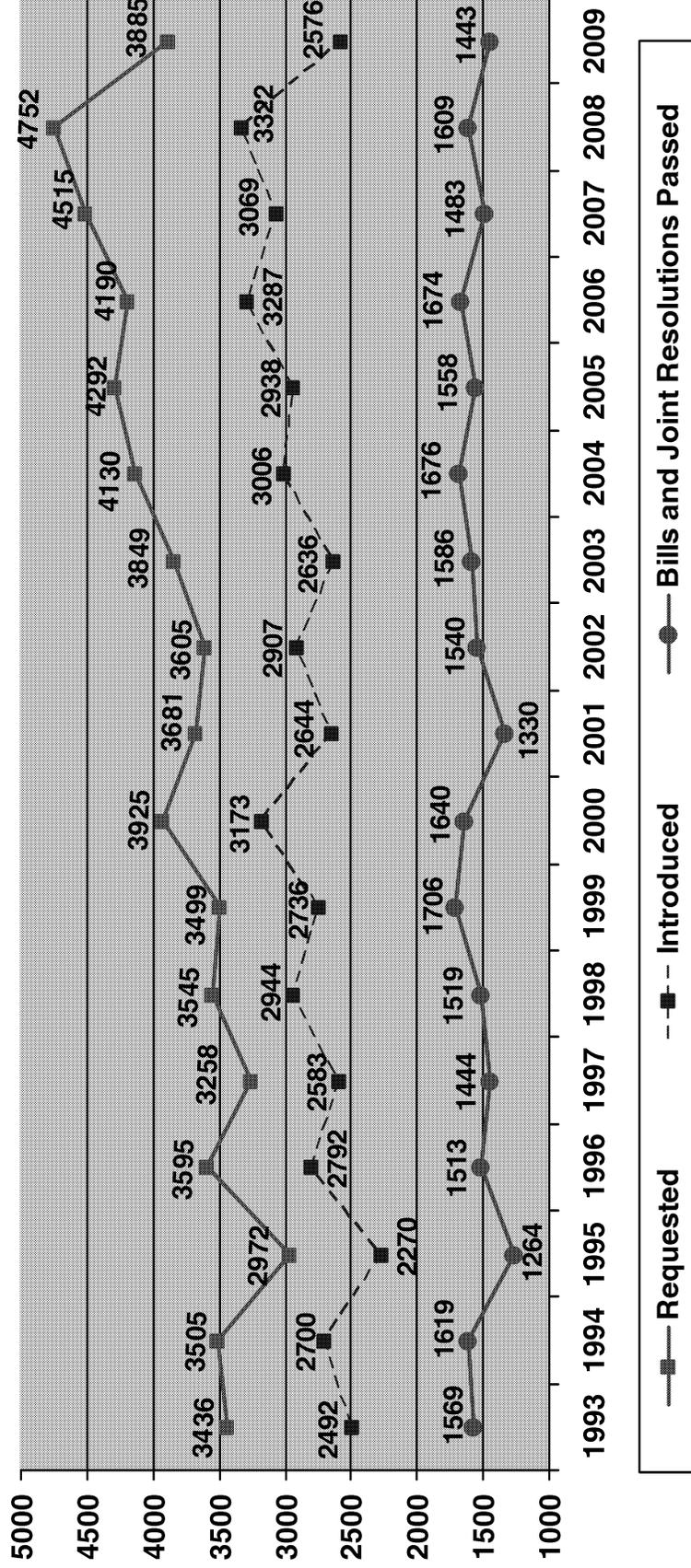
2009 SESSION STATISTICS

	Continued	Introduced	Passed	Failed
House Bills	154	1096	517	733
House Joint Resolutions	21	429	365	85
House Resolutions	0	36	31	5
House Total	175	1561	913	823
<hr/>				
Senate Bills	131	754	369	514
Senate Joint Resolutions	11	240	192	59
Senate Resolutions	0	21	21	0
Senate Total	142	1015	582	573
<hr/>				
General Assembly Total	317	2576	1495	1396

Legislation

Legislation Requested*, Introduced and Passed *before Deadline

(1993-2009)



Session 2009 Highlights

VIRGINIA DIVISION OF LEGISLATIVE SERVICES

Alcoholic Beverages

Passed

Alcoholic Beverage Control pilot project. The measure creates a two-year pilot project for participating mixed beverage restaurant licensees to use an alternative calculation for the food-to-beverage ratio based on volume by proof gallon.

Annual mixed beverage special events. The measure expands the annual mixed beverage special events license to include licenses to persons operating food and beverage services at any rural event and entertainment park or similar facility owned by a duly organized nonprofit corporation that has been granted an exemption from federal taxation under § 501 (c) (3) and has a minimum of 60,000 square feet of indoor exhibit space, equine and other livestock show areas, and is located in Caroline County.

Animals

Passed

Kill permit for wildlife. The measure authorizes the issuance of a kill permit to shoot any wildlife to an airport operator, if the Director of the Department of Game and Inland Fisheries finds wildlife is creating a hazard. Currently, the operator of an airport can be issued such a permit to kill only deer under this standard.

Failed

Oversight of animal control officers. The measure moves oversight and governance of

animal control officers from the State Veterinarian to the Department of Criminal Justice Services.

Business and Employment

Passed

Antifreeze bittering agent. The measure 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. Violations are subject to a civil penalty of up to \$100 per violation. The law will become effective January 1, 2011.

Energy efficiency programs. The measure authorizes investor-owned electric utilities to recover, through a rate adjustment clause, the costs of designing and operating energy efficiency programs.

Mortgage Lender and Broker Act. The measure prohibits a mortgage broker from failing to use reasonable skill, care, and diligence in exercising the broker's duty to make reasonable efforts to secure a mortgage loan that is in the best interests of the applicant, considering the applicant's circumstances and loan characteristics.

Payday loans. The measure prohibits any person licensed as a lender under the Payday Loan Act from extending unsecured credit under an open-end loan plan.

The *2009 Session Highlights* summarizes significant legislation considered by the 2009 General Assembly as selected by the staff of the Virginia Division of Legislative Services. The brief overview of the General Assembly Session covers legislative actions through sine die on Saturday, February 28, 2009.

Unemployment compensation for military spouses. The measure 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. The law 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 Virginia. The measure will become effective if the federal government appropriates funds for this purpose.

Constitutional Amendments

Passed

Property tax exemption for disabled veterans. The amendment 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 a 100 percent service-connected, permanent, and total disability.

Property tax exemptions for elderly and disabled. The amendment allows 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 age 65 or older or persons permanently and totally disabled.

Failed

Governor's term of office. The amendment permits the Governor to succeed himself in office. The amendment allows two four-year terms, either in succession or not in succession, but prohibits election to a third term.

Homestead property tax exemption. The amendments would pave the way for localities to provide tax relief for up to 20% of the value of owner-occupied homesteads.

Restoration of civil rights. Several proposed amendments would authorize the General Assembly to provide for the restoration of civil rights for persons convicted of felonies or nonviolent felonies who have completed service of their sentences. The present Constitution provides for restoration of rights by the Governor, and the proposed amendments retain the right of the Governor to restore civil rights.

Courts and Criminal Justice

Passed

Abduction and RICO. The measure redefines abduction to include subjecting another person to forced labor or services and redefines intimidation to include withholding a person's passport or like documents. The measure also adds four new RICO (Racketeer Influenced and Corrupt Organizations) crimes.

Concealed handguns in restaurants. The measure allows a person with a concealed handgun permit to carry a concealed handgun onto the premises of a restaurant or club and prohibits that person from consuming alcoholic beverages while on the premises. A person who consumes alcohol in violation of the provisions of the bill is guilty of a Class 2 misdemeanor and a person who becomes intoxicated in violation of the provisions of the bill is guilty of a Class 1 misdemeanor.

Concealed handgun permit information. The measure protects from public disclosure concealed handgun permittee names and descriptive information held by the Department of State Police for purposes of entry into the Virginia Criminal Information Network. The information would still be available to law-enforcement agencies and nonidentifying statistical information would be available to the general public.

Control of firearms court costs and fees. The measure authorizes a court to award reasonable attorney fees, expenses, and court costs to any entity that prevails in an action challenging an ordinance, resolution, motion, or an administrative action taken in bad faith, as being in conflict with a locality's authority to control firearms.

Garnishment. The measure provides that a parent who supports a dependent child or children residing with him may hold exempt from garnishment an additional amount for the support of the child or children as follows: \$34 per week for one child; \$52 per week for two children; and \$66 per week for three or more children.

Magistrates and felony arrest warrants. The measure provides that a magistrate may not issue an arrest warrant for a felony offense upon the basis of a complaint by a person

other than a law-enforcement officer without prior consultation by the magistrate with the attorney for the Commonwealth or, if one is not available, a law-enforcement agency.

Post-adoption contact and communication. The measure 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.

Text messaging while driving. The measure prohibits operation of a motor vehicle while using any handheld personal communications device to manually enter multiple letters or text or to read a text message.

Uniform Power of Attorney Act. The measure establishes in the Code of Virginia the Uniform Act that was adopted by the National Conference of Commissioners on Uniform State Laws.

Failed

Civil immunity for charitable food donations. The measure provides that any charitable organization engaged in a food distribution program for needy persons will be exempt from civil liability arising from any injury or death resulting from the nature, age, condition, or packaging of the distributed food.

Gun show sales. The measure adds a definition of "firearms show vendor" and requires that a criminal history record information check be performed on the prospective transferee before the vendor may transfer firearms at a gun show.

State Police Volunteer Chaplaincy Program. The measure allows the Superintendent of State Police to establish a Voluntary Chaplaincy Program.

Transporting marijuana. The measure provides that except as authorized in the Drug Control Act it is a Class 6 felony for any person to transport into the Commonwealth by any means with intent to sell or distribute one ounce or more but less than five pounds of marijuana. Currently, there is no penalty for transportation of less than five pounds of marijuana; however, transportation of five pounds or more is punishable by five to 40 years imprisonment with a 3-year mandatory minimum term plus a \$1,000,000 fine.

Education

Passed

Accreditation of schools. The measure provides for the delayed implementation of statutes and regulations, upon which the accreditation of schools or school divisions in the Commonwealth is based that were not already in effect on June 30, 2008, until July 1, 2010.

Family life education. The measure requires school divisions to distribute a summary to parents and guardians to assist them in understanding the family life education program and to include the statement that:

- Parents and guardians have the right to review all educational materials.
- Parents and guardians have the right to remove the child from all or part of family life education instruction.

Institutions of higher education. The measure provides that the 2006 management agreements in place between the Commonwealth and Virginia Tech, the College of William and Mary, and the University of Virginia, and the 2008 management agreement between the state and VCU will expire on June 30, 2012.

Special education. The measure provides that any party aggrieved by a special education decision made in a due process hearing may appeal to a circuit court for a period of 180 days.

Short-term suspension of a student. The measure provides that a school board may adopt regulations authorizing a principal to impose a short-term suspension, when a student has been charged with an offense involving intentional injury to another student in the same school, pending a decision as to whether to require the offending student to attend an alternative education program. It also provides that a school board may require a student charged with certain juvenile offenses to attend an alternative education program.

Failed

Autism Tuition Grant. The measure establishes a tuition assistance grant program for students with autism.

Diploma requirements. The measure requires the Board of Education to include a standard credit in economics and personal finance in its requirements for diplomas.

Tuition for illegal aliens. The measure establishes that an alien who is unlawfully present in the United States will not be eligible for in-state tuition unless he meets certain criteria.

Elections

Passed

Definition of residence. A number of measures sought to clarify the definition of "residence" generally or with respect to students in college. As finally passed, the law requires the State Board of Elections to adopt rules to define residence and ensure that the law for determining a person's residence is applied uniformly throughout the Commonwealth.

Prohibited activities at the polls. The measure creates an exception to the prohibition on campaign activities within 40 feet of the polling place or within the polling place. It allows voters to wear buttons, stickers, or items of apparel that contain a candidate's name or a political slogan.

Petition to remove a public official. The measure provides that the court should not dismiss a petition for the removal of a public official solely because of an error or omission in the form of the petition unless the error or omission is material in determining whether statutory requirements have been met. The measure provides further that any person who signs or circulates a petition for the removal of a public official:

- Will not be liable for any costs associated with the proceedings, including attorney fees or court costs.
- Will not have sanctions or fines imposed on him under the statute that provides sanctions in frivolous court proceedings.

Failed

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

Absentee voting and early voting. There were a number of proposals to allow "no-excuse" in-person absentee voting. Other measures would have allowed "early voting"--that is, voting during the two to three weeks before the election at the sites provided by the locality.

Environment and Natural Resources

Passed

Biofuels Production Incentive Grant Program. The measure distinguishes between advanced biofuels that are made from winter cover crops, cellulose, hemicellulose, lignin oil, and algae and those standard biofuels that may be made from agricultural feedstocks such as corn. The program will award a \$0.125 per gallon grant for advanced biofuels and a \$0.10 per gallon grant for standard biofuels and requires the production of one million gallons per year for eligibility.

Offshore renewable resources. The measure provides the Marine Resources Commission with the authority to lease subaqueous lands for the purpose of generating electrical energy from wave or tidal action, currents, offshore winds, or thermal or salinity gradients and transmit energy from such sources to shore and requires that any leases require a royalty. All royalties collected will be appropriated to the Virginia Coastal Energy Research Consortium.

Failed

Greenhouse gas emissions. The measure requires that the State Air Pollution Control Board adopt regulations requiring the reporting of greenhouse gas emissions from stationary sources that consume carbon-emitting feedstocks. The regulations would apply only to those sources that emit more than a minute amount of greenhouse gas and that are already required to report emissions of other air pollutants.

FOIA

Passed

Protection of Social Security Numbers Act. The measure provides that the first five digits of a social security number contained in a

public record will be confidential and exempt from disclosure under the Freedom of Information Act.

Concealed handgun permit information. See Courts and Criminal Justice.

General Laws

Passed

Common Interest Communities. The measure limits the authority of the Common Interest Community Board to impose fines against governing boards rather than individual members of the board and adds a requirement for a hearing before imposing a fine.

Property Owners' Association Act. The measure provides that actual salary information of the six highest paid employees of the association will be among records that are available to members of an association and that all records, including the salaries of all employees and payments to independent contractors, will be available to members of the board of directors.

Virginia Indoor Clean Air Act. The measure prohibits smoking in all indoor restaurants and bar and lounge areas in Virginia, requires the posting of "No Smoking" signs, and provides for a \$25 civil penalty for a violation of the provisions.

Health and Mental Health

Passed

Advance medical directives. The measure revises the Health Care Decisions Act to 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 him, and specify an anatomical gift.

Certificate of public need. The measure revises statutes related to the certificate of public need process including criteria, review process, and process for satisfying conditions on certificates. The measure also establishes a request for application procedure for psychiatric and nursing home beds and services and an expedited review process for capital expenditures over \$15 million.

Do Not Resuscitate orders. The measure clarifies that the expression by the patient of the desire to be resuscitated in the event of cardiac or respiratory arrest will constitute revocation of the Durable Do Not Resuscitate Order and that the order may be revoked only by the patient or the person authorized to consent for the patient if he is a minor.

Mental health law revisions. The measure amends mental health statutes to address issues resulting from the overhaul of mental health laws during the 2008 Session.

Notification of family member and commitment. The measure authorizes disclosure to a friend or family member of a person who is the subject of an emergency custody order, temporary detention order, or involuntary commitment order of information that is relevant to the person's health care.

Psychiatric treatment of minors. The measure provides that a person who meets the criteria for involuntary commitment under the Psychiatric Inpatient Treatment of Minors Act may be ordered to mandatory outpatient treatment if less restrictive alternatives to involuntary inpatient treatment are appropriate and available.

Virginia Indoor Clean Air Act. See General Laws.

Failed

Natural health care providers. The measure allows natural health care providers that are not subject to licensing or certification by a health regulatory board to render care to consumers.

Naturopathy. The measure establishes licensure requirements for the practice of naturopathy.

Insurance

Passed

Basic health insurance. The measure allows health insurers to offer and sell group health insurance policies or contracts that do not include state mandated health insurance benefits to employers with 50 or fewer employees to provide coverage for employees who have been uninsured during the preceding six months. Such a group policy or contract may

include any, or none, of the state-mandated health benefits as the health insurer and the small group employer agree.

Failed

Mandated health insurance for autism. The measure requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the diagnosis and treatment of autism spectrum disorder in individuals under age 21.

Local Government

Passed

Annexation. The measure extends from 2010 to 2018 the temporary restriction on city annexation authority, the granting of city charters, and county immunity proceedings.

Boards of zoning appeals variance standard. The measure changes the standard by which a variance can be granted by eliminating the requirement for a showing of a hardship "approaching confiscation."

Derelict buildings. The measure defines derelict buildings and authorizes local governments to incentivize owners' timely submission of a plan for demolition or renovation, by providing real estate tax abatements and fee refunds. It also simplifies tax lien enforcement and blight provisions and encourages action on derelict buildings by adjusting time frames.

Extension of certain land use approvals. The measure extends the period of validity for certain preliminary and recorded plats and final site plans, as well as certain other land use approvals, to July 1, 2014.

Transfer of development rights. The measure makes extensive changes to provisions initially passed in 2006 for the purpose of making the transfer of development rights process more useable for property owners and localities. The amendments make clear that development rights may be severed but not immediately affixed to a receiving property. Other changes state that any proposed severance or transfer of development rights will only be initiated upon application by the property owners of the sending properties, development rights, or receiving properties, and a locality may not

require property owners to sever or transfer development rights as a condition of the development of any property.

Failed

Possession of weapons in government buildings. The measure provides that the governing body of any locality may, by ordinance, make it unlawful for any person to possess a dangerous weapon on the property, including buildings and grounds of a government facility.

Motor Vehicles

Passed

Abandoned vehicles. The measure provides new standards and procedures for acquisition and disposal of abandoned vehicles.

Compliance with federal REAL ID Act. The measure amends provisions for obtaining licenses to comply with federal REAL ID Act requirements.

Relationship between motor vehicle dealers and manufacturers. The measure revises and clarifies responsibilities of motor vehicle manufacturers toward motor vehicle dealers in the event of termination of a dealer franchise.

Text messaging while driving. See Courts.

Failed

Safety belts. Makes not using motor vehicle safety belts a "primary offense."

Social Services

Passed

Virginia Child Protection Accountability System. The measure 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.

Temporary Assistance for Needy Families. The measure revises the limitation on receipt of one-time diversionary Temporary Assistance for Needy Families or TANF cash assistance from one payment per 60-month period to one payment per 12-month period.

Taxes and Finance

Passed

Income tax conformity. The measure conforms Virginia's income tax with the Internal Revenue Code as it has been done each year for many years.

Virginia Tax Amnesty Program. The measure 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.

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

Minimum tax on noncorporate entities. The measure clarifies that the minimum tax will be imposed on telecommunications and electric suppliers that are organized as pass-through entities and that certain taxes imposed are to be paid by the pass-through entity.

Corporate income tax real estate investment trusts. The measure phases in over a two-year period 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.

Land preservation tax credit. The measure 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.

Sales and use tax on fabrication of animal meat. The measure exempts from sales and use tax, the fabrication of animal meat, grains,

vegetables, or other foodstuffs when the purchaser:

- Supplies the foodstuffs and they are consumed by the purchaser or his family.
- Is an organization exempt from taxation under § 501 (c) (3) or (c) (4) of the Internal Revenue Code.
- Donates the foodstuffs to an organization exempt from taxation under § 501 (c) (3) or (c) (4) of the Internal Revenue Code.

Failed

Homebuyer tax credit. The measure 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.

Renewable energy property tax credit. The measure 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.

Grants to purchasers of new homes. The measure authorizes the issuance of \$50 million in bonds to fund grants to individuals who purchase a principal residence in the Commonwealth that was first issued a certificate of occupancy on or after January 1, 2007, but before July 1, 2009.

Technology

Passed

Patent and copyright policies of the Commonwealth. The measure requires the Secretary of Administration, in consultation with the Secretary of Technology and subject to the approval of the Governor, to establish policies by December 1, 2009, regarding the use of patents and copyrights owned by the Commonwealth.

Promotion of science and technology-based research, development, and commercialization in Virginia. The measure makes several changes to the Code of Virginia to encourage research, development, and commercialization of advancements in science and technology in the Commonwealth.

Transportation

Failed

Transportation funding. The measure dedicates certain future general fund revenues to transportation in the Hampton Roads, Richmond, Staunton, Northern Virginia, and Salem highway construction districts.

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DIVISION OF LEGISLATIVE SERVICES

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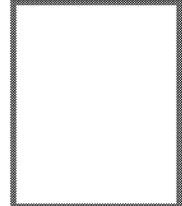
Lynda Waddill, Editor

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Contents

1	Administration of the Government Generally
14	Agriculture, Horticulture and Food
15	Alcoholic Beverage Control Act
17	Banking and Finance
19	Civil Remedies and Procedure
22	Commercial Code / Secured Transactions
22	Commonwealth Public Safety
25	Conservation
28	Contracts
29	Corporations
30	Counties, Cities and Towns
40	Courts not of Record
42	Courts of Record
43	Crimes and Offenses Generally
50	Criminal Procedure
53	Domestic Relations
54	Education
59	Educational Institutions
63	Elections
70	Fiduciaries Generally
70	Fisheries and Habitat of the Tidal Waters
71	Game, Inland Fisheries and Boating
72	General Assembly
74	General Provisions of Virginia Code
74	Health
79	Highways, Bridges and Ferries
83	Homestead and Other Exemptions
83	Hotels, Restaurants, Summer Camps and Campgrounds
84	Housing
85	Institutions for the Mentally Ill; Mental Health Generally
87	Insurance
92	Labor and Employment

Contents

92	Libraries
92	Mechanics' and Certain Other Liens
92	Military and Emergency Laws
93	Mines and Mining
94	Motor Vehicles
102	Notaries and Out-of-State Commissioners
102	Partnerships
103	Pensions, Benefits and Retirement
105	Persons with Disabilities
105	Police, State
105	Prisons and Other Methods of Correction
107	Professions and Occupations
113	Property and Conveyances
115	Public Service Companies
121	Religious and Charitable Matters; Cemeteries
122	Taxation
135	Trade and Commerce
138	Unemployment Compensation
138	Virginia Energy Plan
139	Waters of the State, Ports and Harbors
140	Welfare (Social Services)
143	Wills and Decedents' Estates
143	Workers' Compensation
145	Constitutional Amendments
149	Other Resolutions
151	Miscellaneous (Including Budget and Bonds)
153	Study Resolutions
159	Charters

Administration of the Government Generally

Passed

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

Patron - Merricks

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

Patron - Scott, J.M.

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

Patron - Cox

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

Patron - Kilgore

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

Patron - Pollard

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

Patron - Brink

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

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

Patron - Loupassi

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

Patron - Dance

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

Patron - Cosgrove

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

Patron - Lewis

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

Patron - Peace

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

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

Patron - Massie

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

Patron - Rust

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

Patron - Rust

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

Patron - Iaquinto

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

Patron - Nixon

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

Patron - Hamilton

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

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

Patron - Purkey

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

Patron - Phillips

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

Patron - Watts

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

Patron - Vanderhye

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

Patron - Valentine

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

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

Patron - Ware, O.

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

Patron - Bowling

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

Patron - Cline

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

Patron - Bouchard

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

Patron - May

HB2426 Government Data Collection and Dissemination Practices Act; collection of social security numbers. Extends from July 1, 2009, to July 1, 2010, the implementation of the prohibition against collecting an individual's social security number unless collection of such number is (i) authorized or required by state or federal law and (ii) essential for the performance of that agency's duties. The bill contains several technical amendments, all to become effective July 1, 2010.

Patron - May

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

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

Patron - May

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

Patron - BaCote

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

Patron - Sickles

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

Patron - Alexander

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

Patron - Sickles

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

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

Patron - Nixon

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

Patron - Cox

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

Patron - Nixon

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

Patron - Merricks

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

Patron - Hull

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

Patron - Iaquinto

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

Patron - Barlow

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

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

Patron - Jones

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

Patron - Merricks

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

Patron - Herring

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

Patron - Putney

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

Patron - Locke

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

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

Patron - McDougle

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

Patron - McDougle

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

Patron - McDougle

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

Patron - Reynolds

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

Patron - Cuccinelli

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

Patron - Puller

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

Patron - Howell

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

Patron - Miller, J.C.

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

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

Patron - Miller, J.C.

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

Patron - Herring

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

Patron - Northam

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

Patron - Colgan

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

Patron - Petersen

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

Patron - Watkins

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

Patron - Watkins

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

Patron - Watkins

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

Patron - Puckett

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

Patron - Stosch

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

Patron - Vogel

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

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

Patron - Newman

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

Patron - Wagner

SB1302 Master Settlement Agreement; criminal enforcement activities; penalty. Makes several changes to enhance criminal enforcement activities. The bill provides that any tobacco product manufacturer, stamping agent, or importer of cigarettes, or any officer, employee, or agent of any such entity, who knowingly and with the intent to defraud, mislead, or deceive, makes any materially false statement in reports, documents, and tax returns required to be filed or kept under the Master Settlement Agreement or other substantive law is guilty of misrepresentation in a commercial dealing with the Commonwealth, a Class 6 felony. The Attorney General is authorized to prosecute such cases. The bill also requires persons to file cigarette delivery sales information with the Attorney General in addition to the current requirement that such information be filed with the Virginia Alcoholic Beverage Control Board. The bill adds criminal penalties for failure to file the required information; under current law all penalties are civil. The Attorney General is authorized to assess the civil penalties and prosecute criminal violations. In addition, the bill includes within the definition of "racketeering activity" the filing of false reports under the Tobacco Product Manufacturers Act, of false reports of cigarette delivery sales, and of false tobacco tax reports.

Patron - Hurt

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

Patron - Hurt

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

Patron - Houck

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

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

Patron - Houck

SB1318 Government Data Collection and Dissemination Practices Act; collection of social security numbers. Extends from July 1, 2009, to July 1, 2010, the implementation of the prohibition against collecting an individual's social security number unless collection of such number is (i) authorized or required by state or federal law and (ii) essential for the performance of that agency's duties. The bill contains several technical amendments, to become effective July 1, 2010. This bill is a recommendation of the Freedom of Information Advisory Council.

Patron - Houck

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

Patron - Houck

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

Patron - Puckett

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

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

Patron - Herring

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

Patron - Reynolds

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

Patron - Wagner

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

Patron - Wagner

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

Patron - Petersen

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

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

Patron - Petersen

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

Patron - Locke

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

Patron - Locke

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

Patron - Wampler

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

Patron - Puller

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

Patron - Hanger

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

Patron - Martin

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

Patron - Colgan

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

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

Patron - Colgan

Failed

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

Patron - Morgan

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

Patron - Marshall, R.G.

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

Patron - Morrissey

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

Patron - Nixon

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

Patron - Massie

HB1967 Excess funds in the Revenue Stabilization Fund. Establishes a mechanism to provide tax relief to Virginia taxpayers when the Auditor of Public Accounts determines the Revenue Stabilization Fund has reached its maximum size as provided in the Constitution of Virginia. The

excess funds must equal at least \$50 million and will be deposited in a special nonreverting fund titled the Virginia Taxpayer Surplus Relief Fund and must be used by the next session of the General Assembly to provide tax relief to low- and middle-income taxpayers throughout the Commonwealth.

Patron - Massie

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

Patron - Marshall, D.W.

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

Patron - Lingamfelter

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

Patron - Pollard

HB2121 Public Procurement Act; verification of legal presence. Requires all public contractors and their subcontractors to register and participate in a federal Electronic Work Verification Program or similar electronic verification of work authorization program to determine that their employees and individual independent contractors are legally eligible for employment in the United States. Contractors and subcontractors are required to verify the employment status of their employees and independent contractors, and are prohibited from employing or contracting with an individual who is determined not to be legally eligible for employment in the United States as determined through the verification of the individual's status. Contractors who do not register and participate in the registration program are ineligible for prequalification. The measure becomes effective on July 1, 2010.

Patron - Nichols

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

Patron - Miller, J.H.

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

Patron - Hogan

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

Patron - Watts

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

Patron - Valentine

HB2286 Procurement of services by certain state agencies. Requires the Director of the Division of Purchases and Supply of the Department of General Services to require each state agency, except law-enforcement agencies, to procure nonprofessional services from the private sector if such services are listed in the Commonwealth Competition Council's list. The bill also provides that upon a written determination made in advance by a state agency that the procurement of services from a commercial source is neither practicable nor fiscally advantageous, such service may continue to be performed by the state agency.

Patron - Cline

HB2287 Department of Planning and Budget; submissions to the General Assembly. Requires the Department of Planning and Budget, in addition to providing copies of all agency budget estimates, to prepare an analysis of such estimates for the deliberative use of the Governor and the General Assembly, such analysis to include, but not be limited to, (i) appropriations requested as compared to the prior year, (ii) a brief description of each agency's priorities for receiving fund-

ing, and (iii) a discussion of major changes or initiatives recommended for the ensuing fiscal year. The Department is required to submit the estimates and analysis to the Governor and, within 30 days thereof, submit the same to the chairmen of the House Committee on Appropriations and the Senate Committee on Finance.

Patron - Cline

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

Patron - Amundson

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

Patron - Landes

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

Patron - Gilbert

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

Patron - Nutter

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

Patron - Scott, J.M.

HB2385 Public employment; nondiscrimination. Prohibits discrimination in public employment based on race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, sexual orientation, or status as a special disabled veteran or other veteran covered by the Vietnam Era Veterans Readjustment Act of 1974, as amended. The bill defines "sexual orientation" as a person's actual or perceived heterosexuality, bisexuality, homosexuality, or gender identity or expression. The bill expressly provides that "sexual orientation" shall not include any person's attraction towards persons with whom sexual conduct would be illegal due to the age of the parties. The bill contains technical amendments.

Patron - Ebbin

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

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

Patron - Ebbin

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

Patron - Bouchard

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

Patron - May

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

Patron - Sickles

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

Patron - Hugo

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

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

Patron - Nixon

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

Patron - Pollard

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

Patron - Nichols

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

Patron - Ebbin

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

Patron - Hugo

HB2617 Commonwealth Realignment Commission. Creates the Commonwealth Realignment Commission in the legislative branch of state government. The purpose of the Commission is to (i) review the operations of state agencies and state-funded programs with a view toward the reduction of nonessential programs and expenditures; (ii) examine and promote methods of providing a portion or all of select government-provided or government-produced programs and services through the private sector by a competitive contracting program; and (iii) advise the Governor and the General Assembly of the Commission's findings and recommendations. The Commission shall consist of 10 members of the House of Delegates appointed by the Speaker thereof, of whom at least five

shall be members of the House Appropriations Committee, and five members from the Senate appointed by the Committee on Rules of the Senate, of whom at least two shall be members of the Finance Committee, and the Auditor of Public Accounts, ex officio, who shall have no voting privileges. The bill also eliminates the Commonwealth Competition Council and contains technical amendments. This bill was incorporated into HB 2463.

Patron - Saxman

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

Patron - Griffith

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

Patron - Shannon

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

Patron - Griffith

SB861 Office of the Children's Ombudsman. Creates the Office of the Children's Ombudsman to provide ombudsman services, including investigation of complaints, advocacy, and the provision of information for children, parents, and citizens involved with child-serving agencies. The bill is contingent on funding being included in the general appropriations act adopted by the 2009 Session of the General Assembly that becomes law.

Patron - Edwards

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

Patron - McDougle

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

Patron - Edwards

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

Patron - Edwards

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

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

Patron - Hanger

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

Patron - Petersen

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

Patron - Whipple

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

Patron - Hanger

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

Patron - Hanger

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

Patron - Hanger

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

Patron - Deeds

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

Patron - Northam

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

Patron - Petersen

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

Patron - Newman

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

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

Patron - Colgan

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

Patron - McEachin

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

Patron - Cuccinelli

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

Patron - Cuccinelli

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

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

Patron - Wagner

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

Patron - Norment

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

Patron - McDougle

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

Patron - Barker

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

Patron - Edwards

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

Patron - Barker

Agriculture, Horticulture and Food

Passed

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

Patron - Shuler

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

Patron - Landes

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

Patron - Gilbert

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

Patron - Knight

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

Patron - Ticer

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

Patron - McDougle

Failed

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

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

Patron - Lohr

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

Patron - Alexander

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

Patron - Kilgore

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

Patron - Athey

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

Patron - Englin

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

Patron - Scott, J.M.

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

Patron - Ticer

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

Patron - Howell

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

Patron - Blevins

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

Patron - Miller, J.C.

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

Patron - McDougle

Alcoholic Beverage Control Act

Passed

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

Patron - Gear

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

Patron - Gear

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

Patron - Albo

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

Patron - Wright

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

Patron - Oder

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

Patron - Griffith

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

Patron - Wagner

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

Patron - Deeds

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

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

Patron - McDougle

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

Patron - Puller

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

Patron - Deeds

Failed

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

Patron - Mathieson

HB2013 Alcoholic beverage control; mixed beverage licenses; local governments and historic buildings. Permits the Alcoholic Beverage Control Board to grant annual mixed beverage special events licenses to local governments for use in a building owned by a local government and listed on the National Historic Landmarks Survey.

Patron - Ebbin

HB2014 Alcoholic beverage control; mixed beverage licenses. Permits the Alcoholic Beverage Control Board to grant annual mixed beverage special events licenses to local governments for use in a building owned by a local government and listed on the National Historic Landmarks Survey. The bill also increases from 12 to 16 the number of events in any one year that a mixed beverage limited caterer licensee may sell and serve alcoholic beverages.

Patron - Ebbin

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

Patron - Melvin

HB2297 Underaged drinking; deferred disposition; mitigation. Provides that a person charged with underage drinking who summons law-enforcement or medical assistance on behalf of another is eligible for deferred disposition of his case. The bill also provides that a person who provides alcohol to an underage drinker shall have considered in mitigation the fact that he summoned law-enforcement or medical assistance on behalf of another.

Patron - Caputo

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

Patron - Abbitt

HB2440 Alcoholic beverage control (ABC); privatization of ABC stores. Provides for the issuance of a "package store" license to authorize the retail sale of alcoholic beverages for off-premises consumption. The bill also requires the ABC Board to dispose of all real estate used as ABC stores, and to terminate leased property upon which the ABC Board has operated a government store. The bill requires the ABC Board to complete an implementation study by December 31, 2009, on how it will privatize government stores. The bill has a delayed effective date of January 1, 2010, to achieve full retail privatization of government stores. The bill provides that persons holding a retail off-premises wine and beer license are eligible to obtain a package store license. The bill contains numerous technical amendments.

Patron - Poisson

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

Patron - Knight

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

Patron - Lucas

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

Patron - Herring

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

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

Patron - Obenshain

Banking and Finance

Passed

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

Patron - Oder

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

Patron - McClellan

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

Patron - Nixon

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

Patron - Saxman

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

Patron - Marshall, D.W.

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

Patron - Marshall, D.W.

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

Patron - Byron

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

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

Patron - Kilgore

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

Patron - Scott, J.M.

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

Patron - McEachin

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

Patron - Watkins

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

Patron - McEachin

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

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

Patron - Watkins

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

Patron - Watkins

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

Patron - Saslaw

Failed

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

Patron - Ingram

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

Patron - Hull

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

Patron - Morrissey

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

Patron - Lewis

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

Patron - Marshall, R.G.

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

Patron - Bell

SB991 Mortgage lending practices; penalty. Makes it unlawful for a mortgage broker knowingly (i) to make or cause to be made any deliberate and material misstatement, misrepresentation, or omission during the mortgage lending process with the intention that it be relied on by a mortgage lender, borrower, or any other party to the mortgage lending process; (ii) to use or facilitate the use of any deliberate and material misstatement, misrepresentation, or omission, knowing the same to contain a material misstatement, misrepresentation, or omission, during the mortgage lending process with the intention that it be relied on by a mortgage lender, borrower, or any other party to the mortgage lending process; or (iii) to conspire to do either of such things. Violations are punishable as a Class 1

misdemeanor. Violators shall also be required to pay restitution. The measure prohibits mortgage brokers from providing or arranging for: (a) a subprime loan containing a provision requiring or permitting the imposition of a prepayment penalty; (b) a residential mortgage loan, other than a reverse mortgage, if the borrower's compliance with any repayment option will result in negative amortization during any six-month period; and (c) a mortgage loan that will pay off a special mortgage unless the borrower has obtained a written certification from an authorized independent loan counselor on the advisability of the loan transaction. A special mortgage is a residential mortgage loan originated, subsidized, or guaranteed by or through an agency of the Commonwealth, a locality, or a nonprofit organization that has one or more nonstandard payment terms that substantially benefit the borrower. The measure expressly gives borrowers a private right of action for violations of certain prohibited practices under the Mortgage Lender and Broker Act, in which action the borrower may seek recovery of actual damages, statutory damages equal to the amount of all lender fees included in the amount of the principal of the mortgage loan, punitive damages, costs, and reasonable attorney fees.

Patron - Deeds

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

Patron - Miller, J.C.

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

Patron - Watkins

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

Patron - Herring

Civil Remedies and Procedure

Passed

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

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

Patron - Ware, O.

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

Patron - Nixon

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

Patron - Watts

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

Patron - Iaquinto

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

Patron - Hamilton

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

Patron - Marsden

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

Patron - Bulova

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

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

Patron - Obenshain

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

Patron - McDougle

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

Patron - Vogel

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

Patron - Obenshain

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

Patron - Edwards

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

Patron - Edwards

Failed

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

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

Patron - Oder

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

Patron - Griffith

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

Patron - Shannon

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

Patron - O'Bannon

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

Patron - Miller, P.J.

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

Patron - Vanderhuy

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

Patron - Iaquinto

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

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

Patron - Gear

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

Patron - Griffith

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

Patron - Athey

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

Patron - Marsh

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

Patron - Smith

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

Patron - McEachin

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

Patron - Quayle

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

Patron - Northam

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

Patron - Herring

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

Patron - Stolle

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

Patron - Ticer

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

Patron - Petersen

Commercial Code / Secured Transactions

Passed

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

Patron - Sickles

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

Patron - Herring

Commonwealth Public Safety

Passed

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

Patron - Mathieson

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

Patron - Valentine

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

Patron - Bell

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

Patron - Byron

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

Patron - Merricks

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

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

Patron - Edwards

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

Patron - Howell

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

Patron - Hurt

Failed

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

Patron - Carrico

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

Patron - Poisson

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

Patron - Pogge

HB1862 Sex offender registry; penalties. Provides that any failure to register is a Class 6 felony; under current law failure to register for an offense other than a sexually violent offense or murder is a Class 1 misdemeanor and a second or subsequent conviction is a Class 6 felony. The bill requires the revocation of probation or parole if a person is convicted of failure to register and is on probation or parole for a sex offense or for failure to register. The bill specifies that similar offenses in other countries and states require registration, whether they are under existing or former laws.

Patron - Shannon

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

Patron - Watts

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

Patron - Crockett-Stark

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

Patron - Crockett-Stark

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

Patron - Lewis

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

Patron - Mathieson

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

Patron - Mathieson

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

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

Patron - Mathieson

HB1997 Line of Duty Act; definitions; funding for Line of Duty Health Benefits Trust Fund. Includes local employees disabled on or after January 1, 1966, in the definition of "disabled employee." The bill also provides for a \$1 fee to be collected from alarm company operators for each alarm system monitored and a \$5 fee to be collected for processes and services in civil proceedings to provide funding to the Line of Duty Health Benefits Trust Fund.

Patron - Bulova

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

Patron - Hogan

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

Patron - Marsden

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

Patron - Valentine

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

Patron - Poindexter

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

Patron - Gilbert

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

Patron - Marsden

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

Patron - Miller, P.J.

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

Patron - Fralin

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

Patron - Crockett-Stark

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

Patron - Jones

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

Patron - McEachin

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

Patron - Deeds

SB1006 Line of Duty Act; definitions; funding for Line of Duty Death and Health Benefits Trust Fund. Includes local employees disabled on or after January 1, 1966, in the definition of "disabled employee." The bill also provides for a \$2 fee to be collected per month from alarm company operators for each alarm system monitored to provide funding to the Line of Duty Death and Health Benefits Trust Fund.

Patron - Quayle

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

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

Patron - Petersen

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

Patron - Newman

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

Patron - Reynolds

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

Patron - Quayle

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

Patron - Stolle

Conservation

Passed

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

Patron - Carrico

PHB1831 Virginia Recreational Facilities Authority. Delays the reversion of title to real property from the Virginia Recreational Facilities Authority to the Commonwealth, in the

event that the Authority ceases to operate a project, until July 1, 2010.

Patron - Fralin

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

Patron - Crockett-Stark

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

Patron - Lewis

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

Patron - Plum

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

Patron - Ware, R.L.

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

Patron - Bulova

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

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

Patron - Abbitt

HB2177 Rechargeable battery recycling. Authorizes localities to ban the disposal of certain rechargeable batteries in any waste-to-energy or solid waste disposal facility within its jurisdiction, provided the locality has implemented a recycling program that is capable of handling all rechargeable batteries generated within its jurisdiction.

Patron - Plum

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

Patron - Jones

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

Patron - Nichols

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

Patron - Landes

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

Patron - Knight

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

Patron - Lohr

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

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

Patron - Poindexter

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

Patron - Edwards

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

Patron - Deeds

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

Patron - Stuart

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

Patron - Hanger

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

Patron - Hanger

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

Patron - Whipple

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

Patron - Ticer

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

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

Patron - Puckett

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

Patron - Quayle

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

Patron - Reynolds

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

Patron - Reynolds

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

Patron - Reynolds

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

Patron - Ruff

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

Patron - Puckett

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

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

Patron - Ticer

Failed

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

Patron - Morrissey

HB2202 Greenhouse gas emissions; mandatory reporting. Requires that the State Air Pollution Control Board adopt regulations requiring the reporting of greenhouse gas emissions from stationary sources that consume carbon-emitting feedstocks. The regulations would apply only to those sources that emit more than a de minimis amount of greenhouse gas and that are already required to report emissions of other air pollutants. To the extent possible, reporting requirements will incorporate standards and protocols developed by other widely recognized and verified greenhouse gas inventory programs. Beginning in 2010, the Virginia Department of Transportation is required to provide the Department of Environmental Quality with data necessary to maintain a greenhouse gas emissions inventory for roads throughout the Commonwealth. The Board is also authorized to establish a voluntary program allowing persons to register voluntary reductions in direct or indirect emissions of greenhouse gases. The voluntary program may include the reporting of reductions in emissions from motor vehicle fleets owned by persons otherwise required to report emissions from stationary sources.

Patron - Vanderhuy

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

Patron - Bouchard

HB2469 Virginia Waste Management Board; permit issuance process. Makes the process of permit issuance for solid waste management uniform with that of the two other pollution control boards, the Air Pollution Control Board and the State Water Control Board. Under certain circumstances, the Virginia Waste Management Board (the "Board") will make permit decisions. Currently, only the Director of the Department of Environmental Quality may make permit decisions. After issuing a public notice of a pending permit action, if at least 25 individuals have requested a public hearing and the Director finds that the issues raised are germane to the permit action and are not inconsistent with state or federal laws, a public hearing will be held. The Director or the Board may convene a meeting under an expedited schedule to reconsider the decision of the Director to grant a public hearing. The meeting may be held electronically if one public forum is available. The Board is required to act on the permit within 90 days of the close of the comment period unless the applicant agrees to an extension of the time period. Persons who commented during the public hearing may address the Board at the meeting where final action on the permit will occur. The Board's decision shall contain a written basis for its decision. The qualifications of membership for the Board is changed to require that an appointee is not employed by persons subject to permits of the Board or enforcement orders of the Director and does not receive a significant portion of his income, whether

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

Patron - Morgan

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

Patron - Fralin

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

Patron - Byron

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

Patron - Ticer

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

Patron - Ticer

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

Patron - Blevins

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

Patron - Wagner

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

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

Patron - Ticer

SB1145 Greenhouse gas emissions; mandatory reporting. Requires that the State Air Pollution Control Board adopt regulations requiring the reporting of greenhouse gas emissions from stationary sources that consume carbon-emitting feedstocks. The regulations would apply only to those sources that emit more than a de minimis amount of greenhouse gas and that are already required to report emissions of other air pollutants. To the extent possible, reporting requirements will incorporate standards and protocols developed by other widely recognized and verified greenhouse gas inventory programs. Beginning in 2010 and every three years thereafter, the Virginia Department of Transportation is required to provide the Department of Environmental Quality with data necessary to maintain a greenhouse gas emissions inventory for roads throughout the Commonwealth. The Board is also authorized to establish a voluntary program allowing persons to register voluntary reductions in direct or indirect emissions of greenhouse gases. The voluntary program may include the reporting of reductions in emissions from motor vehicle fleets owned by persons otherwise required to report emissions from stationary sources.

Patron - Whipple

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

Patron - Puckett

Contracts

Passed

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

Patron - Oder

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

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

Patron - Valentine

Failed

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

Patron - Oder

Corporations

Passed

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

Patron - Mathieson

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

Patron - Purkey

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

Patron - Byron

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

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

Patron - Alexander

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

Patron - Sickles

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

Patron - Stosch

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

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

Patron - Stosch

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

Patron - Stosch

Failed

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

Patron - Kilgore

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

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

Patron - Obenshain

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

Patron - Puller

Counties, Cities and Towns

Passed

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

Patron - Morgan

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

Patron - Cole

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

Patron - Carrico

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

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

Patron - Dance

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

Patron - Orrock

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

Patron - Orrock

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

Patron - Lohr

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

Patron - Cosgrove

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

Patron - Cole

HB1735 Arts and cultural districts. Grants statewide authority for creation of arts and cultural districts by localities for the purpose of increasing awareness and support for the arts and culture in the locality. Localities may provide incentives for the support and creation of arts and cultural venues in the district. Currently, the statute applies only to certain listed localities.

Patron - Valentine

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

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

Patron - Hargrove

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

Patron - Hull

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

Patron - Loupassi

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

Patron - Fralin

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

Patron - Cosgrove

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

Patron - BaCote

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

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

Patron - Lewis

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

Patron - Bulova

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

Patron - Marshall, D.W.

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

Patron - Lingamfelter

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

Patron - Lohr

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

Patron - Scott, E.T.

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

Patron - Oder

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

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

Patron - Orrock

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

Patron - Spruill

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

Patron - Howell, A.T.

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

Patron - Miller, J.H.

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

Patron - Miller, J.H.

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

Patron - Rust

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

Patron - Toscano

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

Patron - Lohr

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

Virginia Health Facilities Authority to the Southwest Virginia Health Authority.

Patron - Phillips

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

Patron - Phillips

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

Patron - Jones

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

Patron - Jones

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

Patron - Barlow

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

Patron - Athey

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

Patron - Athey

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

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

Patron - Landes

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

Patron - Hall

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

Patron - Hall

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

Patron - May

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

Patron - May

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

Patron - Hugo

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

Patron - Putney

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

Patron - Cole

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

Patron - Iaquinto

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

Patron - Ware, O.

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

Patron - May

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

Patron - Stuart

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

Patron - Wagner

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

Patron - Quayle

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

Patron - Hanger

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

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

Patron - Puller

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

Patron - Locke

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

Patron - Locke

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

Patron - Herring

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

Patron - Northam

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

Patron - Petersen

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

Patron - Watkins

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

Patron - Deeds

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

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

Patron - Martin

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

Patron - Newman

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

Patron - Stuart

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

Patron - Quayle

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

Patron - Barker

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

Patron - Ruff

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

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

Patron - Blevins

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

Patron - Vogel

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

Patron - Colgan

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

Patron - Puckett

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

Patron - Quayle

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

Patron - Saslaw

SB1483 Arts and cultural districts. Adds the City of Staunton and the City of Lynchburg to those localities authorized to create an arts and cultural district for the purpose of increasing awareness and support for the arts and culture in the locality. Localities may provide incentives for the support and creation of arts and cultural venues in the district.

Patron - Hanger

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

meet projected family income distributions of future residential growth.

Patron - Vogel

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

Patron - Northam

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

Patron - Puckett

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

Patron - Smith

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

Patron - Watkins

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

Patron - Miller, Y.B.

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

Patron - Saslaw

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

Patron - Ruff

SB1537 Arts and cultural districts. Adds the City of Fredericksburg to those localities authorized to create an arts

and cultural district for the purpose of increasing awareness and support for the arts and culture in the locality. Localities may provide incentives for the support and creation of arts and cultural venues in the district.

Patron - Houck

Failed

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

Patron - Cole

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

Patron - Hull

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

Patron - Hull

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

Patron - Toscano

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

Patron - Cole

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

Patron - Cosgrove

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

Patron - Cosgrove

HB1910 Control of firearms; libraries. Provides that localities may adopt an ordinance that prohibits firearms,

ammunition, or components or combinations thereof in libraries owned or operated by the locality.

Patron - BaCote

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

Patron - Plum

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

Patron - Bulova

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

Patron - Hull

HB2007 Virginia Indoor Clean Air Act; restaurants in Northern Virginia. Allows localities in Northern Virginia to adopt concurrent ordinances containing standards or provisions relating to smoking in restaurants that exceed those established in the Virginia Indoor Clean Air Act. Incorporated into HB 1703.

Patron - Brink

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

Patron - Rust

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

Patron - Purkey

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

Patron - Bulova

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

Patron - Nichols

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

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

Patron - Byron

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

Patron - Lohr

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

Patron - Frederick

HB2246 Virginia Indoor Clean Air Act; restaurants. Allows localities to adopt ordinances containing standards or provisions relating to smoking in restaurants that meet or exceed those established in the Virginia Indoor Clean Air Act. Incorporated into HB 1703.

Patron - Barlow

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

Patron - Merricks

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

Patron - Amundson

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

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

Patron - Landes

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

Patron - Bouchard

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

Patron - Bouchard

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

Patron - Melvin

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

Patron - Saxman

HB2555 Transfer of development rights. Permits, in Fauquier County, the severance and transfer of development rights from a sending property without requiring those rights to be immediately affixed to a specific receiving property.

Patron - Cole

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

Patron - Cole

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

Patron - BaCote

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

Patron - Hugo

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

Patron - Hall

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

Patron - Fralin

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

Patron - Bulova

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

Patron - Ware, O.

HB2667 Central Virginia Regional Transportation Authority. Creates an authority to include the County of Chesterfield and the City of Richmond. The Authority may also include other localities in the Richmond region. The Authority shall have powers related to transportation infrastructure improvements. The member localities shall also have additional revenue authority to meet the purposes of the transportation authority.

Patron - Hall

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

Patron - Lucas

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

Patron - Locke

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

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

Patron - Edwards

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

Patron - Lucas

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

Patron - Deeds

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

Patron - Stuart

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

Patron - Stuart

ESB1002 Virginia Indoor Clean Air Act; restaurants. Allows localities to adopt ordinances containing standards or provisions relating to smoking in restaurants that meet or exceed those established in the Virginia Indoor clean Air Act. Incorporated in SB 1105.

Patron - Quayle

ESB1053 Dangerous weapons in government facilities. Provides that the governing body of any locality may, by ordinance, make it unlawful for any person to possess a dangerous weapon upon the property, including buildings and grounds thereof, of any facility that is owned or leased by that locality and used by it for governmental purposes.

Patron - Whipple

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

Patron - Puller

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

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

Patron - Ticer

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

Patron - Watkins

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

Patron - Blevins

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

Patron - Barker

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

Patron - Vogel

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

Patron - Hurt

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

Patron - Martin

ESB1534 Central Virginia Regional Transportation Authority. Creates an authority to include the County of Chesterfield and the City of Richmond. The Authority may also include other localities in the Richmond region. The Authority shall have powers related to transportation infrastructure improvements. The member localities shall also have additional revenue authority to meet the purposes of the transportation authority.

Patron - Watkins

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

Patron - Ruff

Courts not of Record

Passed

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

Patron - Shannon

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

Patron - BaCote

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

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

Patron - Hamilton

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

Patron - Melvin

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

Patron - Janis

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

Patron - Marsden

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

Patron - McDougle

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

Patron - Marsh

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

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

Patron - Lucas

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

Patron - Howell

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

Patron - Obenshain

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

Patron - Edwards

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

Patron - Stolle

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

Patron - Edwards

Failed

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

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

Patron - Carrico

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

Patron - Marsden

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

Patron - Gilbert

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

Patron - Scott, J.M.

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

Patron - McClellan

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

Patron - Pogge

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

Patron - Shannon

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

Patron - McDougle

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

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

Patron - Herring

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

Patron - Herring

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

Patron - Stolle

Courts of Record

Passed

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

Patron - Lingamfelter

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

Patron - Peace

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

Patron - Melvin

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

Patron - Reynolds

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

Patron - Smith

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

Patron - Obenshain

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

Patron - Newman

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

Patron - Stolle

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

Patron - Stolle

Failed

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

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

Patron - Pogge

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

Patron - Loupassi

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

Patron - Janis

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

Patron - Janis

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

Patron - Janis

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

Patron - Janis

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

Patron - Edwards

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

Patron - Stuart

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

Patron - Miller, J.C.

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

Patron - Puller

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

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

Patron - Petersen

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

Patron - Puckett

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

Patron - Stolle

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

Patron - Cuccinelli

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

Patron - Ruff

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

Patron - McEachin

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

Patron - Stolle

Crimes and Offenses Generally

Passed

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

Patron - Albo

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

Patron - Loupassi

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

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

Patron - Griffith

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

Patron - Lingamfelter

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

Patron - Janis

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

Patron - Armstrong

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

Patron - Ebbin

HB2144 Concealed handgun permits; access to permittee information. Protects from public disclosure permittee names and descriptive information held by the Department of State Police for purposes of entry into the Virginia Criminal Information Network. However, the information would still be available to law-enforcement agencies, officers, and agents in the course of law-enforcement duties, and nonidentifying statistical information would be available to the general public.

Patron - Nutter

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

Patron - Scott, E.T.

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

Patron - Poindexter

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

Patron - Griffith

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

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

Patron - Kilgore

HB2358 Criminal law; redefinition of the triggerman rule. Redefines the "triggerman rule," which currently provides that only the actual perpetrator of a capital murder is eligible for the death penalty and that accessories and principals in the second degree can be punished only as if guilty of first degree murder. This bill allows principals in the second degree and accessories before the fact to be charged as principals in the first degree in the cases of murder for hire, murder involving a continuing criminal enterprise, and terrorism. This bill allows, in all other cases of capital murder, a principal in the second degree to be tried as a principal in the first degree if he had the same intent to kill as the principal in the first degree. The bill allows an accessory before the fact to be tried as a principal in the first degree if he ordered or directed the willful, deliberate, and premeditated killing. This bill is identical to SB 961.

Patron - Gilbert

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

Patron - Gilbert

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

Patron - Bell

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

Patron - Bell

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

Patron - Bell

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

Patron - Howell, A.T.

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

Patron - Lewis

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

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

Patron - Pogge

SB877 Carrying concealed weapons; retired law-enforcement officers. Allows retired law-enforcement officers who are qualified under federal law to carry concealed firearms to carry a concealed handgun into a restaurant that serves alcohol.

Patron - Martin

SB889 Operation of a motor vehicle without an ignition interlock; penalty. Provides that operation of a motor vehicle without an ignition interlock when such operation is prohibited is a Class 1 misdemeanor and that the person's operator's license shall be revoked for one year. This bill is identical to HB 1805.

Patron - McDougle

SB922 Larceny of money. Allows larceny of bank notes, checks, or other writing or paper of value to be charged as larceny under the grand larceny and petit larceny statutes.

Patron - Reynolds

SB951 Assault and battery of law-enforcement officer; penalty. Adds Metropolitan Washington Airports Authority police officers to the definition of law-enforcement officer, which means that the punishment for committing an assault and battery on such an officer who is engaged in the performance of his public duties is elevated from a Class 1 misdemeanor to a Class 6 felony, with a six-month term of confinement, 30 days of which is a mandatory minimum.

Patron - Howell

SB961 Redefinition of the triggerman rule; penalty. Redefines the "triggerman rule," which currently provides that only the actual perpetrator of a capital murder is eligible for the death penalty and that accessories and principals in the second degree can be punished only as if guilty of first degree murder. This bill allows principals in the second degree and accessories before the fact to be charged as principals in the first degree in the cases of murder for hire, murder involving a continuing criminal enterprise, and terrorism. This bill allows, in all other cases of capital murder, a principal in the second degree to be tried as a principal in the first degree if he had the same intent to kill as the principal in the first degree. The bill allows an accessory before the fact to be tried as a principal in the first degree if he ordered or directed the willful, deliberate, and premeditated killing. This bill is identical to HB 2358.

Patron - Obenshain

SB1035 Concealed handguns; restaurants; penalty. Allows a person with a concealed handgun permit to carry a concealed handgun onto the premises of a restaurant or club and prohibits such person from consuming alcoholic beverages while on the premises. A person who consumes alcohol in violation of the provisions of the bill is guilty of a Class 2 misdemeanor and a person who becomes intoxicated in violation of the provisions of the bill is guilty of a Class 1 misdemeanor.

Patron - Hanger

SB1066 Trains operated by transportation districts. Provides that any person who boards or rides a train operated by or under contract with a transportation district created pursuant to Chapter 45 (§ 15.2-4500 et seq.) of Title 15.2 and willfully and with intent to defraud (i) fails to pay the posted fare published by the transportation district, (ii) fails to properly validate a ticket, (iii) uses a fraudulent or counterfeit ticket, or

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

Patron - Puller

SB1069 Capital murder; fire marshals. Adds fire marshals and assistant fire marshals with law-enforcement powers to the capital murder statute so that the death sentence can be imposed for the murder of such a fire marshal.

Patron - Martin

SB1219 Displaying of noose; penalty. Provides that any person who, with the intent of intimidating any person or group of persons, displays a noose on the private property of another without permission is guilty of a Class 6 felony. It is also a Class 6 felony for a person to, with the intent of intimidating any person or group of persons, display a noose on a highway or other public place in a manner having a direct tendency to place another person in reasonable fear or apprehension of death or bodily injury.

Patron - Obenshain

SB1300 Assault and battery of family or household member; deferred disposition. Rewrites the existing statute for clarity and allows the court to order the person to obtain services from local community-based probation if the services are available or from an alternative service provider. The bill also requires the court to order the person to be of good behavior for at least two years following deferral of proceedings. This bill is a recommendation of the Committee on District Courts.

Patron - Hurt

SB1301 Identity theft; penalty. Clarifies that to obtain money, credit, or a loan by using without authorization or permission a person's identifying information is prohibited under the identity theft statutes. This bill is identical to HB 2402.

Patron - Hurt

SB1304 Drug Treatment Court Act. Establishes a drug treatment court in the Juvenile and Domestic Relations District Court for the County of Franklin, provided that such court is funded solely through local sources. This bill is identical to HB 2275.

Patron - Hurt

SB1383 Firearm silencers. Repeals the provision that makes it a Class 6 felony to possess a firearm muffler or silencer that is not registered in the National Firearms Registration and Transfer Record.

Patron - Stolle

SB1384 Illegal software, ticket sales; penalty. Provides that resale of event tickets via the Internet is not subject to prohibition by local ordinance. The bill also clarifies the definition of "without authority" in the Computer Crimes Act and the definition of "improper means" in the Uniform Trade Secrets Act and makes a violation of the Uniform Trade Secrets Act a prohibited practice under the Consumer Protection Act. This bill is identical to HB 2313.

Patron - Stolle

SB1409 Capital murder; auxiliary police officers. Adds auxiliary police officers and auxiliary deputy sheriffs to the definition of law-enforcement officer in the capital murder statute so that the death sentence can be imposed for the murder of such an officer.

Patron - Norment

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

Patron - Puckett

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

Patron - McDougle

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

Patron - Cuccinelli

Failed

HB1689 Fraudulently assisting illegal aliens; penalty. Provides that any person who knows an individual is an alien in the United States unlawfully and who, with the intent to violate the immigration laws of the United States, fraudulently assists the illegal alien in acquiring or attempting to acquire a benefit, service, status, or privilege to which the illegal alien is not lawfully entitled, is guilty of a Class 1 misdemeanor.

Patron - Tata

HB1702 Charitable gaming; use of proceeds. Provides that the percentage, determined by the Charitable Gaming Board, which an organization must use for charitable purposes, is based on net receipts of the organization and not its gross receipts from charitable gaming.

Patron - Cosgrove

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

Patron - Pogge

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

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

Patron - Pogge

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

Patron - Pogge

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

Patron - Hargrove

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

Patron - Hargrove

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

Patron - Ingram

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

Patron - Albo

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

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

Patron - Loupassi

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

Patron - Loupassi

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

Patron - Loupassi

HB1806 Conduct punishable as disorderly conduct. Removes the proviso that conduct punishable elsewhere in the Code as criminal conduct may not also be punished as disorderly conduct. This bill responds to the decision in *Battle v. Commonwealth*, 50 Va. App. 135, 647 S. E. 2d 499 (2007).

Patron - Loupassi

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

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

Patron - Loupassi

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

Patron - Morrissey

HB1821 Concealed handguns; restaurants; penalty. Prohibits a person who carries a concealed handgun onto the premises of a restaurant or club from consuming an alcoholic beverage while on the premises. A person who carries a concealed handgun onto the premises of a restaurant or club shall inform a designated employee of the restaurant or club of that fact. A person who consumes alcohol in violation of the provisions of the bill is guilty of a Class 2 misdemeanor and a person who becomes intoxicated in violation of the provisions of the bill is guilty of a Class 1 misdemeanor.

Patron - Johnson

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

Patron - Johnson

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

Patron - Mathieson

HB1979 Stalking; enhanced penalties. Provides that any person who commits a second or subsequent offense of stalking occurring within five years of a conviction of a prior offense is guilty of a Class 6 felony. Currently, the Class 6 felony applies for a third or subsequent offense. The bill also provides that any person who commits an offense of stalking when, at the time of the offense, there is in effect any court order prohibiting contact between the defendant and the victim or the victim's family or household member is guilty of a Class 6 felony.

Patron - McClellan

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

Patron - Crockett-Stark

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

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

Patron - Marshall, D.W.

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

Patron - Iaquinto

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

Patron - Gear

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

Patron - Lohr

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

Patron - Miller, J.H.

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

Patron - Phillips

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

Patron - Marsden

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

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

Patron - Barlow

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

Patron - Poindexter

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

Patron - Athey

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

Patron - Gilbert

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

Patron - Peace

HB2468 Expungement of marijuana charges. Provides that any person who has been convicted of a charge of possession of marijuana or had a charge of possession of marijuana discharged and dismissed in accordance with the provisions of § 18.2-251, more than 10 years prior to his petition for expungement, may file a petition setting forth the relevant facts and requesting expungement of the police records and the court records relating to the charge. The bill adds that the Department of Criminal Justice Services shall maintain a record of the expungement to be made available to any attorney for the Commonwealth upon request.

Patron - Morgan

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

Patron - Ward

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

assault and battery on such an officer who is engaged in the performance of his public duties is elevated from a Class 1 misdemeanor to a Class 6 felony, with a six-month term of confinement, 30 days of which is a mandatory minimum.

Patron - Miller, P.J.

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

Patron - Jaquinto

HB2579 Informed consent: ultrasound required before performing abortion to determine gestation age. Requires that, as a component of informed consent to an abortion and determination of gestation age, every pregnant female shall be given the opportunity to view an ultrasound image of her fetus prior to the abortion.

Patron - Byron

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

Patron - Poisson

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

Patron - Ware, O.

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

Patron - Cline

HB2634 Unborn child pain information. Requires doctors to offer to anesthetize a fetus prior to abortion and to include in informational materials a statement that a fetus at 20 gestational weeks has the physical structures necessary to feel pain and react to physical stimuli in a manner that, in an infant or adult, would be interpreted as a response to pain.

Patron - Cline

SB816 Assault and battery; fire marshals. Adds fire marshals and assistant fire marshals who have police powers to the definition of law-enforcement officer in the assault and battery criminal provision, which means that the punishment for committing an assault and battery on such a person who is engaged in the performance of his public duties is elevated from a Class 1 misdemeanor to a Class 6 felony, with a six-month mandatory minimum term of confinement.

Patron - Locke

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

Patron - Locke

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

Patron - Stuart

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

Patron - Quayle

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

Patron - Herring

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

Patron - Colgan

SB1136 Grand larceny; threshold amount. Increases from \$200 to \$500 the threshold amount of money or the value of the goods or chattel that the defendant must take before the crime rises from petit larceny to grand larceny.

Patron - Petersen

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

Patron - Watkins

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

Patron - Puckett

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

Patron - Marsh

FSB1257 Transfer of firearms; criminal records check; penalties. Adds a definition of "firearms show vendor" and requires that a criminal history record information check be performed on the prospective transferee before the vendor may transfer firearms at a gun show. Under current law, only licensed dealers must obtain such a check. The bill also adds a definition of "promoter" and requires that the promoter of a gun show provide vendors with access to licensed dealers who will conduct the criminal background check.

Patron - Marsh

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

Patron - Cuccinelli

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

Patron - Lucas

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

Patron - Stolle

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

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

Patron - Martin

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

Patron - Quayle

FSB1518 Charitable gaming; use of proceeds. Provides that the percentage, determined by the Charitable Gaming Board, which an organization must use for charitable purposes, is based on net receipts of the organization and not its gross receipts from charitable gaming.

Patron - Stolle

Criminal Procedure

Passed

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

Patron - Lingamfelter

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

Patron - Janis

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

Patron - Cosgrove

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

from the magistrate serving the county or city where the arrest was made, charging the person with contempt of court.

Patron - Massie

HB2108 Personal appearance by two-way electronic video and audio communication. Provides that if two-way electronic video and audio communication is available for use by a district court in any pre-trial criminal proceeding to determine bail or representation by counsel, the court shall use such communication in any proceeding that would otherwise require the transportation of a person from outside the jurisdiction of the court in order to appear in person before the court. This bill is identical to SB 2168.

Patron - Sherwood

HB2309 Conditions of supervised probation. Provides that no probationer shall be kept under supervised probation solely because of his failure to make full payment of fines, fees, or costs, provided the court and attorney for the Commonwealth do not object to such removal.

Patron - Melvin

HB2312 Writs of actual innocence; requirements. Extends the ability to petition for a writ of actual innocence based on previously unknown or untested biological evidence to individuals who are not incarcerated. This bill is identical to SB 1381.

Patron - Melvin

HB2391 Search warrant for electronic communications; foreign service. Provides for the issuance of a search warrant by a circuit court for information, including contents of electronic communications, held by a foreign corporation that provides electronic communication service or remote computing service in Virginia. Currently, there is no specific provision for foreign service of such a warrant and a search warrant may not access contents of electronic communications.

Patron - Bell

HB2403 Criminal Injuries Compensation Fund; electronic filing of claims. Permits claims for an award under the Criminal Injuries Compensation Fund to be filed electronically. Currently, such claims must be filed in person or by mail.

Patron - Bell

HB2580 Arrest of illegal immigrants. Revises Code provision that prohibits an arrest of an illegal alien (who has been previously convicted of a felony and deported) more frequently than once every six months to allow arrests within the six month period when confirmation has been received from Immigration and Customs Enforcement that the arrested person will be taken into federal custody.

Patron - Miller, J.H.

HB2623 Expansion of jurisdiction of multijurisdiction grand jury to include investigation of trademark infringement. Expands jurisdiction of multijurisdiction grand jury to include investigation of trademark infringement.

Patron - Loupassi

HB2637 Arrests for which fingerprints are required. Requires that fingerprints be taken and forwarded to the Central Criminal Records Exchange upon an arrest for a violation of a protective order issued under Title 16.1. Fingerprints are already authorized for misdemeanor arrests for violation of stalking protective orders issued under Title 18.2.

Patron - Cline

SB1009 Search warrants executed upon electronic communication service providers or remote computing ser-

vice providers. Provides that a search warrant for records or other information pertaining to a subscriber to, or customer of, an electronic communication service or remote computing service that is transacting or has transacted any business in the Commonwealth, including the contents of electronic communications, may be served upon such a provider within or without the Commonwealth by mail, facsimile, or other electronic means. Currently, there is no provision for service of such a warrant outside the Commonwealth nor is there a specific provision allowing for mail, fax or electronic service. Additionally, under current law, electronic communications are expressly excluded from the coverage of the warrant.

Patron - Deeds

SB1197 Expungement of records; victim of identity theft. Relieves the victim of identity theft of paying fees for filing a petition to expunge the criminal records of charges against the victim brought as a result of the identity theft.

Patron - Puckett

SB1256 Year and a day rule repealed. Provides that murder or manslaughter may be prosecuted regardless of the amount of time that has passed between the act or omission causing the death and the death. Under common law, prosecution cannot occur if the victim dies more than a year and a day after the fatal injury was inflicted.

Patron - Marsh

SB1268 Personal appearance by two-way electronic video and audio communication. Provides that if two-way electronic video and audio communication is available for use by a judge in a district court criminal proceeding to determine bail or representation by counsel, the judge must use such communication if the person would otherwise have to be transported from outside the jurisdiction of the court in order to appear in person before the court. This bill is identical to HB 2108.

Patron - Vogel

SB1307 Private prisoner transport. Provides that a private company can be used to retrieve fugitives from outside the Commonwealth so long as it meets minimum qualifications set by the Department of Criminal Justice Services.

Patron - Hurt

SB1363 Criminal procedure; compensation of court-appointed counsel. Provides compensation to counsel representing an indigent prisoner under sentence of death in a state habeas corpus proceeding, on the same basis as provided to counsel representing a defendant charged with a Class 1 felony.

Patron - Reynolds

SB1381 Writs of actual innocence; requirements. Extends the ability to petition for a writ of actual innocence based on previously unknown or untested biological evidence to individuals who are not incarcerated. This bill is identical to HB 2312.

Patron - Stolle

SB1391 Criminal convictions; DNA notification. Permits the dissemination of Virginia criminal history information to certain individuals who volunteer in the identification, location, and notification of individuals convicted of crimes prior to the advent of DNA testing and the case files of which have since been found to contain evidence suitable for DNA testing. The bill also specifies other aspects of the notification process and has an emergency clause.

Patron - Stolle

SB1426 Magistrates; issuance of arrest warrants. Provides that prior to examining witnesses on a citizen's complaint alleging a felony offense, a magistrate must first consult with a Commonwealth's Attorney with jurisdiction for investigation of the alleged offense. If the Commonwealth's Attorney is unavailable, the magistrate must first consult with a law-enforcement agency. The bill also requires that a complaint for an arrest warrant be in writing, whenever practicable, if the complainant is not a law-enforcement officer.

Patron - Deeds

Failed

HB1596 Notification of service of protective order. Provides that persons who have obtained a protective order shall receive notice of the service of such order by the local police department, sheriff's office, or other law-enforcement agency that served the order on the person subject to the order. The notification may be made through the Virginia Statewide VINE (Virginia Information and Notification Everyday) System.

Patron - Scott, J.M.

HB1670 Waiver of payment of interest on fines and costs. Provides that no interest shall accrue on any fine or costs imposed in a criminal or traffic case for a period of 40 days from the date of the final judgment imposing such fine or costs or during any period the defendant is incarcerated. Current law provides for the interest waiver only for the 40-day period following, or when a defendant is incarcerated, for the current case. The bill also allows a court, for good cause shown, on motion of a defendant who is making payments or who is requesting a payment plan pursuant to § 19.2-354, to waive payment of accrued but unpaid interest on fines and costs imposed by a judgment of that court.

Patron - Dance

HB1695 Driving without an operator's license. Provides that any person who drives without an operator's license may be placed under arrest, fingerprinted and the arrest reported to the Central Criminal Records Exchange if the general district court for the jurisdiction has approved arrest for the offense of driving without an operator's license.

Patron - Albo

HB1813 Expungement of criminal conviction record. Allows a person convicted of a criminal offense to have his conviction expunged after eight years has expired following the conviction, upon a showing that his opportunities for employment, education, or professional licensure are prejudiced by the existence of the criminal record. Expungement would not be available for someone convicted of a violent felony, a DUI-related offense, an offense for which registration on the sex offender registry is required, or domestic violence.

Patron - Morrissey

HB2136 Misdemeanor arrest or summons at discretion of law-enforcement officer. Gives a law-enforcement officer the choice of issuing a summons and releasing the person or arresting him for Class 1 and 2 misdemeanors. Under current law, the law-enforcement officer must release the person on a summons for most Class 1 and 2 misdemeanors unless the person fails to stop the unlawful act or indicates that he will not appear as directed in the summons. The bill also requires the officer to arrest the person if he fails to stop the unlawful act; currently arrest is discretionary when the person fails to stop the unlawful act.

Patron - Miller, J.H.

HB2363 Admissibility of prior inconsistent statements in a criminal case. Provides that in all criminal cases, evidence of a statement made by a witness is not made inadmissible by the hearsay rule if the statement is inconsistent with his testimony at the hearing or trial, the witness is subject to cross-examination concerning the statement, and the statement (i) was made under oath and describes or explains an event or condition of which the witness had personal knowledge, and (ii) is proved to have been written or signed by the witness, the witness acknowledged under oath the making of the statement, or the statement is proved to have been accurately recorded.

Patron - Gilbert

HB2553 Forfeiture of motor vehicle for driving with a suspended operator's license. Provides that any motor vehicle used to commit the third or subsequent offense of driving while the operator's license is suspended shall be forfeited to the Commonwealth.

Patron - Crockett-Stark

HB2567 Criminal procedure; probation. Requires the Department of Corrections to develop a supervision plan when an offender is placed on supervised probation, specifically for that offender, taking into account his offense and the results of any assessment conducted by the Department and setting out specific goals for the offender to achieve and credits towards reduction of the period of active supervision that may be earned. The maximum reduction of the period of active supervision is 50 percent. The bill gives the court authority to approve or disapprove the plan and to reduce the period of probation when the offender achieves the goals of the plan. Any offender convicted of abduction, rape, carnal knowledge of a child, forcible sodomy, object sexual penetration, aggravated sexual battery, or taking indecent liberties with children shall not be eligible for such a plan.

Patron - Sherwood

HB2650 Citizens' Right to Know: Pretrial Release Act. Requires all pretrial services agencies in the Commonwealth to keep detailed records of its recommendations and case records for each defendant for whom it recommends pretrial release or for whom it does not recommend pretrial release, which records shall be open to the public. The pretrial services agencies are also required to file an annual report with the Department of Criminal Justice Services. The bill also provides for sanctions in the form of budget reduction for any non-complying program.

Patron - Bell

SB839 Notification of service of protective order. Provides that persons who have obtained a protective order shall receive notice of the service of such order by the local police department, sheriff's office, or other law-enforcement agency that served the order on the person subject to the order. The notification may be made through the Virginia Statewide VINE (Victim Information and Notification Everyday) System.

Patron - Ticer

SB844 Waiver of payment of interest on fines and costs; incarcerated defendant. Allows the waiver on accrual of interest on criminal or traffic fines or costs to apply to any case of an incarcerated defendant. Current law provides for the interest waiver only for the case for which the defendant is incarcerated.

Patron - Marsh

SB912 Criminal procedure; interpreter appointed for non-English-speaking defendant. Provides that the cost

for such interpreter shall be borne by a defendant who is convicted at trial of the criminal offense.

Patron - Stuart

FSB915 Children of certain persons at certain criminal proceedings. Provides that the court shall obtain from (i) persons at bail hearings, (ii) accused persons during arraignment, and (iii) defendants during the placement of probation and shall submit to the Department of Social Services the names, social security numbers, and dates of birth of the persons' and defendants' children, and the names of person having legal custody of such persons' and such defendants' children.

Patron - Stuart

FSB939 Indigent defendants; right to ex parte hearing for appointment of experts in capital cases. Provides that an indigent defendant who has been charged with a capital offense may move in circuit court for the appointment of experts to assist in the preparation of his defense. The presiding judge shall designate another judge in the judicial circuit who may hold an ex parte hearing on such a motion and may order the appointment of an expert. Prior to an ex parte proceeding, communication or request, a particularized need for confidentiality must be demonstrated in an adversarial proceeding. A motion for an ex parte hearing shall be in writing and filed under seal and any ex parte hearing conducted shall be on the record and kept under seal as part of the record of the case. The court may unseal the record after the trial is concluded for good cause shown.

Patron - Watkins

FSB1196 Behavioral Correction Program. Allows a non-violent offender who otherwise would be sentenced to a fixed term of incarceration of three years or longer and who the court determines requires treatment for drug or alcohol substance abuse issues to be committed to a special program lasting 24 months or more. Following the offender's release, he is placed on supervised probation.

Patron - Puckett

FSB1289 Expungement of criminal conviction record. Allows a person convicted of certain criminal offenses to petition to have his conviction expunged after a five-year period has expired following the conviction, upon a showing that his opportunities for employment, education, or professional licensure are prejudiced by the existence of the criminal record. Expungement would not be available for someone convicted of a violent felony, a DUI-related offense, an offense for which registration on the sex offender registry is required, or domestic violence.

Patron - McEachin

FSB1362 Motions to suppress evidence, etc. Requires a criminal defendant to state with particularity his grounds for a motion to dismiss or to suppress evidence. The bill also requires the attorney for the Commonwealth to provide to the defendant a summary of the relevant facts upon which the defendant might make such a motion when the defendant has requested of the Commonwealth information he requires in order to articulate grounds upon which such motion is to be made.

Patron - Reynolds

FSB1380 Use of probation revocation and suspended sentence revocation worksheets. Requires that a court utilize sentencing revocation report worksheets in all probation revocation and sentence suspension revocation cases. Currently,

such sentencing worksheets are statutorily required to be used only when sentencing following felony convictions.

Patron - Stolle

FSB1407 Criminal history record checks; volunteers. Adds the Rita Welsh Adult Literacy Program to the agencies that may receive criminal history background checks for their volunteers without charge.

Patron - Norment

FSB1436 Crime victims; immigration status. Provides that no law-enforcement officer or other agent of state or local government shall, when investigating a crime, inquire into the immigration status of any person who reports that he is the victim of the crime or is the parent or guardian of a minor victim, or is a cooperating witness in the criminal investigation or is the parent or guardian of a minor witness. The bill does not prohibit a law-enforcement officer from inquiring into the immigration status of a victim or witness who has been arrested or charged with a criminal violation, or when such inquiry is required by federal law or is essential to the investigation or prosecution of the crime to which the person is a witness or of which the person is a victim.

Patron - Howell

Domestic Relations

Passed

PSB808 Foreign service officers. Provides that any foreign service officer of the United States who (i) at the time the suit for annulment or divorce is, or immediately preceding such suit was, commenced is stationed in any territory or foreign country and (ii) was domiciled in the Commonwealth for the six-month period immediately preceding his being stationed in such territory or country, shall be deemed to have been domiciled in and to have been a bona fide resident of the Commonwealth during the six months preceding commencement of a suit for annulment or divorce. The bill also expands the list of when personal jurisdiction of a person may be exercised to include a cause of action arising from a person having executed an agreement in the Commonwealth which obligates the person to pay spousal support or child support to a person who has satisfied the residency requirements in suits for annulments or divorce for foreign service officers of the United States.

Patron - Puller

PSB1000 History of sexual abuse; custody and visitation. Provides that any history of sexual abuse must be considered as a factor in determining the best interests of a child for purposes of awarding custody or visitation.

Patron - Quayle

Failed

PHB1897 Supervised visitation. Defines the term "supervised visitation" as contact between a parent and a child that occurs in the immediate presence of a supervising person approved by the court and under conditions designed to prevent any physical, emotional, or sexual abuse, threats, intimidation, abduction, or humiliation of either the child or the child's custodial parent or guardian. The bill also provides who may not serve as the supervising person and requires that any-

time supervised visitation is ordered, it shall be done in compliance with the definition of supervised visitation.

Patron - Watts

HB1913 Child support; incarcerated obligor. Provides that a court shall recalculate the child support obligation of an obligor who is incarcerated during the support period, the recalculation being retroactive to the date of incarceration. The bill also provides that the child support payments of a parent who is incarcerated shall be tolled during the term of incarceration. Child support payments that are tolled continue to accrue during the term of incarceration, although no interest or other penalties shall accrue, and, upon the parent's release, the amount of his support arrearages shall be calculated and a payment plan shall be established. The bill also provides that prisoners and minor obligors are exempt from various fees and costs that may be collected by the Department of Social Services in enforcing support obligations. The bill further provides that reductions in the child support arrearages owed by prisoners and minor obligors should be granted for timely payments of support. Preference for placement in work programs will be given to otherwise qualified prisoners who have child support obligations.

Patron - BaCote

HB2620 Divorce; appointment of counsel. Provides that a court shall appoint counsel for a party in a divorce action if it is shown that (i) the party is a victim of domestic violence, and (ii) the party cannot reasonably access resources necessary to retain an attorney. The bill has a delayed effective date of July 1, 2011.

Patron - Pollard

SB859 Divorce; equitable distribution. Provides that unless good cause is shown that there should not be an interim distribution, the court may, upon request of either party, at any time after a request for equitable distribution has been made and prior to the final judgment of equitable distribution, enter an order providing for a partial division of marital property or a distributive award. Any such order entered shall be taken into consideration at trial and proper credit given towards the final distribution of marital property.

Patron - Edwards

SB1429 Marriage license tax; allocation to services for children and youth exposed to sexual or domestic violence. Increases the marriage license tax to \$35 and allocates the funds to the Department of Social Services for services for children and youth exposed to sexual or domestic violence.

Patron - Whipple

Education

Passed

HB1624 Board of Education model policy; bullying, harassment, or intimidation. Provides that the Board of Education must include in its guidelines and model policies for codes of student conduct standards for school board policies, on the use of electronic means for purposes of bullying, harassment, and intimidation.

Patron - Englin

HB1679 Child abuse and neglect data; school board applicants. Clarifies that a local school board must take reasonable steps to determine whether an applicant, who has resided in another state within the last five years, was the sub-

ject of a founded case of child abuse and neglect in the relevant state. The Department of Social Services must maintain a database of central child abuse and neglect registries in other states that provide access to out-of-state boards. This bill has an emergency clause.

Patron - Orrock

HB1727 Interstate Compact on Educational Opportunity for Military Children. Establishes a compact to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents. The compact is currently in effect as at least 10 states have enacted the compact into law. The bill will take effect only if funds are appropriated to effectuate its purposes in the general appropriation act passed at the 2009 Regular Session.

Patron - Cole

HB1746 Family life education; value and benefits of marriage. Adds the value, benefits, challenges, and responsibilities of marriage for men, women, children, and communities to the list of topics to be covered in family life education curricula. This bill is identical to SB 827.

Patron - Pogge

HB1767 Certain honorary diplomas. Requires that the Board of Education award an honorary high school diploma to veterans of the Vietnam War who, as secondary school students, enlisted or were drafted to serve in any branch of the United States Armed Forces during the war between 1959 and 1975, were subsequently honorably discharged, and were unable to complete their secondary education upon return to civilian life.

Patron - Dance

HB1794 Suspensions; sufficient cause. Provides that the sufficient cause necessary to suspend a student cannot rest solely on instances of truancy.

Patron - Brink

HB1836 Public schools; application of pesticides. Directs the Department of Education to make information available to school boards on integrated pest management programs that address the application of chemical pesticides and other pest control measures on school property. The Virginia Cooperative Extension, in cooperation with the Pesticide Control Board, will develop guidelines for integrated pest management no later than July 1, 2010.

Patron - Toscano

HB1844 Public charter schools. Allows certain amendments to the charter school statutes to sunset as provided in Chapter 530 of the Acts of Assembly of 2004 and retains others. Specifically, changes made in 2004 that require the charter school applicant to include (i) information regarding disclosures of any ownership or financial interest in the public charter school by the charter applicant and the governing body, administrators, and other personnel of the public charter school; and (ii) results of any Board of Education review of the public charter school application will remain. Additionally, the bill retains the provisions (i) permitting a public charter school applicant to submit its proposed charter application to the Board of Education for review and comment; (ii) directing school boards to give priority to applications designed to benefit at-risk pupils; and (iii) exempting the ownership or financial interest of members of the governing body, administrators, and other personnel serving in a public charter school in renovating, lending, granting or leasing public charter school facilities

from the prohibition of certain contracts by other officers and employees of local governmental agencies.

Patron - Lingamfelter

PHB1923 Textbooks; reasonable fee or charge. Provides that local school boards may assess a reasonable fee or charge for the loss of or damage to a textbook, so long as such textbook has been provided to the student free of charge.

Patron - Tata

PHB1942 Single-sex education. Clarifies the manner in which school boards may establish a single-sex class or school in a school division. Participation must be voluntary and the school division must provide a substantially equal coeducational school or class.

Patron - Peace

PHB1945 Regional alternative education programs. Provides that based on available space a school division may assign a student to a regional alternative education program and a parent may request, with the consent of the division superintendent, that his child be assigned to a regional alternative education program. Also, clarifies that the program described by the section is a "regional alternative education program."

Patron - Peace

PHB1980 Family life education; right of parents to review certain materials. Requires school divisions to distribute a summary already required by law to be made available to parents and guardians to assist them in understanding the family life education program implemented in the school division and include a statement that states: (i) parents and guardians have the right to review all written and audiovisual educational materials used in the program, and (ii) parents and guardians have the right to remove the child from all or part of family life education instruction.

Patron - McClellan

PHB2070 Local school board policies; classroom placement of twins. Requires local school boards to develop and implement policies to allow a parent of twins or higher order multiples to request that the children be placed in the same classroom or separate classrooms if they are in the same grade level at the same elementary school.

Patron - Scott, E.T.

PHB2089 Local school boards; grievance procedure. Provides additional direction to school boards in establishing and administering a grievance procedure to resolve disputes arising between the school board and certain employees, and provides that except in the case of dismissal, suspension, or other disciplinary action, the grievance procedure prescribed by the Board of Education must apply to all full-time employees of a school board, except supervisory employees.

Patron - Fralin

PHB2112 Financial literacy education. Provides that local school boards must establish educational objectives in financial literacy for grades K through 12.

Patron - Spruill

PHB2224 Braille; certification of instructors. Requires the Advisory Board on Teacher Education and Licensure, in consultation with the Department for the Blind and Vision Impaired, to make recommendations regarding the certification of Braille instructors.

Patron - Knight

PHB2166 Accreditation of schools; delayed implementation of certain statutes and regulations, etc. Provides for the delayed implementation of statutes and regulations, upon which the accreditation of schools in the Commonwealth is based that are not already in effect on June 30, 2008, until July 1, 2010, unless such statutes or regulations are also specifically required by federal code, federal regulation, or court action.

Patron - Lohr

PHB2269 Annual report of expenditures; local school boards. Requires the annual report of expenditures provided by the school board to the appropriate governing body to also be made available to the public on a template prescribed by the Board of Education.

Patron - Poindexter

PHB2304 Special education; 180 days to appeal due process hearing decisions. Provides that any party aggrieved by a decision made in a due process hearing may appeal to a circuit court for a period of 180 days.

Patron - Griffith

PHB2341 Short-term suspension of a student; alternative education program. The bill provides that a school board may adopt regulations authorizing a principal to impose a short-term suspension, when a student has been charged with an offense involving intentional injury to another student in the same school, pending a decision as to whether to require the offending student to attend an alternative education program. It also provides that a school board may require a student charged with certain juvenile offenses to attend an alternative education program.

Patron - Amundson

PHB2353 Virginia School for the Deaf and the Blind. Re-establishes the Board of Visitors of the Virginia School for the Deaf and the Blind as the governing entity for the Virginia School for the Deaf and the Blind at Staunton and the Virginia School for the Deaf, Blind and Multi-Disabled at Hampton. This bill also repeals the section providing for the Advisory Commission on the Schools for the Deaf and the Blind, and the authority of the Superintendent of Public Instruction to prescribe the curricula and other matters for the schools. Technical amendments have also been made to conform certain provisions pertaining to the Board of Visitors to current statutory drafting requirements.

Patron - Landes

PHB2409 Holocaust education; teacher's manual. Requires the State Superintendent of Public Instruction to select and distribute a teacher's manual that emphasizes the causes and ramifications of the Holocaust and genocide to all school divisions. Local school divisions must provide such manual to each history and literature teacher.

Patron - Hall

PHB2474 Planning time for school teachers. Requires school boards to ensure that all elementary school teachers are provided an average of 30 minutes a day of planning time.

Patron - Hugo

PHB2517 Verified units of credit; industry certification and state licensure. Directs the Board of Education in prescribing Standards of Learning assessments to also provide the option of industry certification and state licensure examinations in lieu of administering tests to assess the progress of students.

Patron - Lohr

HB2537 Special education; definition of parent. Defines "parent" for the purposes of the special education Article, and regulations promulgated thereto.

Patron - Toscano

HB2589 Limited English proficient students; assessment. Provides that local school divisions must administer a locally developed or selected limited English proficiency assessment mandated for students pursuant to the federal No Child Left Behind Act for the 2009-2010 school year, so long as such assessment has been approved by the Board of Education.

Patron - Englin

HB2619 Transfer students; Virtual Virginia credit. Provides that course credits earned for online courses taken in the Department of Education's Virtual Virginia program will transfer to Virginia public schools in accordance with provisions of the standards of accreditation.

Patron - Barlow

SB827 Family life education; value and benefits of marriage. Adds the benefits, challenges, responsibilities, and value of marriage for men, women, children, and communities to the list of topics to be covered in family life education curricula. This bill is identical to HB 1746.

Patron - Smith

SB1285 Publication of annual school budget. Requires local governing bodies and local school divisions to publish the estimated required local match in the publication of the annual school budget. Local governing bodies and school divisions must, by law, publish the annual school budget for public inspection and comment.

Patron - Newman

Failed

HB1602 Local school divisions; behavior analyst certification for teachers. Requires that by 2013, local school divisions must employ one teacher who has current board certification as a behavior analyst for every 25 students with autism. An enactment clause sets forth an incremental schedule for implementing such requirement. In addition provides that upon achievement of a behavior analyst certification, a teacher will receive an initial state-funded award of \$5,000 and a subsequent award of \$2,500 each year for the life of the certificate.

Patron - Poisson

HB1603 Middle and secondary schools; uniform grading policy. Requires local school boards to establish a policy to interpret end-of-course grades in a uniform manner across the Commonwealth in grades 6-12, but allows for a weighted grading system for advanced placement, honors, and International Baccalaureate classes.

Patron - Poisson

HB1700 Board of Education; statewide uniform grading policy. Requires the Board of Education to establish a statewide uniform grading policy whereby a student could receive a maximum of five quality points for an "A" in an Advanced Placement, International Baccalaureate, or dual enrollment course.

Patron - Lohr

HB1789 Family life education. Provides that family life education instruction on all topics must be both medically accurate and age appropriate.

Patron - Hull

HB1800 Expenditures and reports on instructional spending. Requires each local school board to allocate 65 percent of its operating budget to instructional spending. Local school boards must report annually to the Board of Education the percentage of their operating budgets allocated to instructional spending. Any school division that fails to meet the 65 percent requirement must present a plan to the Board of Education to increase instructional spending by 0.5 percent in the following fiscal year. School divisions failing to submit such a plan must be audited by the Auditor of Public Accounts, who is required to submit recommendations to the Board, including instruction concerning how failing school divisions can increase their instructional spending to 65 percent. In addition, the Board must annually report to the Senate Committee on Finance and the House Committee on Appropriations the amount of spending allocated by the local school divisions to instructional spending based on the reports submitted annually by the local school boards.

Patron - Loupassi

HB1825 Board of Education; publication of accreditation status. Requires the Board to publish annually the accreditation status of each school by August 1.

Patron - Fralin

HB1953 Board of Education; guidelines on recycling and waste reduction activities. Requires the Board of Education to establish guidelines to be implemented by local school divisions regarding recycling and waste reduction activities in the public schools. Also requires the Board to submit an annual report beginning in 2010 of the recycling efforts in the public schools.

Patron - Mathieson

HB1985 Autism Tuition Assistance Grant Program; established. Establishes a tuition assistance grant program for students with autism. The program provides grants of no more than \$20,000 a year per student to a Virginia nonsectarian private school of choice for students identified as autistic and for whom individual education plans have been written. The bill requires that in order to receive the grant the following conditions be satisfied: (i) the student has attended a public school in the Commonwealth and has received special education services for at least one year prior to the receipt of the grant; (ii) the parent has obtained acceptance for admission of the student to an eligible private school; (iii) the parent has executed and submitted to the division superintendent a written statement acknowledging that the public school has implemented an individualized educational program that is reasonably calculated to provide educational benefit; and (iv) the parent has requested the grant of the Superintendent of Public Instruction and notified the division superintendent of that request. The Board of Education is required to promulgate regulations to administer the Grant Program within 280 days of enactment. This bill is incorporated into HB 2104.

Patron - O'Bannon

HB2063 Triennial census of school population; sales and use tax distribution. Eliminates the requirement that every three years a census of all school-age persons residing within each school division take place. Also eliminates all related requirements regarding appointment and compensation of persons taking census, agents, and census results. Amends the procedure regarding sales and use tax distribution to localities so that distribution is based on the average daily membership of the school division rather than the school-age population of a school division. This bill has a delayed effective date of July 1, 2011.

Patron - Hamilton

HB2090 School calendar. Adds to the "good cause" circumstances for which school divisions may be granted a waiver from the regular post-Labor Day school opening schedule a school division that contains one or more schools that have failed to achieve full accreditation status for any of the preceding five years.

Patron - Fralin

HB2093 Local composite index. Provides that the local composite index must be fixed at 0.60000 for any school division in which the average daily membership was fewer than 2,000 students during the preceding school year and in which the Free and Reduced Lunch participation exceeded 45 percent of the students. This bill provides that the provision will become effective on July 1, 2011.

Patron - Pollard

HB2104 Students with Disabilities Tuition Assistance Grant Program. Creates the Students with Disabilities Tuition Assistance Grant Program, to provide tuition assistance for attendance at an eligible private school for any K-12 student as defined by the Board of Education in its Regulations Governing Special Education Programs for Children with Disabilities in Virginia who is diagnosed with an autism spectrum disorder. "Autism spectrum disorder" means any pervasive developmental disorder, including (i) autistic disorder, (ii) Asperger's Syndrome, (iii) Rett syndrome, (iv) childhood disintegrative disorder, or (v) Pervasive Developmental Disorder - Not Otherwise Specified, as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association. The amount of the grant shall be limited to the average state share of the Standards of Quality basic aid per pupil expenditure. This bill incorporates HB 1985.

Patron - Janis

HB2151 Retention of energy savings by school boards. Establishes a program under which the amount of general funds appropriated to a local school board will be held harmless from any reduction that may result under the composite index of local ability-to-pay as a result of the school board's realization of savings from an energy conservation program. School boards are required to prepare an approved energy conservation program for public school buildings based on guidelines to be developed by the Department of Education with assistance from the Department of Mines, Minerals and Energy. The program is required to identify specific measures that the school board may implement in order to reduce its energy expenditures. The Department of Education shall track the energy expenditures for each school board and calculate its energy savings, which shall be reported to the Department of Planning and Budget, the House Appropriations Committee, and the Senate Finance Committee.

Patron - Rust

HB2198 Standards of Quality; apportionment of state and local share. Directs the General Assembly, in apportioning the state and local share for the costs of meeting the Standards of Quality, beginning July 1, 2009, to implement a formula that determines each locality's ability to pay based on the ratios of (i) the reimbursement payment made to the locality for providing tangible personal property tax relief to the reimbursement payments made statewide for providing tangible personal property tax relief; (ii) the total value of real estate in the locality adjusted by the index used for the pay differential for state employees residing in that locality to the statewide value of real estate per person; (iii) the median value of residential real estate in the locality adjusted by the index used for the pay differential for state employees residing in that locality

to the statewide median value of residential real estate; (iv) sales subject to the state sales tax in the locality to the statewide sales subject to the state sales tax; (v) revenue collected from the local personal property tax to the revenue collected statewide from the local personal property tax; and (vi) revenue collected from local lodging, local cigarette, and local meals taxes to the revenue collected statewide from these local lodging, cigarette, and meals taxes, as provided in the appropriation act. To determine each locality's composite index of ability to pay, (i) the sum of the ratios calculated on the basis of average daily membership for each locality shall be divided by the sum of the average daily membership ratios for all localities; (ii) the sum of the ratios calculated on a per capita basis for each locality shall be divided by the sum of the per capita ratios for all localities; and (iii) the locality's ratio calculated on the basis of average daily membership shall be multiplied by 0.66 and the locality's ratio calculated on a per capita basis shall be multiplied by 0.33. The sum of the two adjusted ratios in clause (iii) shall be the local composite index of ability to pay.

Patron - Watts

HB2204 Instructional spending in the classroom. Requires each local school division to allocate 65 percent of its operating budget to instructional spending. Local school boards must report annually to the Board of Education the percentage of their operating budgets allocated to instructional spending. Any school division that fails to meet the 65 percent requirement must present a plan to the Board of Education to increase instructional spending by 0.5 percent in the following year. School divisions failing to submit such a plan must be audited by the Auditor of Public Accounts who in turn must submit recommendations to the Board including instruction on how such school divisions can increase their instructional spending to 65 percent. In addition, the Board must annually report to the Senate Committee on Finance and the House Committee on Appropriations the amount of spending allocated by the local school divisions to instructional spending based on the reports submitted annually by the local school boards.

Patron - Frederick

HB2335 Standards of Quality; average teacher salary. Requires that the state average teacher salary not be less than the national average teacher salary to ensure high-quality instructional personnel in the public schools.

Patron - Amundson

HB2344 Board of Education; benchmarks for student reading achievement; adolescent literacy. Requires the Board of Education to establish benchmarks for student achievement in reading in grades six through 12 to be implemented by local school divisions in English, history and social science, science, and math. Provides that the benchmarks must be infused into the designated Standards of Learning and related assessments. Additionally requires local school boards to develop comprehensive literacy policies and action plans in order to implement the Board of Education benchmarks.

Patron - Amundson

HB2530 Board of Education; teacher licensure. Requires the Board of Education to amend its regulations to require that all secondary school teachers seeking initial licensure to teach history, civics, economics, social studies, and state and local government, shall complete a course on the current structure and historic development of the local and state governmental organization and function in the Commonwealth of Virginia. This requirement may be completed up to two years after receiving initial licensure.

Patron - Marsden

HB2552 Board of Education; diploma requirements. Requires the Board of Education to include a standard credit in economics and personal finance in its requirements for standard, modified standard, advanced studies, and general achievement diplomas. Also provides that the diploma requirements will be in effect for those students entering ninth grade for the first time beginning in the 2010-2011 academic school year.

Patron - Crockett-Stark

HB2654 Direct Aid to Public Education. Amends future Direct Aid to Public Education Distribution by lowering the maximum Composite Index

Patron - Rust

SB956 Autism Tuition Assistance Grant Program; established. Establishes a tuition assistance grant program for students with autism. The program provides grants of no more than \$20,000 a year per student to a Virginia nonsectarian private school of choice for students identified as autistic and for whom individual education plans have been written. The bill requires that in order to receive the grant the following conditions be satisfied: (i) the student has attended a public school in the Commonwealth and has received special education services for at least one year prior to the receipt of the grant; (ii) the parent has obtained acceptance for admission of the student to an eligible private school; (iii) the parent has executed and submitted to the division superintendent a written statement acknowledging that the public school has implemented an individualized educational program that is reasonably calculated to provide educational benefit; and (iv) the parent has requested the grant of the Superintendent of Public Instruction and notified the division superintendent of that request. The Board of Education is required to promulgate regulations to administer the Grant Program within 280 days of enactment.

Patron - Stosch

SB1040 No Child Left Behind; compliance. Prohibits the Board of Education from complying with any provisions of the federal No Child Left Behind Act that are unfunded and are not an integral or necessary component of the Commonwealth's own Standards of Quality, Standards of Accreditation, or Standards of Learning. Also states that the Board of Education shall not require any localities to comply with such provisions.

Patron - Hanger

SB1266 School calendar. Makes local school boards responsible for setting the school calendar and determining the opening of the school year and eliminates the post-Labor Day opening requirement and "good cause" scenarios for which the Board of Education might grant waivers of this requirement.

Patron - Vogel

SB1322 Guidelines for managing food allergies. Requires the Board of Education to establish guidelines for managing and caring for children with food allergies in the public schools. The guidelines must provide a protocol for caring for children with life-threatening food allergies and requirements for accommodating children with special dietary needs and training of school personnel, and incorporate Board of Education policies pertaining to the management of food allergies and the U.S. Department of Agriculture's Food and Nutrition Service standards for accommodating children with special dietary needs. This bill also requires local school boards to adopt guidelines consistent with the Board's by July 1, 2010, and to ensure that all school personnel with direct contact with students are appropriately trained in identifying and

managing children who have been exposed to specific food allergens. This bill was incorporated into SB 1367.

Patron - Whipple

SB1342 Triennial census of school population; sales and use tax distribution. Eliminates the requirement that every three years a census of all school-age persons residing within each school division take place. Also eliminates all related requirements regarding appointment and compensation of persons taking census, agents, and census results. Amends the procedure regarding sales and use tax distribution to localities so that distribution is based on the average daily membership of the school division rather than the school-age population of a school division.

Patron - Reynolds

SB1367 Public schools; students with life-threatening allergies. Requires that no later than January 1, 2010, each local school board develop and implement a policy for the management of public school students with life-threatening food allergies. This policy shall be based on the Department of Education's Special Care Issues Guidelines relating to food allergies and anaphylaxis. The bill also requires that all school personnel having direct contact with students receive appropriate training in dealing with food allergies by July 1, 2010, and incorporates SB 1322.

Patron - Barker

SB1465 Standards of learning and textbook adoption cycle; delay. Provides that notwithstanding any other provision of law, any revisions made to the Standards of Learning in effect as of June 30, 2009, shall not be implemented until the 2010-2011 school year, and that local school divisions shall not be required to purchase new textbooks until the 2010-2011 school year.

Patron - Reynolds

SB1466 Standards of Quality; Standard 2. Allows local school divisions to use the state and local funds for elementary resource teachers to employ elementary reading or math specialists, or additional staff for programs for four-year olds.

Patron - Reynolds

SB1519 Career and technical diploma; delayed. Delays implementation of the career and technical diploma until the 2010-2011 school year.

Patron - Reynolds

SB1521 Economics education and financial literacy; repealed. Repeals the requirement for economics education and financial literacy in middle and high schools.

Patron - Reynolds

SB1544 Autism Tuition Assistance Grant Program established. Establishes a tuition assistance grant program for students with autism. The program provides grants of no more than \$20,000 a year per student to a Virginia nonsectarian private school of choice for students identified as autistic and for whom individual education plans have been written. The bill requires that in order to receive the grant the following conditions be satisfied: (i) the student has attended a public school in the Commonwealth and has received special education services for at least one year prior to the receipt of the grant; (ii) the parent has obtained acceptance for admission of the student to an eligible private school; (iii) the parent has executed and submitted to the division superintendent a written statement acknowledging that the public school has implemented an individualized educational program that is reasonably calculated to provide educational benefit; and (iv) the parent has requested

the grant of the Superintendent of Public Instruction and notified the division superintendent of that request. The Board of Education is required to promulgate regulations to administer the Grant Program within 280 days of enactment. The bill creates a subtraction for any grants included in the federal adjusted gross income of a parent. The bill establishes a voluntary contribution on the individual income tax return for taxpayers wishing to make a donation to the Grant Program.

Patron - Stosch

Educational Institutions

Passed

HB1599 Grant program for certain foster care and special needs adoption students. Modifies the eligibility of the current program to allow a student enrolled in a minimum of six credit hours per semester at a two-year institution of higher education to receive a grant for tuition and fees and to ensure that a student who has a prior bachelor's degree is excluded from participation. This bill incorporates HB 1606. This bill is identical to SB 1049.

Patron - Hamilton

HB1663 State Council of Higher Education for Virginia; student advisory committee. Permits the State Council of Higher Education to appoint students enrolled in private and accredited institutions of higher education in the Commonwealth to the student advisory committee.

Patron - Tata

HB1664 State Council of Higher Education for Virginia; duties. Eliminates the requirement that the State Council of Higher Education for Virginia must develop and revise, as it deems necessary, a model institutional crisis and emergency management plan for the purpose of assisting public and private two- and four-year institutions of higher education in establishing, operating, and maintaining emergency services and disaster preparedness activities.

Patron - Tata

HB1665 State Council of Higher Education for Virginia; duties. Eliminates the requirement that the State Council of Higher Education for Virginia develop a strategic statewide plan to ensure an adequate supply of nurses.

Patron - Tata

HB1725 Board of visitors; the College of William and Mary, Virginia Polytechnic Institute and State University, and Virginia Commonwealth University. Authorizes the boards of visitors of the College of William and Mary, Virginia Polytechnic Institute and State University, and Virginia Commonwealth University to invest and manage endowment funds, endowment income, gifts, and all other nongeneral fund reserves and balances as well as local funds of or held by the College or Universities. Exempts members of the board of visitors from personal liability for losses suffered by such investment. The bill also exempts the investment and management of endowment funds, endowment income, gifts, and all other nongeneral fund reserves and balances and local funds of or held by the College and Universities from the Virginia Public Procurement Act. Finally, the bill allows the endowment funds, endowment income, gifts, and all other nongeneral fund reserves and balances and local funds of or held by the College or Universities to be invested or reinvested in derivatives, options, and financial securities in accordance with the Uni-

form Prudent Management of Institutional Funds Act. This bill is identical to SB 1395.

Patron - Rust

HB1810 Course credit; students called to active military duty. Provides that the governing boards of each public institution of higher education must implement policies that apply to students who are called to active military duty during an academic semester.

Patron - Morrissey

HB1834 Annual report of the University of Virginia board of visitors. Repeals the requirement that the University of Virginia board of visitors submit an annual report of the progress of the University to the General Assembly.

Patron - Toscano

HB1924 Tuition grants; commercial crab fishermen. Provides tuition grants for a bona fide domiciliary of Virginia who (i) is a Virginia waterman holding a valid Virginia commercial crabbing license that has incurred adverse economic impacts as determined by the U.S. Dept of Commerce Blue Crab Commercial Fishery Failure Declaration; (ii) is enrolled or has been accepted for enrollment in a degree or certificate program of at least one academic year in length in a public two-year institution of higher education in the Commonwealth; (iii) has not been enrolled in postsecondary education as a full-time student for more than three years; (iv) has submitted applications for federal student financial aid programs for which he may be eligible; and (v) is not in default of a federal educational loan or student loan made or guaranteed by Virginia. This bill is contingent upon funds from the federal relief package associated with the U.S. Dept of Commerce Blue Crab Commercial Fishery Failure Declaration being made available to cover the full cost of these tuition grants. This bill has a sunset date of July 1, 2012.

Patron - Lewis

HB1940 Open education resource centers; fund established; pilot project. Requires the State Board for Community Colleges, in consultation with the Virginia Department of Education and the State Council of Higher Education for Virginia, to develop a competitive grant pilot program to provide grants to community colleges to establish open education resource centers in the Commonwealth. To qualify for a grant, community colleges shall be required to demonstrate a partnership with faculty or staff from at least one local school division and one institution of higher education in the Commonwealth. Grants would be awarded on a competitive basis with guidelines established in the bill. The bill also establishes a fund authorizing both public and private contributions. The provisions of this bill would not become effective until either an appropriation of general funds effectuating the purposes of this bill is included in a general appropriations act passed by the 2009 or 2010 Session of the General Assembly, which becomes law, or funds from other private or public sources are deposited into the Open Education Resource Center Grant Fund by July 1, 2010. This bill is identical to SB 1173.

Patron - Peace

HB2342 National Guard; tuition assistance. Provides that notwithstanding the eligibility requirement that a member of the National Guard have a minimum of two years remaining on his service requirement in order to receive a grant, if a member is activated or deployed for federal military service, an additional day, up to 365 days, must be added to the member's eligibility for the grant for each day of federal service. Additional credit, or credit for state duty, may be awarded at the discretion of the Adjutant General.

Patron - Amundson

HB2433 Eastern Virginia Medical School. Alters the manner in which the Board of Visitors of the Eastern Virginia Medical School is appointed. Additional appointment power is granted to the Governor, the Speaker of the House, and the Senate Rules Committee. This bill is identical to SB 1249.

Patron - Joannou

HB2464 Management agreements with certain institutions of higher education. Provides that the 2006 management agreements in place between the Commonwealth and Virginia Polytechnic Institute and State University, the College of William and Mary, the University of Virginia, and the 2008 management agreement between the Commonwealth and Virginia Commonwealth University, will expire on June 30, 2012, provided that on or before November 15, 2011, the Governor provides to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance written notification that the agreements need to be renegotiated or revised. Otherwise, the management agreements will continue in effect until June 30, 2015. Also makes adjustments to the policies governing capital projects, procurement, and financial operations and management. This bill is identical to SB 1156.

Patron - Morgan

HB2546 Jamestown-Yorktown Foundation; America's 400th Anniversary Commemoration; report. Provides for the Jamestown-Yorktown Foundation to prepare a report providing an overview of the planning and a record of events for America's 400th Anniversary Commemoration on or before June 30, 2009. Under the bill the report will be prepared under the guidance of the planning entity and published as a joint document of the House of Delegates and the Senate of Virginia. The bill includes an emergency clause.

Patron - Howell, W.J.

HB2549 Virginia College Savings Plan. Provides for: (i) the exclusion of certain financial records of the Virginia College Savings Plan from the Freedom of Information Act; (ii) the authorization for closed meetings of the Board of the Virginia College Savings Plan in certain circumstances; (iii) the expansion of the Virginia College Savings Plan Board from eight to 11 members; (iv) the creation of two advisory committees to the Board; and (v) the authority for the Virginia College Savings Plan Board to establish scholarships or matching grant programs for qualified students. The bill also renames the individual hired by the Virginia College Savings Plan Board to direct, manage, and administer the Plan as the "chief executive officer," rather than the current designation of "executive director." This bill is identical to SB 1251.

Patron - Cox

SB994 Institutions of higher education; employment of campus police. Allows any public institution of higher education to direct that the chief of its campus police department not be governed by the Virginia Personnel Act. Also makes a technical amendment, correcting an outdated Code citation.

Patron - Miller, J.C.

SB1017 Roanoke Higher Education Authority. Removes Ferrum College from and corrects the name of the College of Health Sciences on the Board of Trustees of the Roanoke Higher Education Authority. This bill also removes the Executive Director of the Fifth District Employment and Training Consortium as a member of the Board.

Patron - Edwards

SB1049 Grant program for certain foster care and special needs adoption students. Modifies the eligibility of the current program to allow a student enrolled in a minimum

of six credit hours per semester at a two-year institution of higher education to receive a grant for tuition and fees and to ensure that a student who has a prior bachelor's degree is excluded from participation. This bill is identical to HB 1599.

Patron - Whipple

SB1156 Management agreements with certain institutions of higher education. Provides that the 2006 management agreements in place between the Commonwealth and Virginia Polytechnic Institute and State University, the College of William and Mary, the University of Virginia, and the 2008 management agreement between the Commonwealth and Virginia Commonwealth University, will expire on June 30, 2012, provided that on or before November 15, 2011, the Governor provides to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance written notification that the agreements need to be renegotiated or revised. Otherwise, the management agreements will continue in effect until June 30, 2015. Also makes adjustments to the policies governing capital projects, procurement, and financial operations and management. This bill is identical to HB 2464.

Patron - Edwards

SB1173 Open education resource centers; fund established; pilot project. Requires the State Board for Community Colleges, in consultation with the Virginia Department of Education and the State Council of Higher Education for Virginia, to develop a competitive grant pilot program to provide grants to community colleges to establish open education resource centers in the Commonwealth. To qualify for a grant, community colleges shall be required to demonstrate a partnership with faculty or staff from at least one local school division and one institution of higher education in the Commonwealth. Grants would be awarded on a competitive basis with guidelines established in the bill. The bill also establishes a fund authorizing both public and private contributions. The provisions of this bill would not become effective until either an appropriation of general funds effectuating the purposes of this bill is included in a general appropriations act passed by the 2009 or 2010 Session of the General Assembly, which becomes law, or funds from other private or public sources are deposited into the Open Education Resource Center Grant Fund by July 1, 2010. This bill is identical to HB 1940.

Patron - Watkins

SB1249 Eastern Virginia Medical School. Alters the manner in which the Board of Visitors of the Eastern Virginia Medical School is appointed, grants additional appointment power to the Governor, the Speaker of the House, and the Senate Rules Committee, and provides for the rotation of appointments among the Governor, Senate, and House. This bill is identical to HB 2433

Patron - Northam

SB1251 Virginia College Savings Plan. Provides for: (i) the exclusion of certain financial records of the Virginia College Savings Plan from the Freedom of Information Act; (ii) the authorization for closed meetings of the Board of the Virginia College Savings Plan in certain circumstances; (iii) the expansion of the Virginia College Savings Plan Board from eight to 11 members; (iv) the creation of two advisory committees to the Board; and (v) the authority for the Virginia College Savings Plan Board to establish scholarships or matching grant programs for qualified students. The bill also renames the individual hired by the Virginia College Savings Plan Board to direct, manage, and administer the Plan as the "chief executive officer," rather than the current designation of "executive director." This bill is identical to HB 2549.

Patron - Miller, Y.B.

SB1395 Board of visitors; the College of William and Mary, Virginia Polytechnic Institute and State University, and Virginia Commonwealth University. Authorizes the boards of visitors of the College of William and Mary, Virginia Polytechnic Institute and State University, and Virginia Commonwealth University to invest and manage endowment funds, endowment income, gifts, and all other nongeneral fund reserves and balances as well as local funds of or held by the College or University. Exempts members of the board of visitors from personal liability for losses suffered by such investment. The bill also exempts the investment and management of endowment funds, endowment income, gifts, and all other nongeneral fund reserves and balances and local funds of or held by the College and Universities from the Virginia Public Procurement Act. Finally, the bill allows the endowment funds, endowment income, gifts, and all other nongeneral fund reserves and balances and local funds of or held by the College or University to be invested or reinvested in derivatives, options, and financial securities in accordance with the Uniform Management of Institutional Funds Act. This bill is identical to HB 1725.

Patron - Norment

SB1547 Eligibility for state financial aid programs. Provides that persons who have completed a program of home school instruction and certain persons who have been excused from school attendance shall be deemed to have met any high school graduation requirements for purposes of eligibility for any state-supported financial or other higher education programs. Also, when a high school grade point average, class rank, or other academic criteria is specified as a condition of participating, the State Council of Higher Education for Virginia (SCHEV) will develop an equivalent measure for such students.

Patron - Cuccinelli

Failed

HB1606 Grant program for certain foster care and special needs adoption students. Modifies the eligibility of the current program to allow a student enrolled in a minimum of six credit hours per semester at a two-year institution of higher education to receive a grant for tuition and fees and to ensure that a student who has a prior bachelor's degree is excluded from participation. This bill was incorporated into HB 1599.

Patron - Poisson

HB1608 Automatic acceptance to institutions of higher education. Directs the governing boards of public institutions of higher education to provide for the automatic acceptance of those resident students applying for admission who have graduated from a public or private high school in Virginia with a grade point average in the top 10 percent of such student's graduating class and have been honorably discharged from service in the United States Armed Forces, the United States Armed Forces Reserves, the Virginia National Guard, or the Virginia National Guard Reserve.

Patron - Poisson

HB1612 Community College Scholarship Match Program. Establishes the Community College Scholarship Match Program to provide matching funds to community college foundations and the Virginia Foundation for Community College Education. Funds may be paid on the basis of one dollar of state general fund appropriation for every one dollar donated by private individuals, foundations, or corporations beginning on July 1, 2009. These funds must be used to award scholarships to students who (i) are domiciled residents of Vir-

ginia, (ii) graduated from a public or private Virginia high school, and (iii) are enrolled in a Virginia community college. The provisions of the bill are contingent upon an appropriation of general funds in the appropriation act by the 2009 Regular Session of the General Assembly.

Patron - Dance

HB1638 College Scholarship Assistance Program; out-of-state student surcharge. Provides that the State Council of Higher Education must collect a surcharge from each out-of-state student attending a public institution of higher education in the Commonwealth. The amount of the surcharge for each student represents the difference between 350 percent of the annual in-state tuition rate charged at the institution at which the student is enrolled and the amount charged annually for out-of-state tuition at the institution at which the student is enrolled. The funds collected by SCHEV from such surcharge must be applied to the College Scholarship Assistance Program.

Patron - Poisson

HB1656 Possession of concealed handguns by faculty members at state institutions of higher education. Allows full-time faculty members of state institutions of higher education who possess a valid Virginia concealed handgun permit to carry a concealed handgun on campus.

Patron - Marshall, R.G.

HB1696 Admission of in-state students at public institutions of higher education. Provides that the board of visitors or other governing body of each public institution of higher education must establish rules and regulations increasing the number of admitted Virginia domiciles 1.3 percent annually until the number of admitted Virginia domiciles reaches 80 percent of all admitted students.

Patron - Albo

HB1750 Campus police; report of certain incidents to local law-enforcement agency. Requires the chief of the campus police department of a public institution of higher education to notify the Virginia State Police after any incident involving a shooting has occurred on campus. Upon notification, the Virginia State Police may, at the request of the campus police, assume responsibility for leading the investigation with cooperation from the institution of higher education.

Patron - Carrico

HB1990 George Mason University; community representatives to board of visitors. Permits the board of visitors of George Mason University to enter into a memorandum of agreement with Fairfax County and the City of Fairfax to appoint nonvoting, advisory community representatives to the board and to establish procedures for such appointment.

Patron - Bulova

HB2082 Virginia Early Graduation Incentive Grant Program. Establishes the Virginia Early Graduation Incentive Grant Program for the purpose of providing grants to Virginia students who (i) have received an undergraduate degree within three years from any public or private accredited institution of higher education in Virginia, (ii) are enrolled in a graduate program preparing students for careers in professions with workforce shortages, and (iii) have agreed to work in Virginia upon receiving a graduate degree. The State Council of Higher Education for Virginia is designated as the administering agency for the program and must adopt regulations for the disbursement of grants and the administration of the program. Before grants are awarded, recipients must sign a promissory note under which they agree (i) to begin employment in the Commonwealth within six months of receiving a graduate degree

and (ii) to continue such employment in the Commonwealth for at least three years. Only students who maintained a 3.0 grade point average while enrolled as undergraduates are eligible to participate in the program. Eligibility is limited to two academic years or the equivalent number of credit hours.

Patron - Saxman

HB2149 State Council of Higher Education for Virginia; teacher preparation program task force. Directs the Council to establish a task force to develop a plan to expand higher education teacher preparation programs for career and technical education and other critical shortage areas identified by the Board of Education.

Patron - Nutter

HB2295 Two-Year College Transfer Grant. Increases the annual amount of the grant from \$1,000 to \$1,500.

Patron - Caputo

HB2324 Admission of in-state students at public institutions of higher education. Provides that the board of visitors or other governing body of each public institution of higher education must establish rules and regulations requiring that, beginning with the transfer students for the fall of 2010, at least 80 percent of transfer students admitted to the institution be Virginia domiciles. State funds must be withheld from any institution that does not fulfill the 80 percent requirement.

Patron - Athey

HB2325 Admission of in-state students at public institutions of higher education. Provides that the board of visitors or other governing body of each public institution of higher education must establish rules and regulations requiring that, beginning with the incoming freshman class of 2010, at least 70 percent of students admitted to the institution be Virginia domiciles. State funds must be withheld from any institution that does not fulfill the 70 percent requirement.

Patron - Athey

HB2327 Community College Scholarship Match Program. Establishes the Community College Scholarship Match Program to provide matching funds to community college foundations and the Virginia Foundation for Community College Education. Funds may be paid on the basis of one dollar of state general fund appropriation for every one dollar donated by private individuals, foundations, or corporations beginning on July 1, 2009. These funds shall be used to award scholarships to students who (i) are domiciled residents of Virginia, and (ii) are enrolled in a Virginia community college.

Patron - Athey

HB2404 Virginia Universities Clean Energy Development and Economic Stimulus Foundation. Creates the Virginia Universities Clean Energy Development and Economic Stimulus Foundation as a body corporate and a political subdivision of the Commonwealth. The Foundation shall identify, obtain, disburse and administer funding for: (i) research and development of alternative fuels, clean energy production, and related technologies; (ii) support of economic development projects in disadvantaged rural areas; and (iii) the provision of assistance in the commercialization of alternative fuels and clean energy technologies. Funding shall be awarded only to those proposed projects that best meet the established criteria and purposes of this act.

Patron - Bell

HB2475 Admission of in-state students at public institutions of higher education. Provides that the board of visitors or other governing body of each public institution of higher education, except for the Virginia Military Institute,

Norfolk State University, and Virginia State University, must establish rules and regulations requiring that at least 75 percent of students admitted and enrolled at the institution be Virginia domiciles.

Patron - Hugo

HB2581 Eligibility for in-state tuition; Native Americans. Provides that any person who is a member of a Native American tribe officially recognized by the Commonwealth is eligible for in-state tuition so long as such membership is verified. Additionally, out-of-state students granted in-state tuition because of the provision must be counted as in-state students for the purposes of determining college admissions, enrollment, and tuition and fee revenue policies.

Patron - Morrissey

HB2616 Eligibility for in-state tuition. Provides that a person holding a student or other temporary visa may establish eligibility for in-state tuition by providing evidence that he (i) has resided in Virginia for at least five years, (ii) has received a high school diploma from a public school in Virginia or a GED certificate, (iii) is enrolled as a student in a public institution of higher education in the Commonwealth, (iv) has paid Virginia state income taxes for at least one year prior to the date of enrollment, and (v) has filed an affidavit with the college or university where he is enrolled that he will make application for permanent residency within 90 days of the date in which he becomes eligible to do so. This bill also affords the same rights and benefits to such students as those who are otherwise eligible for in-state tuition. The State Council of Higher Education and the Board of the Virginia Community College System are required to develop guidelines for providing eligibility for in-state tuition and state financial aid to persons holding a student or other temporary visa. Information provided by such persons to establish eligibility for in-state tuition in accordance with the provisions of the legislation may not be disclosed without the written permission of the person who is the subject of the inquiry.

Patron - Hull

SB866 Community College Scholarship Match Program. Establishes the Community College Scholarship Match Program to provide matching funds to community college foundations and the Virginia Foundation for Community College Education. Funds paid shall not exceed \$5 million in any fiscal year. These funds shall be used to award scholarships to students who (i) are domiciled residents of Virginia, (ii) graduated from a public or private Virginia high school, and (iii) are enrolled in a Virginia community college. This bill was incorporated into SB 1118.

Patron - Edwards

SB977 SCHEV guidelines; developmentally disabled students. Requires the State Council of Higher Education for Virginia to develop guidelines for curriculum adjustments for developmentally challenged and developmentally disabled students that shall be implemented by all public two-year institutions of higher education.

Patron - Stuart

SB1037 In-state tuition; illegal aliens. Establishes that an alien who is unlawfully present in the United States shall not be eligible for in-state tuition unless he meets all of the following criteria: (i) he has resided with his parent, guardian, or other person standing in loco parentis while attending a public or private high school in this state; (ii) he has graduated from a public or private high school in Virginia or has received a General Education Development (GED) certificate in Virginia; (iii) he has resided in the Commonwealth for at least three years as of the date he graduated from high school, or one

year of residency if a veteran or an active duty member of the U.S. Armed Forces; (iv) he has registered as an entering student in an institution of higher education; (v) he has provided an affidavit to the institution stating that he has filed an application to become a permanent resident of the United States and is actively pursuing such permanent residency or will do so as soon as he is eligible; and (vi) he has submitted evidence that he, or in the case of a dependent student, at least one parent, guardian, or person standing in loco parentis, has filed, unless exempted by state law, Virginia income tax returns for at least three years prior to the date of enrollment.

Patron - Hanger

SB1118 Community College Scholarship Match Program. Establishes the Community College Scholarship Match Program to provide matching funds to community college foundations and the Virginia Foundation for Community College Education. Funds may be paid on the basis of one dollar of state general fund appropriation for every one dollar donated by donors on or after July 1, 2010, with state appropriations not to exceed \$5 million in any fiscal year. These funds shall be used to award scholarships to students who (i) are domiciled residents of Virginia and (ii) are enrolled in a Virginia community college. The bill contains a delayed effective date of July 1, 2010. This bill incorporates SB 866.

Patron - Colgan

SB1214 Two-Year College Transfer Grant Program; eligibility. Includes Virginia domiciles who have earned 60 credit hours in a university parallel program towards a four-year degree at a Virginia two-year public institution of higher education as eligible for the Two-Year College Transfer Grant Program. The bill is contingent upon funds being appropriated during the 2009 General Assembly session.

Patron - Deeds

SB1240 Two-Year College Transfer Grant. Increases the annual amount of the grant from \$1,000 to a maximum of \$1,500. The bill is contingent upon the appropriation of funds during the 2009 General Assembly session.

Patron - Stosch

Elections

Passed

HB1643 Conduct of elections; service and oaths of officers of election; number of observers permitted at the polls. Provides that (i) the electoral board may provide for administering oaths for officers of election taking into account the hours of service of the officers and (ii) at least one party or candidate representative for each pollbook station shall be permitted as an observer in the polling place.

Patron - Englin

HB1712 Federal write-in absentee ballots; witness requirement. Removes the requirement that a federal write-in absentee ballot will only be considered valid for purposes of simultaneously satisfying both an absentee ballot application and a completed absentee ballot for federal offices if the envelope contains the signature of a witness and his printed name and address. The bill provides that the envelope need only contain the signature of the witness in order for the ballot to be considered valid. The bill also provides that the ballot must be received no later than the closing of the polls rather than five days before the election and that the federal write-in absentee ballot may serve as a registration application if the voter is eli-

gible to register in Virginia. This bill incorporates HB 2221. This bill is identical to SB 993.

Patron - Janis

HB1740 Campaign Finance Disclosure Act; personal use. Provides that it is unlawful to convert any money, securities, or like intangible personal property that has been contributed to a campaign committee to the personal use of a member of the candidate's family (spouse or dependent child). Parallel prohibitions are applied to political action, political party, referendum, and inaugural committees and the immediate family of the committee's treasurer or chief executive. Present law makes, and will continue to make, it unlawful for any person to convert such contributed property to his own use.

Patron - Purkey

HB1771 Elections; vacancies in constitutional offices. Provides that the special election to fill a vacancy in a constitutional office (clerk of the circuit court, attorney for the Commonwealth, sheriff, commissioner of the revenue, and treasurer) in localities with a population of 15,000 or less, or a constitutional office shared by localities with a combined population of 15,000 or less, shall be scheduled to be held at the next November general election rather than on a more promptly scheduled special election date. Emergency.

Patron - Pollard

HB1791 Elections; officers of election; independent voters. Authorizes local electoral boards to appoint independent voters to serve as officers of election as long as the chief and assistant chief officers represent the two leading political parties. Current law requires equal representation of the two major political parties in the appointment of officers of election, and does not explicitly authorize additional appointments of voters who are not nominated by a political party.

Patron - Brink

HB1832 Elections; general registrars; their appointment, qualification, and term; vacancies; and prohibitions. Provides that the electoral board of a city that is wholly contained within one county may appoint a qualified voter of that county to serve as city general registrar. Cities wholly contained within one county include Bedford City, Buena Vista, Charlottesville, Covington, Danville, Emporia, Fairfax City, Harrisonburg, Lexington, Manassas, Martinsville, Norton, Roanoke City, Salem, Staunton, Waynesboro, and Winchester.

Patron - Toscano

HB1877 Elections; absentee voting process; first responders. Provides that law-enforcement officers, firefighters, and other first responders are entitled to vote absentee and requires prompt service on absentee ballot applications backed up by jurisdiction in the circuit courts to order compliance with the statutory requirements. This bill is identical to SB 1070.

Patron - Cosgrove

HB1878 Elections; clarifications and revisions to registration and election processes; penalties. Incorporates changes to definitions, duties of election officials, registration procedures, voting procedures, and election offenses; penalties. This bill incorporates HBs 1610, 1630, 1978, and 2219. This bill is identical to SBs 848 and 1188.

Patron - Cosgrove

HB1881 Elections; absentee voting; response to applications. Provides that the absentee ballot shall be sent by email to military and overseas voters and their families who are located outside the Commonwealth and who request the ballot

be sent by email. However, the voted ballot must be returned by mail.

Patron - Miller, P.J.

HB1892 State Board of Elections; powers and duties. Addresses the Board's authority to oversee local election officials and imposes limits on the political activities of Board staff members. Specifically, electoral boards and registrars are required to follow (i) the elections laws and (ii) the rules and regulations of the Board insofar as they do not conflict with Virginia or federal law. The Board shall also set the training standards for the officers of election and ensure that members of its own staff refrain from overt political activity.

Patron - Brink

HB2197 Elections; assistance for certain voters. Provides certain procedures for assisting voters in a language other than English and requires the officer or person assisting a voter using a paper or mark-sense ballot to deposit the ballot in the ballot container without examining its contents.

Patron - Watts

HB2422 Elections; acquisition of voting equipment by localities. Modifies the provision enacted in 2007 that prohibits the acquisition of direct recording electronic (DRE) machines by any locality on and after July 1, 2007. The modification will allow a locality that acquired DREs before July 1, 2007, to acquire DREs on a temporary basis to conduct a special election when its existing DRE inventory is insufficient because the inventory is wholly or partly under lock and seal following an election. This bill is identical to SB 988.

Patron - May

HB2465 Petition to remove public official; costs. Provides that the court shall not dismiss a petition for the removal of a public official solely because of an error or omission in the form of the petition relating to its statement of the grounds or reasons for removal unless the error or omission is material in determining whether statutory requirements have been met. The measure provides further that any person who signs or circulates a petition for the removal of a public official (i) will not be liable for any costs associated with the proceedings, including attorney fees or court costs, and (ii) will not have sanctions imposed on him under the statute (§ 8.01-271.1) that provides sanctions in frivolous court proceedings. This bill incorporates HB 2049. This bill is identical to SB 1394.

Patron - Morgan

HB2544 Elections; recounts. Applies to elections in which the winning or losing candidate was a write-in candidate and provides that the losing candidate may initiate a recount when the difference between the winning and losing candidates is not more than five percent of the total vote cast for those two candidates. Ordinarily, a recount may be initiated only if the difference between the winning and losing candidates is not more than one percent of the total vote cast for those two candidates.

Patron - Cole

HB2642 Elections; duties of the State Board of Elections with respect to registration procedures. Requires the State Board of Elections to conduct a match of registered voter lists with the list of deceased persons maintained by the Social Security Administration.

Patron - Orrock

HB2666 Elections; activities at polling places; representatives and observers. Provides that representatives shall be positioned to see and hear the voting process and for their right to appeal to the local board if dissatisfied with chief

officer's decision on placement. The bill also adds certain requirements in connection with the use of voting equipment to assist curbside voters.

Patron - Pogge

SB848 Elections; clarifications and revisions to registration and election processes; penalties. Incorporates changes to definitions, duties of election officials, registration procedures, voting procedures, and election offenses; penalties. This bill is identical to SB 1188 and HB 1878.

Patron - Edwards

SB988 Elections; acquisition of voting equipment by localities. Modifies the provision enacted in 2007 that prohibits the acquisition of direct recording electronic (DRE) machines by any locality on and after July 1, 2007. The modification will allow a locality that acquired DREs before July 1, 2007, to acquire DREs on a temporary basis to conduct a special election when its existing DRE inventory is insufficient because the inventory is wholly or partly under lock and seal following an election. This bill is identical to HB 2422.

Patron - Colgan

SB993 Federal write-in absentee ballots; witness requirement. Removes the requirement that a federal write-in absentee ballot will only be considered valid for purposes of simultaneously satisfying both an absentee ballot application and a completed absentee ballot for federal offices if the envelope contains the signature of a witness and his printed name and address. The bill provides that the envelope need only contain the signature of the witness in order for the ballot to be considered valid. The bill also provides that the ballot must be received no later than the closing of the polls rather than five days before the election and that the federal write-in absentee ballot may serve as a registration application if the voter is eligible to register in Virginia. This bill incorporates SBs 826 and 948. This bill is identical to HB 1712.

Patron - Miller, J.C.

SB1070 Elections; absentee voting process; first responders. Provides that law-enforcement officers, firefighters, and other first responders are entitled to vote absentee and requires prompt service on absentee ballot applications backed up by jurisdiction in the circuit courts to order compliance with the statutory requirements. This bill is identical to HB 1877.

Patron - Martin

SB1155 Elections; ballot requirements; deadlines for printing ballots. Clarifies that the deadlines for having ballots ready for absentee voting are 45 days before the November general election and 30 days before any other general, special, or primary election. The bill specifies that only in the case of a special election when the deadline cannot be met is there a provision for having the ballots ready "as soon after the deadline as possible."

Patron - Edwards

SB1188 Elections; clarifications and revisions to registration and election processes; penalties. Incorporates changes to definitions, duties of election officials, registration procedures, voting procedures, and election offenses; penalties. This bill is identical to SB 848 and HB 1878.

Patron - Blevins

SB1365 Elections; addresses of protected voters. Revises statutory language regarding protected voters who are permitted to furnish a post office box in lieu of a residence street address to be included on lists of registered voters and lists of persons who voted. The bill also adds any party partici-

pating in the address confidentiality program pursuant to § 2.2-515.2 to those protected persons who may furnish a post office box in lieu of a residence street address. It also provides how a protected voter may change his post office box address.

Patron - Ticer

SB1394 **Petition to remove public official; costs.** Provides that the court shall not dismiss a petition for the removal of a public official solely because of an error or omission in the form of the petition relating to its statement of the grounds or reasons for removal unless the error or omission is material in determining whether statutory requirements have been met. The measure provides further that any person who signs or circulates a petition for the removal of a public official (i) will not be liable for any costs associated with the proceedings, including attorney fees or court costs, and (ii) will not have sanctions imposed on him under the statute (§ 8.01-271.1) that provides sanctions in frivolous court proceedings. This bill is identical to HB 2465.

Patron - Norment

Failed

HB1607 **Online voter registration.** Provides that the State Board of Elections will accept applications for registration electronically on its website. Only applicants who possess a driver's license or identification card issued by the Virginia Department of Motor Vehicles shall be eligible to register electronically. The State Board will verify that the information submitted electronically matches the information contained in the applicant's record with the Department of Motor Vehicles and shall obtain an electronic copy of the applicant's signature from the Department.

Patron - Poisson

HB1610 **Elections; prohibited activities at the polls.** Creates an exception to the prohibition on campaign activities within 40 feet of the polling place or within the polling place for the wearing by voters of buttons, stickers, or items of apparel that contain a candidate's name or a political slogan. This bill is identical to SB 867. This bill was incorporated into HB 1878.

Patron - Shuler

HB1620 **Elections; early voting.** Provides that any registered voter qualified to vote in the election may vote in person from 14 to three days before the election (or eight to three days before a special election) at specified times and at the sites provided in the locality. The provisions for absentee voting remain in effect except that the provisions for in-person absentee voting are superseded by the early voting process during the early voting period. The bill takes effect January 1, 2010.

Patron - Dance

HB1621 **Elections; absentee voting.** Provides that qualified voters may vote absentee for any reason. The bill eliminates the present statutory list of specific reasons entitling a voter to cast an absentee ballot. Several special provisions concerning military and overseas absentee voters and disabled voters are consolidated in two new provisions. This bill is identical to HB 2301 and SB 1010 as introduced.

Patron - Dance

HB1630 **Voter registration residence requirements; students.** Provides that a person who has established a physical presence and a place of abode in Virginia and who is enrolled as a full-time student in a degree or certificate program at an accredited public or private institution of higher

education physically located in the Commonwealth shall be presumed to have established a domicile at that place of abode. This presumption shall not affect any determination of whether the student is eligible for in-state tuition. This bill was incorporated into HB 1878.

Patron - Shuler

HB1634 **Campaign finance; prohibited activities during regular sessions of the General Assembly.** Prohibits any General Assembly member, the Governor, Lieutenant Governor, or Attorney General from attending any fundraising event held during a regular session of the General Assembly if the event is sponsored by any political party committee, registered lobbyist, or any organization, group, or person from whom the member or statewide official received a campaign contribution prior to the session in the session year or during the preceding calendar year. The bill defines "fundraising event" as any event that generates any contribution, or utilizes any expenditure, that is reportable under Virginia or federal campaign finance disclosure laws.

Patron - Saxman

HB1644 **Elections; early voting.** Provides that any registered voter qualified to vote in the election may vote in person from 19 to three days before the election at specified times and at the sites provided in the locality. The provisions for absentee voting remain in effect except that the provisions for in-person absentee voting are superseded by the early voting process during the early voting period.

Patron - Ware, O.

HB1658 **Campaign contributions; stored value cards; prohibition.** Provides that campaign contributions made through a stored value card may never be accepted. The bill defines the term "stored value card." The bill also adds a provision applicable to candidate campaign committees that the candidate or committee cannot accept any contribution that is not attributable to an identified person. Any amount received that cannot be attributed to an identified person shall be contributed to charity.

Patron - Marshall, R.G.

HB1672 **Elections; absentee voting procedures; federal write-in ballots.** Deletes the requirement that a witness sign the envelope containing the voted absentee ballot. The absentee voter must sign the envelope.

Patron - Dance

HB1685 **Bipartisan Redistricting Commission created.** Establishes a seven-member temporary commission to prepare redistricting plans in 2011 and each tenth year thereafter for the House of Delegates, state Senate, and congressional districts. Appointments to the Commission shall be made one each by the four majority and minority party leaders of the House and Senate and by the state chairmen of the two major political parties. Those six appointees shall appoint the seventh member and chairman for the Commission. If they cannot agree, they shall submit the names of the two persons receiving the most votes to the Supreme Court for the Court to select the chairman. The Commission will prepare plans and submit them as bills to the General Assembly. The General Assembly shall then proceed to act on the bills in the usual manner. The bill provides for Commission comments on plans as they change in the legislative process. It also spells out the standards and process to be followed by the Commission in preparing plans, including limitations on the use of political data and opportunities for public comment on the plans. This bill is identical to SB 926.

Patron - Valentine

HB1780 Elections; filling vacancies in certain local offices; special elections. Provides that vacancies in a governing body or elected school board shall be filled at the next ensuing November or May general election notwithstanding any other statutory or charter provision to the contrary; thus overriding charter provisions that may allow a governing body or school board to appoint a person to serve the entire remaining portion of a term. In the case of a vacancy in a local governing body, the local governing body may request a special election on a date prior to the next general election.

Patron - Athey

HB1793 Redistricting process. Creates a seven-member Citizen Advisory Redistricting Board to prepare and recommend state legislative and congressional redistricting plans for consideration and enactment by the General Assembly. The Chief Justice of the Supreme Court designates a special master who is chair. The Governor appoints four members from recommendations (three each) of the majority and minority leaders in each house. The remaining two Board members are appointed by the Governor after considering recommendations of the state party committee chairs of parties with candidates receiving at least 25 percent of the vote in the last gubernatorial election. This bill adopts apportionment standards of federal and state law (currently, population equality, compactness, and contiguity). This bill is patterned in part after the Vermont redistricting process and adapted for Virginia's election schedule and district structure. The bill provides for continuation of the Joint Reapportionment Committee to facilitate development of proposed plans by the Citizen Advisory Redistricting Board and enactment of plans by the General Assembly under Article II, Section 6, of the Constitution.

Patron - Brink

HB1795 Elections; provisional ballots. Provides that a provisional ballot cast by a voter whose name did not appear in the pollbook for the precinct where he voted on election day may be counted after election day if the voter is entitled by law to vote in that county or city and in one or more of the election districts on the provisional ballot.

Patron - Brink

HB1894 Elections; absentee voting. Provides that qualified voters may vote absentee in person without providing an excuse or reason for not being able to vote in person on election day. The bill retains the present statutory list of specific reasons entitling a voter to cast an absentee ballot for those persons who vote absentee by mail. This bill is identical to SB 810.

Patron - Dance

HB1896 Elections; persons entitled to vote absentee. Adds persons who are disabled and entitled to request assistance in voting and persons who are age 65 and older to the list of persons eligible to vote absentee.

Patron - Watts

HB1978 Registration residence requirements; domicile; presumption. Provides that a person who has established a physical presence and a place of abode in Virginia shall be presumed to have established a domicile at that place of abode. The bill also provides there shall be no presumption regarding whether a person is a resident of Virginia based on the person's actual or perceived status as a student or his occupancy in housing commonly occupied by students and that no factor shall be considered to conclude that a student is not domiciled in Virginia if that factor results from his status as a student. The bill requires the State Board of Elections to promulgate instruc-

tions to ensure the uniform application of these presumptions. This bill was incorporated into HB 1878.

Patron - McClellan

HB1988 Elections; assistance for certain voters; curbside voting; and persons entitled to vote absentee. Removes curbside voting as an option for persons age 65 and older and retains curbside voting for the disabled. The bill provides that all persons age 65 and older are entitled to vote absentee. This bill is identical to SB 1091.

Patron - Miller, P.J.

HB2015 Elections; hours that polls are open for voting. Adds one hour to the time that the polls are open for voting by moving the closing time from 7:00 p.m. to 8:00 p.m. The bill also makes conforming changes to absentee voting laws.

Patron - Ebbin

HB2047 Elections; local electoral boards. Allows the judges who appoint the members of the local electoral board of a county or city with a population of 15,000 or less to appoint a qualified voter of an adjacent county or city who otherwise meets the requirements of the Constitution of Virginia and statutory law.

Patron - Gear

HB2049 Removal of public official; costs. Provides that no person who signs a petition for the removal of an official pursuant to § 24.2-233 or who circulates such a petition (i) shall be liable for any costs associated with removal proceedings conducted pursuant to the petition, including attorney fees incurred by any other party or court costs, or (ii) shall have sanctions imposed against him pursuant to § 8.01-271.1. This bill was incorporated into HB 2465.

Patron - Gear

HB2110 Elections; early voting. Provides that any registered voter qualified to vote in the election may vote in person from 17 to three days before the election at specified times and at the sites provided in the locality. The provisions for absentee voting remain in effect except that the provisions for in-person absentee voting are superseded by the early voting process during the early voting period. The bill takes effect January 1, 2010. This bill is identical to HB 2307.

Patron - Spruill

HB2113 Elections; persons entitled to vote absentee. Adds persons age 65 and older to the list of persons eligible to vote absentee.

Patron - Spruill

HB2219 Qualified voter; definition of "residence." Provides that, for the purpose of determining an applicant's domicile, the general registrar may request information regarding the applicant's intent, conduct, and other attendant circumstances verbally or in writing when the qualification of the applicant is in question or when the applicant provides an address that is not listed as residential by the United States Postal Service and the Virginia Electronic Registration Information System. This bill was incorporated into HB 1878.

Patron - Alexander

HB2221 Federal write-in absentee ballots; witness requirement. Removes the requirement that a federal write-in absentee ballot will only be considered valid for purposes of simultaneously satisfying both an absentee ballot application and a completed absentee ballot for federal offices if the envelope contains the signature of a witness and his printed name and address. The bill provides that the envelope need only con-

tain the signature of the witness in order for the ballot to be considered valid. This bill is identical to HB 1712 and SBs 826, 948, and 993 as introduced. This bill was incorporated into HB 1712.

Patron - Alexander

HB2301 Elections; absentee voting. Provides that qualified voters may vote absentee for any reason. The bill eliminates the present statutory list of specific reasons entitling a voter to cast an absentee ballot. Several special provisions concerning military and overseas absentee voters and disabled voters are consolidated in two new provisions. This bill is identical to HB 1621 and SB 1010 as introduced.

Patron - Caputo

HB2307 Elections; early voting. Provides that any registered voter qualified to vote in the election may vote in person from 17 to three days before the election at specified times and at the sites provided in the locality. The provisions for absentee voting remain in effect except that the provisions for in-person absentee voting are superseded by the early voting process during the early voting period. The bill takes effect January 1, 2010. This bill is identical to HB 2110.

Patron - Melvin

HB2438 Electronic reforms; State Board of Elections. Makes various amendments to Title 24.2 (Elections) that authorize the State Board of Elections to utilize various electronic systems. The bill specifies that the State Board shall (i) accept absentee voter applications and receive changes of a registered voter's name or address electronically; (ii) conduct a pilot program permitting a participating candidate for office, other than a party nominee, to provide electronically some or all of the signatures of qualified voters required to get his name on the ballot; and (iii) provide electronic pollbooks for each precinct or locality that uses them at least five days, rather than 10 days, before an election. The bill also provides that the State Board shall provide only electronic pollbooks, and not written pollbooks, for any election held on or after July 1, 2010, or any subsequent year and makes corresponding amendments that become effective on July 1, 2010. The bill also provides that the State Board of Elections may furnish absentee voter applicant lists to candidates or political party chairmen for use only for campaign and political purposes. Such lists shall not contain any voter's social security number, or part thereof, day and month of birth, or the residence address of a voter who has provided a post office box in lieu of a residence street address. This bill is identical to SB 1320 as introduced.

Patron - Poisson

HB2450 Elections; deadlines for political parties to file candidate and elector names in presidential elections and for the printing of ballots. Repeals a special provision enacted in 2003 that provided additional time for printing presidential ballots if the political party's convention would be held after the 74th day before the election. The effect of the repeal is to retain the requirement that the parties furnish the names of their presidential candidates and electors by noon of the 74th day before the election. The bill also makes clear that the deadlines for having ballots ready for absentee voting is 45 days before the November general election and 30 days before any other general, special, or primary election. It also specifies that only in the case of a special election when the deadline cannot be met is there a provision for having the ballots ready "as soon after the deadline as possible." This bill is identical to SB 1155 as introduced.

Patron - Sickles

HB2466 Removal of public official; costs. Provides that no person who signs a petition for the removal of an offi-

cial pursuant to § 24.2-233 or who circulates such a petition (i) shall be liable for any costs associated with removal proceedings conducted pursuant to the petition, including attorney fees incurred by any other party or court costs, or (ii) shall have sanctions imposed against him pursuant to § 8.01-271.1.

Patron - Morgan

HB2496 Elections; early voting pilot projects. Authorizes the State Board of Elections to establish early voting pilot projects for general elections in 2010 and 2011 in counties or cities choosing to participate. Provides that any registered voter may vote in person from 17 to three days before the election at specified times and at the sites provided in the locality. The provisions for absentee voting remain in effect except that the provisions for in-person absentee voting are superseded by the early voting process during the early voting period.

Patron - Alexander

HB2509 Elections; voter integrity and identification provisions. Requires the following steps to emphasize integrity in the voting process: (i) posting notice in at least two languages at the polls of legally required voting qualifications and penalties for violations; (ii) requiring proof of citizenship with registration applications; and (iii) revising the voter identification requirements for in-person and absentee voting procedures. The act will take effect January 1, 2010.

Patron - Marshall, R.G.

HB2538 Virginia Advisory Redistricting Commission. Creates an advisory commission to draw plans to redistrict General Assembly and congressional districts in the year 2011 and every tenth year thereafter. The General Assembly retains power to adopt, amend, or reject commission plans. The bill spells out the standards to be followed by the commission in drawing plans and provides for the expiration of the commission following implementation of the decennial redistricting plans.

Patron - Plum

HB2543 Campaign fundraising; special sessions. Requires that contributions greater than \$500 received by members of the General Assembly, the Governor, the Lieutenant Governor, and the Attorney General during special sessions of the General Assembly be reported to the State Board or local electoral board within 24 hours. Currently, a total ban on fundraising applies during regular legislative sessions, but not special sessions of the General Assembly. The new reporting requirements are similar to those that apply in the week prior to an election.

Patron - Valentine

HB2614 Elections; absentee ballot requirements. Deletes the requirement that the voter print his full residence address on the envelope in which he seals his voted absentee ballot and replaces it with the requirement that he print the name of the county or city where he is a resident.

Patron - Watts

HB2621 Campaign finance; contribution limits. Imposes limits on contributions to candidates for Governor, Lieutenant Governor, Attorney General, and the General Assembly. The limit on contributions by individuals and other persons to a statewide office candidate is \$5,000 per election cycle and, on contributions by political action committees (PACs), \$10,000. The limit on contributions by individuals and other persons to a General Assembly candidate is \$1,000 per election cycle and, on contributions by PACs, \$2,000. There are no limits on contributions by political party committees or by a candidate to his own campaign. Civil penalties for viola-

tions of the limits may equal up to two times the excess contribution amounts.

Patron - Pollard

HB2648 Elections; methods for counting absentee ballots. Provides that the local electoral board, rather than the general registrar, shall conduct the procedures authorized to expedite the counting of absentee ballots. The bill also requires notice to the political parties or candidates authorized to have representatives present in the polling place so they may have representatives present while the expedited procedures are followed. The bill also places time limits on the use of the expedited procedures.

Patron - Jones

HB2652 Standard of conduct for Governor, Lieutenant Governor, Attorney General, and General Assembly members; prohibitions on gifts; limits on campaign contributions. Prohibits the acceptance of gifts by the Governor, Lieutenant Governor, Attorney General, and General Assembly members with limited exceptions for gifts from relatives and awards from private sector employers. The bill also imposes limits on contributions to candidates for Governor, Lieutenant Governor, Attorney General, and the General Assembly. The limit on contributions by any person or political committee to a statewide office candidate is \$2,500 per election cycle and to a General Assembly candidate is \$1,000 per election cycle. There are no limits on contributions by a candidate to his own campaign. Civil penalties for violations of the limits may equal up to two times the excess contribution amounts.

Patron - Joannou

HB2658 State Board of Elections. Provides that the State Board will accept all electronic campaign finance filings and provide appropriate copies to general registrars and local electoral boards. The bill also provides that civil penalties and fees payable under elections law provisions will be deposited in a special fund and used to defray the State Board's expenses incurred in connection with its regulatory duties. The bill provides for certain new fees to be paid in connection with campaign finance disclosure law filings.

Patron - Brink

SB810 Elections; absentee voting. Provides that qualified voters may vote absentee in person without providing an excuse or reason for not being able to vote in person on election day. The bill retains the present statutory list of specific reasons entitling a voter to cast an absentee ballot for those persons who vote absentee by mail. This bill is identical to HB 1894.

Patron - Howell

SB819 Elections; early voting. Provides that any registered voter qualified to vote in the election may vote in person from 15 to three days before a general, primary, or special election at specified times at the office of the general registrar and at one or more additional sites if the locality so provides. Early voting will take place from the eighth to third day before a special election held on a day other than a regular election day. The bill does not affect absentee voting laws. The bill takes effect January 1, 2010.

Patron - Lucas

SB824 Presidential elections; National Popular Vote Compact. Enters Virginia into an interstate compact known as the Agreement Among the States to Elect the President by National Popular Vote. Article II of the United States Constitution gives the states exclusive and plenary authority to decide the manner of awarding their electoral votes. Under the com-

pact, Virginia agrees to award its electoral votes to the presidential ticket that receives the most popular votes in all 50 states and the District of Columbia. The compact goes into effect when states cumulatively possessing a majority of the electoral votes have joined the compact. A state may withdraw from the compact; however, a withdrawal occurring six months or less before the end of a President's term shall not become effective until a President or a Vice President has qualified to serve the next term.

Patron - Miller, Y.B.

SB826 Federal write-in absentee ballots; witness requirement. Removes the requirement that a federal write-in absentee ballot will only be considered valid for purposes of simultaneously satisfying both an absentee ballot application and a completed absentee ballot for federal offices if the envelope contains the signature of a witness and his printed name and address. The bill provides that the envelope need only contain the signature of the witness in order for the ballot to be considered valid. This bill is identical to SBs 948 and 993 and HBs 712 and 2221. This bill was incorporated into SB 993.

Patron - Cuccinelli

SB829 Registered voters; students. Provides that a person attending an accredited public or private institution of higher education physically located in the Commonwealth may choose to be registered to vote either at his address while attending the institution or an address where he is otherwise domiciled.

Patron - Smith

SB842 Campaign finance; prohibited contributions from foreign nationals. Makes it unlawful for a foreign national to make contributions or expenditures in connection with a state or local election and for any person, candidate, campaign committee, or political committee to accept a contribution from a foreign national. Violators are subject to civil penalties. Foreign national has the same meaning prescribed in 2 U.S.C. § 441e, the federal law prohibiting such contributions.

Patron - Cuccinelli

SB867 Elections; prohibited activities at the polls. Creates an exception to the prohibition on campaign activities within 40 feet of the polling place or within the polling place for the wearing by voters of buttons, stickers, or items of apparel that contain a candidate's name or a political slogan. This bill is identical to HB 1610.

Patron - Edwards

SB876 Elections; voter identification provisions. Revises in-person and absentee voting procedures to eliminate the affidavit as an alternative to providing proof of identification. Provides that a voter who does not present identification will be offered a provisional ballot. This bill was incorporated into SB 963.

Patron - Martin

SB926 Bipartisan Redistricting Commission created. Establishes a seven-member temporary commission to prepare redistricting plans in 2011 and each tenth year thereafter for the House of Delegates, state Senate, and congressional districts. Appointments to the Commission shall be made one each by the four majority and minority party leaders of the House and Senate and by the state chairmen of the two major political parties. Those six appointees shall appoint the seventh member and chairman for the Commission. If they cannot agree, they shall submit the names of the two persons receiving the most votes to the Supreme Court for the Court to select the chairman. The Commission will prepare plans and submit them as bills to the General Assembly. The General Assembly shall

then proceed to act on the bills in the usual manner. The bill provides for Commission comments on plans as they change in the legislative process. It also spells out the standards and process to be followed by the Commission in preparing plans, including limitations on the use of political data and opportunities for public comment on the plans. This bill is identical to HB 1685.

Patron - Deeds

FSB948 Federal write-in absentee ballots; witness requirement. Removes the requirement that a federal write-in absentee ballot will only be considered valid for purposes of simultaneously satisfying both an absentee ballot application and a completed absentee ballot for federal offices if the envelope contains the signature of a witness and his printed name and address. The bill provides that the envelope need only contain the signature of the witness in order for the ballot to be considered valid. This bill is identical to SBs 826 and 993 and HBs 1712 and 2221. This bill was incorporated into SB 993.

Patron - Howell

FSB963 Elections; voter identification requirements; absentee voting eligibility and procedures. Revises the list of items that a voter may show to prove identification at the polls. The bill adds to the list several items now allowed to prove the identity of first-time voters for federal elections: a copy of a current utility bill, bank statement, government check, or paycheck that shows the name and address of the voter. The bill deletes the provision that allows a voter to sign a sworn statement that he is the named registered voter he claims to be in lieu of showing identification and provides instead for the voter to vote a provisional ballot if he cannot provide a required form of identification. This bill incorporates SB 876.

Patron - Obenshain

FSB1010 Elections; absentee voting. Provides that persons age 65 and older will be entitled to vote absentee.

Patron - Miller, J.C.

FSB1038 Qualified voter; definition of "residence." Provides that, for the purpose of determining an applicant's domicile, the general registrar may request information regarding the applicant's intent, conduct, and other attendant circumstances verbally or in writing when the qualification of the applicant is in question or when the applicant provides an address that is not typically a permanent residence address or is not listed as a permanent residence by the United States Census Bureau, the United States Postal Service, or the Virginia Electronic Registration Information System. An applicant shall be presumed to be a resident of the state where he files as a resident for state income tax purposes or has claimed a homestead exemption for property tax purposes. This presumption is rebuttable. This bill was incorporated into SB 1188.

Patron - Hanger

FSB1091 Elections; assistance for certain voters; curbside voting; and persons entitled to vote absentee. Removes curbside voting as an option for persons age 65 and older and retains curbside voting for the disabled. The bill provides that all persons age 65 and older are entitled to vote absentee. This bill is identical to HB 1988.

Patron - Miller, J.C.

FSB1102 Campaign finance disclosure; where and how to file candidate reports. Requires candidates, beginning January 1, 2010, for local or constitutional offices in counties and cities with a population greater than 100,000 to file campaign finance disclosure reports electronically with the State Board of Elections. Present law gives local candidates the option to file electronically with the State Board. The bill

applies to the Counties of Fairfax, Prince William, Henrico, Chesterfield, Arlington, and Loudoun and the Cities of Virginia Beach, Norfolk, Chesapeake, Richmond, Newport News, Hampton, Alexandria, and Portsmouth.

Patron - Herring

FSB1103 Campaign finance disclosure; where and how to file candidate reports. Requires candidates for the General Assembly to file campaign finance disclosure reports electronically with the State Board of Elections beginning January 1, 2010. Present law gives General Assembly candidates the option to file electronically with the State Board or to file nonelectronic reports with the State Board and their localities.

Patron - Herring

FSB1192 Voter registration drives; payment or receipt of compensation; penalty. Provides that voter registration drives, defined as a coordinated effort by two or more individuals to provide assistance to 100 or more members of the general public in completing and submitting voter applications, must register with the State Board of Elections and fulfill the training requirements established by the State Board. The State Board shall maintain a list of all voter registration drives that have been registered and shall post this list on its website. The bill also provides that a person assisting an applicant with the completion and return of a voter registration application shall not disclose or copy the day and month of the applicant's birth, except as authorized by law. The bill also makes it a Class 1 misdemeanor to influence a person to register to vote by bribery or force and makes it a Class 1 misdemeanor to pay or receive compensation on a fee per signature basis or on a basis related to the number of signatures obtained for circulating election-related petitions or completing and submitting voter registration applications.

Patron - Puckett

FSB1230 Elections; emergencies; extension of polling hours. Provides for a court-ordered extension of polling hours in emergency situations and situations that interfere with the ability of voters to travel to the polls. The bill provides that no extension shall exceed three hours and provides for notice by any petitioner for an extension to the other potential petitioners. The potential petitioners are the Secretary of the State Board of Elections and the state chairs of the political parties.

Patron - Barker

FSB1320 Electronic reforms; State Board of Elections. Makes various amendments to Title 24.2 (Elections) that authorize the State Board of Elections to utilize various electronic systems. The bill specifies that the State Board shall (i) accept absentee voter applications and receive changes of a registered voter's name or address electronically; and (ii) conduct a pilot program permitting a participating candidate for office, other than a party nominee, to provide electronically some or all of the signatures of qualified voters required to get his name on the ballot. The bill also provides that the State Board shall provide only electronic pollbooks, and not written pollbooks, for any election held on or after July 1, 2010, or any subsequent year and makes corresponding amendments that become effective on July 1, 2010. The bill also provides that the State Board of Elections may furnish absentee voter applicant lists to candidates or political party chairmen for use only for campaign and political purposes. Such lists shall not contain any voter's social security number, or part thereof, day and month of birth, or the residence address of a voter who has provided a post office box in lieu of a residence street address.

Patron - Northam

FSB1393 Removal of public official; costs. Provides that no person who signs a petition for the removal of an offi-

cial pursuant to § 24.2-233 or who circulates such a petition (i) shall be liable for any costs associated with removal proceedings conducted pursuant to the petition, including attorney fees incurred by any other party or court costs, or (ii) shall have sanctions imposed against him pursuant to § 8.01-271.1. The court may assess such costs or impose such sanctions if it finds by clear and convincing evidence that the petitioner acted maliciously.

Patron - Norment

FSB1520 Elections; appointment and compensation for general registrars. Provides that general registrars shall serve on a full-time basis five days a week. The act is to take effect only if the 2009 general appropriation act contains an appropriation to effectuate the purposes of the act.

Patron - Reynolds

Fiduciaries Generally

Passed

FSB855 Uniform Power of Attorney Act (UPOAA). Establishes in the Code of Virginia the Uniform Act that was adopted by the National Conference of Commissioners on Uniform State Laws in 2006. The Act consists of default rules that can be modified if the principal desires. Powers of attorney will be durable unless drafted to expire upon a specified date or event. The UPOAA addresses creation and use, good faith reliance, limitations of agent's powers, refusal to recognize, judicial review, notification of resignation, and other matters. The Act contains an optional statutory form. The bill contains a reenactment clause.

Patron - Edwards

Fisheries and Habitat of the Tidal Waters

Passed

PHB1623 Marine tourism activity liability. Relieves commercial fishermen that engage in marine tourism activities from liability of the inherent risks of such activity when providing the appropriate warnings to members of the public. The inherent risks include hazards such as surface and subsurface conditions; natural conditions of water; natural behaviors and dangers of varied marine products; and ordinary dangers of boats, structures, or equipment ordinarily used in commercial fishing operations.

Patron - Lewis

PHB1719 Fees for hunting and fishing licenses. Clarifies the current authority of the Virginia Marine Resources Commission and the Board of the Department of Game and Inland Fisheries to increase certain fees for hunting, fishing, and trapping licenses. Beginning in 2004, each was given the authority to revise certain fees, through regulation, no more frequently than once every three years and by no more than \$5 for each adjustment. This legislation clarifies the current cost of licenses by noting that the fees may have changed in the sections where the General Assembly had previously provided the actual cost of a license.

Patron - Cox

PHB2213 Easement in Baylor Grounds. Removes the Marine Resources authority to grant a 100 foot wide easement to Virginia Natural Gas across a portion of Baylor Survey Ground No. 3, for a natural gas pipeline.

Patron - Jones

PHB2223 Recreational saltwater licenses. Authorizes the Marine Resources Commission to charge nonresidents a higher fee to purchase various saltwater recreational fishing licenses than the amount paid by residents. The fee charged to nonresidents would be no greater than twice the Virginia resident fee. The bill also authorizes the Commission to prohibit the sale of a private boat recreational fishing license to a non-resident whose boat is not registered in Virginia.

Patron - Lewis

PHB2248 Marine Resources Commission location. Removes the requirement that the Commissioner of the Marine Resources Commission establish and equip a permanent office in the City of Newport News and more broadly requires that the office is located on the Virginia Peninsula.

Patron - Barlow

PHB2256 Fixed fishing devices. Requires the Marine Resources Commission to adopt regulations that set the distance between any net and the side or end of any fixed fishing device. Currently, the distance is established by statute.

Patron - Pollard

PHB2507 Refunds for saltwater fishing licenses. Requires the Marine Resources Commission to refund fees for saltwater fishing licenses on a prorated basis if the Commission stops selling the license due to fishery management purposes.

Patron - Pollard

PHB2586 Standards for use of coastal primary sand dunes; exemption. Authorizes the Virginia Beach Wetlands Board to determine which structures or properties are in imminent danger from erosion or storm damage. If such structures or properties are found to be in imminent danger, the property owners will be able to erect or maintain protective bulkheads of a type, size and configuration approved by the Board.

Patron - Knight

PSB1111 Crab season in specific area. Authorizes the Marine Resources Commission to establish periods of time when crabs may be caught for resale in a specific location in the Chesapeake Bay. Currently it is unlawful to take or catch crabs for resale in this area from June 1 through September 15.

Patron - Northam

PSB1350 Marine Resources Commission; offshore renewable resources. Provides the Marine Resources Commission with the authority to lease subaqueous lands for the purpose of generating electrical energy from wave or tidal action, currents, offshore winds, or thermal or salinity gradients and transmit energy from such sources to shore and requires that any leases require a royalty. All royalties collected will be appropriated to the Virginia Coastal Energy Research Consortium. The Marine Resources Commission is also directed to (i) identify 100 acres suitable for use by the Virginia Coastal Energy Research Consortium as a research site, and (ii) determine whether sufficient and appropriate subaqueous lands exist to support a commercial offshore wind farm and, if such land exists, offer it for development in a lease auction.

Patron - Wagner

PSB1479 Conveyance; Virginia Marine Resources Commission. Authorizes the Virginia Marine Resources Commission to grant easements and rights-of-way across the beds of the Elizabeth River to the Department of Transportation for the improvement of the Midtown Tunnel. The conveyance includes a portion of the Baylor Survey.

Patron - Miller, Y.B.

Failed

EHB1855 Conveyance of subaqueous lands. Asserts that the conveyance of certain property now located in the City of Alexandria, Virginia, by Thomas Lord Fairfax, Baron of Cameron, on April 15, 1765, to John West, Jr., shall be deemed a valid and proper conveyance by the Commonwealth of any rights, title, and interest as the Commonwealth may have had in such property.

Patron - Shannon

EHB2412 Conveyance of subaqueous lands. Authorizes the Marine Resources Commission to sell and convey certain parcels of subaqueous land to the City of Virginia Beach on behalf of the Commonwealth pursuant to § 28.2-1200.1 of the Code of Virginia.

Patron - Bouchard

FSB1086 Nonresident harvester's license. Increases the fee for nonresident commercial harvester's licenses required by the Marine Resources Commission (MRC) for those fishing in tidal waters and by the Department of Game and Inland Fisheries for those fishing in Back Bay to \$850. The formula for allocating the proceeds of the license sales by MRC between funds is changed from the current procedure.

Patron - Miller, J.C.

FSB1087 Marine Resources Commission. Increases the membership of the Marine Resources Commission from nine to eleven members and requires that three of the members shall have, at the time of their appointment, earned their livelihood as a commercial fisherman on Virginia's waters for at least five years. An effort shall be made to include representation of diverse fisheries by the appointments of commercial fishermen to the Commission.

Patron - Miller, J.C.

Game, Inland Fisheries and Boating

Passed

PHB1609 Foxhound training preserve; nonresident license. Establishes a license for nonresidents to hunt in foxhound training preserves for \$12. The new provision parallels the existing license requirement for nonresidents to hunt in shooting preserves.

Patron - Wright

PHB1618 Special hunting permit. Allows the Director of the Department of Game and Inland Fisheries to permit any organized group of patients residing in or receiving outpatient treatment from a veterans or military hospital to hunt without having to obtain a license on any lands of the Commonwealth where it is otherwise legal to do so. Currently, the Director may only issue a special permit to allow such a group of persons to

fish without a license in the public waters of the Commonwealth. This bill incorporates HB 1666.

Patron - Merricks

PHB1716 Impeding killing of bear or deer. Makes it a Class 3 misdemeanor to willfully and intentionally impede someone who has obtained a kill permit from killing a bear or deer that is damaging the owner's property. The language is similar to the current language used to prohibit the harassment of hunters and trappers.

Patron - Cox

PHB1847 Wearing blaze orange. Exempts persons from wearing blaze orange clothing when hunting doves.

Patron - Lingamfelter

PHB1901 Property conveyance. Authorizes the Board of Game and Inland Fisheries to convey approximately seven acres within the Cavalier Wildlife Management Area to Beaverdam Properties.

Patron - Knight

PHB2281 Wildlife Violator Compact. Authorizes the Board of Game and Inland Fisheries to enter the interstate Wildlife Violator Compact and to adopt regulations necessary to implement the Compact. The bill also sets out the Wildlife Violator Compact in Title 29.1, Game, Inland Fisheries and Boating, of the Code of Virginia.

Patron - Bowling

PHB2636 Special hunting and fishing license for youth groups. Authorizes the issuance of a special group hunting and fishing license to a nonprofit wildlife education organization that takes youth on hunting and fishing excursions as part of its effort to educate young people on Virginia's wildlife. The permit would cost \$25 and be valid for 48 hours. This permit would be in lieu of the youth having to purchase basic hunting and fishing licenses and the big game, archery, and muzzleloader licenses.

Patron - Cline

PSB1515 Kill permit for wildlife. Authorizes the issuance of a kill permit to shoot any wildlife to an airport operator, if the Director of the Department of Game and Inland Fisheries finds wildlife is creating a hazard. Currently, the operator of an airport can be issued such a permit to kill only deer under this standard.

Patron - Stolle

Failed

PHB1666 Special hunting permit. Allows the Director of the Department of Game and Inland Fisheries to permit any organized group of patients residing in or receiving outpatient treatment from a veterans or military hospital to hunt without having to obtain a license on any lands of the Commonwealth where it is otherwise legal to do so. Currently, the Director may only issue a special permit to allow such a group of persons to fish without a license in the public waters of the Commonwealth. This bill is incorporated into HB 1618.

Patron - Cole

PHB1950 Free hunting license. Authorizes the Department of Game and Inland Fisheries to issue a state resident basic hunting license at no cost to residents who are on active military service.

Patron - Shuler

HB2102 Department of Game and Inland Fisheries; Pittsylvania County. Requires the Board of the Department of Game and Inland Fisheries to adopt regulations to ensure that deer hunting seasons that apply to Pittsylvania County do so uniformly to the county as a whole and not in part.

Patron - Merricks

HB2190 Special lifetime archery and muzzleloading license. Establishes a special lifetime license for disabled residents who want to hunt during special archery and special muzzleloading seasons. The cost of the license is \$10.

Patron - Phillips

HB2242 Accident reports by watercraft passengers. Provides that in any case in which the operator of a vessel fails to give the notice or make the report of an accident as required by § 29.1-739, every person 16 years of age or older in the vessel with the operator at the time of any accident in which a person is injured or killed, who has knowledge of the accident, shall have a duty to ensure that a report is made within 24 hours from the time of the accident to a law-enforcement officer of the Commonwealth, conservation police officer, or Marine Resources Commission inspector. Any person who has such a duty and fails to file the report as required herein is guilty of a Class 1 misdemeanor.

Patron - Barlow

HB2282 Hunting deer with rifles. Allows .223 and .22-250 caliber rifles to be used for hunting deer.

Patron - Bowling

HB2484 Duty of care. Expands to owners of privately owned airports, heliports, and landing areas that would be used to operate aircraft or ultralight vehicles an exemption from the duty of care provision if the landowner does not charge a fee to use his property. Under the bill owners of such airports, flying fields, or heliports would not assume responsibility for or incur liability for certain negligent acts.

Patron - Hargrove

SB820 Local motorboat registration fee. Authorizes a county, city, or town to impose a local motorboat registration fee on motorboats subject to the locality's tangible personal property tax. Each registration would be for a period of 36 months. For purposes of the fee, the bill also would create separate classifications for motorboats weighing less than five tons and motorboats weighing five tons or more.

Patron - Locke

SB880 Department of Game and Inland Fisheries; disclosure of official records; exceptions. Provides that records of the Department shall be subject to the disclosure provisions of the Freedom of Information Act, except that personal information, as defined in § 2.2-3801, of individual applicants for or holders of any hunting, fishing, boating, or trapping license issued by an agent of the Department shall be withheld from public disclosure, provided that such individuals have requested that the Department not disclose such information. However, statistical summaries, abstracts, or other records containing information in an aggregate form that does not identify individual applicants or licensees shall be disclosed. The bill provides, however, that such information may be released (i) in accordance with a proper judicial order, (ii) to any law-enforcement agency, officer, or authorized agent thereof acting in the performance of official law-enforcement duties, or (iii) to any person who is the subject of the record.

Patron - Stuart

General Assembly

Passed

HB1720 Virginia War of 1812 Bicentennial Commission. Amends the second enactments of Chapter 409 and Chapter 740 of the Acts of Assembly of 2008 to extend the time that the Commission may be funded upon the approval of the Joint Rules Committee, and provides that if the Commission is not funded by a separate appropriation in the appropriation act for the 2012-2014 biennium, the Commission will sunset on July 1 of the fiscal year that it does not receive funding. This bill is a recommendation of the Virginia War of 1812 Bicentennial Commission.

Patron - Cox

HB1893 Brown v. Board of Education Scholarship Program. Provides that scholarships awarded through the Brown v. Board of Education Scholarship Program may be used to cover the costs of required academic fees, in addition to tuition and textbooks already provided by state law, and graduate study at the masters and doctoral levels, as determined by the Awards Committee. This bill also clarifies the Awards Committee's authority to establish policies, standards, and rules to govern the Program, thereby strengthening its accountability for and authority to administer and oversee the Program. This bill is a recommendation of the Brown v. Board of Education Scholarship Awards Committee.

Patron - Dance

SB980 Manufacturing Development Commission; sunset date. Repeals the July 1, 2009, sunset date for the Manufacturing Development Commission. The bill would not affect a provision in the legislation that created the Commission that provides that the Commission will expire on July 1 of any fiscal year for which the Commission has not been funded through a separate appropriation in the Appropriation Act.

Patron - Wagner

SB981 Manufacturing Development Commission. Increases the size of the Commission to 14 members by adding a representative of Norfolk State University or Virginia State University as a member of the Commission.

Patron - Wagner

SB1060 Joint Commission on Health Care. Extends the expiration of the Joint Commission on Health Care until July 1, 2012.

Patron - Puller

SB1453 Commission on Civics Education. Moves the Commission on Civics Education to the legislative branch and gives the Commission fund-raising authority. Also provides for the appointment of eight nonlegislative citizen members by the Joint Rules Committee.

Patron - Petersen

Failed

HB1635 General Assembly Conflicts of Interests Act; special reports for gifts made to legislators during a session. Prohibits any member of the General Assembly from receiving a gift as defined in § 30-111 during a regular, special, or reconvened session. This bill also has an emergency clause.

Patron - Saxman

HB1641 Efficiency in Government Advisory Councils. Establishes an Efficiency in Government Advisory Council for each secretariat of state government to review the operations of the agencies within the assigned secretariat for the purposes of identifying efficiencies and determining specific operational areas where savings may be realized. Under the bill, all recommendations that result in identifiable monetary savings among agencies within the assigned secretariat shall be presented to the Governor and General Assembly no later than November 30 of each year. Savings resulting from implementation of the recommendations will accrue to the general fund. This bill was incorporated into HB 2463.

Patron - Marshall, R.G.

HB1730 Tax legislation; sunset date. Requires a sunset date of no more than four years on all bills that add or increase a state or local tax, prior to reporting of the bill by a committee of the General Assembly. However, after passage, such bills will not expire on the sunset date if at that time the tax is dedicated to pay outstanding bonds. Rather such bills will expire the date they are no longer dedicated to outstanding bonds.

Patron - Cole

HB1738 Conflicts of interests; "revolving door" prohibitions. Expands the period during which a former legislator or certain former state and local government officers and employees may not lobby from one to two years. The bill also expands coverage for former General Assembly members to include state executive branch and local government agencies as well as legislative branch agencies and for former state and local government officers and employees to include state executive and legislative branch agencies and local government agencies. These prohibitions apply only to persons who engage in activities that require registration as a lobbyist.

Patron - Purkey

HB1848 Performance audit of transportation. Provides for the Auditor of Public Accounts to administer an operational and programmatic performance audit focusing on the agencies within the Transportation Secretariat. The audit will be conducted by a private management consulting firm with a final report to be completed by December 31, 2009. The goal of the audit is to determine an objective and independent cost savings assessment of the Commonwealth's organizational structure and efficiency of the Commonwealth's transportation programs to provide information to the Governor and the General Assembly on ways to reduce duplication of effort and implement cost savings measures and programmatic efficiencies in the operation of state transportation programs. Any monetary savings realized from implementation of recommendations of the performance audit will be applied to the Highway Maintenance and Operating Fund. The costs of conducting the audit will be paid from existing appropriations to agencies within the Transportation Secretariat and are not to exceed \$4 million.

Patron - Lingamfelter

HB1922 Commission on Civics Education. Moves the Commission on Civics Education from the executive to the legislative branch. Also, allows the Commission to seek other public and private sources of funding.

Patron - Tata

HB1952 Joint Commission on Health Care. Extends the Joint Commission on Health Care until July 1, 2012.

Patron - O'Bannon

HB2207 Virginia Budget Office. Establishes the Virginia Budget Office in the legislative branch of state government. The Office will have the power and duty to (i) prepare fiscal impact statements on legislation, (ii) investigate the operating efficiencies of state agencies, (iii) explore opportunities to privatize, outsource, consolidate, and reorganize various governmental functions to operate more efficiently, (iv) examine policies and strategies that can be instituted to streamline government programs, (v) undertake any research and analysis that would provide credible, lower cost alternatives to existing or proposed budget programs, (vi) provide revenue and growth forecasts to the House Appropriations Committee, the Senate Finance Committee and the General Assembly, and (vii) analyze policy proposals offered in other states or elsewhere that have been offered or implemented.

Patron - Frederick

HB2463 Government Efficiency Review Commission. Establishes the Government Efficiency Review Commission to review agencies on an eight-year cycle and advise the General Assembly on the elimination of waste, duplication, and inefficiency on the part of such agencies. The bill also repeals the Legislative Program Review and Evaluation Act (§ 30-64 et seq.) and makes some technical amendments. This bill incorporates HBs 1641 and 2617.

Patron - O'Bannon

HHR42 House of Delegates. Amends Rule 18(a) and Rule 18(c) of the Rules of the House of Delegates relating to discussion and public comment on bills in committees and subcommittees.

Patron - Marsden

HHR43 House of Delegates. Amends Rule 18(a) and Rule 18(c) of the Rules of the House of Delegates relating to public comment on bills in committees and subcommittees.

Patron - Marsden

SB934 General Assembly; consideration of certain documents related to the Budget. Provides that no legislative action may be taken on (i) committee amendments to the budget, (ii) any conference committee report on the budget, and (iii) any Governor's recommendations on the budget until each has been posted on the General Assembly's website for at least 72 hours. Under the bill each house may vote by two-thirds majority to override the posting requirement.

Patron - Smith

SB1272 Tax and fee legislation; sunset dates. Requires a sunset date on all bills that add new taxes or fees or increase the rate of existing taxes or fees. The sunset dates would be required for both state and local tax or fee bills.

Patron - Vogel

SB1364 Commission on Civics Education. Moves the Commission on Civics Education from the executive to the legislative branch. Also, allows the Commission to seek other public and private sources of funding.

Patron - Reynolds

SB1401 General Assembly; Budget Bill(s). Requires the Chairman of the House Appropriations Committee and the Chairman of the Senate Finance Committee to issue reports concurrently with the budget conference report that specifically identify (i) any nonstate appropriation, (ii) any item in the conference report that was not included in the Budget Bill(s) as passed by either the House or the Senate, and (iii) any item that

represents a piece of legislation that failed during that session in either house.

Patron - Norment

FSB1403 General Assembly; compensation during regular session extension. Specifies that members of the General Assembly receive neither per diem allowance nor mileage reimbursement if the session is extended past the date scheduled for adjournment sine die.

Patron - Norment

FSB1425 Conflict of interests; establishment of disclosure database. Provides that the information contained in the disclosure of personal interests statements filed by the Governor, the Lieutenant Governor, the Attorney General, the Governor's Secretaries, and members and members-elect of the General Assembly and candidates for such offices be entered into a searchable electronic database that is available to the public through the Internet. The Clerk of the Senate and the Clerk of the House are responsible for establishing and maintaining the database for the members and members-elect of the appropriate house and the Secretary of the Commonwealth is responsible for establishing and maintaining the database for the other officials.

Patron - Deeds

FSJ296 Establishing a joint committee on revenue estimates. Establishes a joint committee in the legislative branch to oversee preparation of revenue estimates for the General Assembly.

Patron - McDougle

General Provisions of Virginia Code

Passed

PHB2278 Official emblems and designations; Coal Miners' Memorial. Designates the Richlands Coal Miners' Memorial located in Tazewell County as the official Coal Miners' Memorial of the Commonwealth.

Patron - Bowling

PHB2671 Official designations; Cabin Capital of Virginia. Designates Page County as the Cabin Capital of Virginia.

Patron - Gilbert

Failed

PHB1916 State song. Designates "Ol' Virginia," by Daniel K. Lawson, as the official state song.

Patron - Crockett-Stark

PHB2134 Official emblems and designations; state song. Designates "Virginia, Birth Place of Our Nation," written by Lorraine Neill and Lynn Czarny, as the state song.

Patron - Miller, J.H.

PHB2284 State song. Designates "Cradle of Liberty," by Thomas L. DeBusk, as the official state song.

Patron - Bowling

PHB2554 Official emblems and designations; state song. Designates "The Banner Yet Wave" written by Frank Pugh as the State Song.

Patron - Crockett-Stark

PHB1310 Altavista Armory. Authorizes the Governor to convey the Altavista Armory within Campbell County and the Town of Altavista to the Town of Altavista.

Patron - Hurt

PHB1504 Official emblems and designations; state reptile. Designates the Eastern Box Turtle as the state reptile.

Patron - Petersen

Health

Passed

PHB1598 Certificate of public need; criteria for determining need and method of filing. Replaces existing criteria for determining need for the purposes of a Certificate of Public Need; establishes an expedited application and review process for certificates for projects involving a capital expenditure of \$15 million or more that are not otherwise defined as reviewable in the definition of "project"; and establishes a Request for Applications procedure for psychiatric and substance abuse treatment beds and services. This bill establishes a review process in cases in which no regional health planning agency is designated. This bill also provides that in cases in which a provision of the State Medical Facilities Plan has been previously set aside by the Commissioner and final amendments to the plan have not yet taken effect, the Commissioner's decision shall be consistent with the guiding principals set forth in the plan; establishes a process for satisfying conditions on a certificate by making direct payments to an organization authorized under a memorandum of understanding with the Department of Health to receive contributions to satisfy conditions on a certificate, or to a private nonprofit foundation authorized under a memorandum of understanding with the Department of Health that funds basic insurance coverage for indigents; requires that any medical care facility that furnishes, conducts, operates, or offers any service which requires a certificate of public need to report data on utilization of certain services; and replaces the term "gamma knife surgery" with the term stereotactic radiosurgery, and adds stereotactic radiotherapy and proton beam therapy to radiation therapy in the list of specialized services provided by medical care facilities subject to COPN. This bill incorporates HB 1981 and HB 2451.

Patron - Hamilton

PHB1605 Certificate of public need; authorization of certain amendment. Authorizes the Commissioner of Health to accept and approve a request to amend the conditions of a certificate of need issued for an increase in beds in which nursing facility or extended care services are provided to allow such facility to continue to admit persons, other than residents of the cooperative units, to its nursing facility beds through June 30, 2012 when such facility (i) is operated by an association described in § 55-458; (ii) was created in connection with a real estate cooperative; (iii) offers its residents a level of nursing services consistent with the definition of continuing care in Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2; and (iv) was issued a certificate of need prior to October 3, 1995.

Patron - Purkey

HB1681 Construction of wells. Requires a site plan, but not a survey plat, to be included in an application for a permit to construct a private well. Also clarifies that it is the landowner's responsibility to ensure that the well is located on his property.

Patron - Lewis

HB1768 Certificate of public need; Department of Corrections exempt. Exempts facilities of the Department of Corrections from the definition of "medical care facility" for purposes of the certificate of public need process.

Patron - Dance

HB2141 Infectious disease; deemed consent for testing. Requires that if any salaried or volunteer firefighter, paramedic, or emergency medical technician becomes exposed to another's body fluids in a manner that may transmit HIV or hepatitis, the other person will be deemed to have consented to testing for those viruses. The bill also removes the duty of a law-enforcement officer to inform a person of his deemed consent prior to exposure to his body fluids.

Patron - Miller, J.H.

HB2148 Onsite treatment works designs. Provides that designs for treatment works submitted to the Department of Health by professional engineers shall be appropriate for the particular soil characteristics of the site.

Patron - Nutter

HB2188 Onsite treatment works. Provides that the Board of Health shall establish procedures for requiring a survey plat with any application for a permit or letter for an onsite sewage or alternative discharging sewage system, and procedures for waiving such requirement.

Patron - Phillips

HB2200 Breast and Cervical Cancer Prevention and Treatment Fund; established. Establishes the Breast and Cervical Cancer Prevention and Treatment Fund (the Fund) to be used for the prevention and treatment of breast and cervical cancer for underserved and uninsured women in Virginia. The bill adds the Fund as a voluntary contribution on the individual income tax return. The bill specifies that moneys in the Fund shall not be used until such time as the General Assembly authorizes the Virginia Department of Health and the Virginia Department of Medical Assistance Services to increase access to services consistent with "Option 3" of the National Breast and Cervical Cancer Early Detection Program. This bill is identical to SB 1144.

Patron - Vanderhuy

HB2270 Private residential wells; minimum storage capacity and yield requirements. Requires the Board of Health to include in its regulations minimum storage capacity and yield requirements for residential drinking wells, and requires that the certified water well systems provider shall certify the storage capacity and yield of the well on a form provided by the Department of Health at the time the well is completed.

Patron - Poindexter

HB2447 Influenza; vaccination of minors. Requires the Board of Health, by August 31, 2009, to develop and issue guidelines for administration of influenza vaccine to minors by licensed pharmacists, registered nurses, or licensed practical nurses, with the consent of the minor's parent, guardian, or person standing in loco parentis and when consistent with guidelines developed by the Centers for Disease Control and Prevention. This bill also provides that a prescriber may autho-

alize the administration of influenza vaccine to minors by a licensed pharmacist, registered nurse, or licensed practical nurse under the direction and immediate supervision of a registered nurse when the prescriber is not physically present.

Patron - Sickles

HB2449 Exposure to communicable diseases; first responders. Requires that if any salaried or volunteer firefighter, paramedic, or emergency medical technician becomes exposed to another's body fluids in a manner that may transmit HIV or hepatitis, the other person will be deemed to have consented to testing for those viruses. This bill removes the duty of a law-enforcement officer to inform a person of his deemed consent prior to exposure to his bodily fluids. Also, when a first responder is asked to transport someone with a communicable disease, this bill removes the transferring facility's discretion in deciding if the responder must be notified as to the general condition of the patient and any precautions to be taken, and instead always requires such notice. This bill is identical to SB 1107.

Patron - Sickles

HB2456 Virginia Tobacco Settlement Foundation; name change. Changes the name of the Virginia Tobacco Settlement Foundation to the Virginia Foundation for Healthy Youth and allows for moneys from the Virginia Tobacco Settlement Fund that are obtained primarily from public grants and private funding sources to be used to reduce childhood obesity in the Commonwealth. This bill is identical to SB 1112.

Patron - O'Bannon

HB2458 Posting of charity care policies. Requires all hospitals to provide written information about the hospital's charity care policies, including policies related to free and discounted care, in public areas of the hospital including admissions or registration areas, emergency departments, and associated waiting rooms. The bill further provides that information about eligibility criteria and procedures for applying for charity care shall be provided to patients at the time of admission or discharge, at the time services are provided, with any billing statements, and on any website maintained by the hospital.

Patron - O'Bannon

HB2462 Patient level data system; reporting requirement. Adds patient street address and city or county to and removes patient relationship to insured from the list of information that must be reported by hospitals, facilities, physicians, and oral and maxillofacial surgeons.

Patron - O'Bannon

HB2551 Onsite treatment works; designs by engineers. Provides that onsite treatment works designs submitted by professional engineers to the Department of Health shall ensure that the treatment works will meet or exceed the discharge, effluent, and surface and ground water quality standards for systems otherwise permitted pursuant to regulations and policies of the Department of Health. This bill is identical to SB 1468.

Patron - Orrock

HB2674 Plan to eliminate the Mental Retardation and IFDDS waiver waiting lists. Requires the Governor and the General Assembly to develop and implement a plan to provide funding to the Department of Medical Assistance Services to eliminate waiting lists for the Mental Retardation Waiver and the Individual and Family Developmental Disabilities Support Waiver. This bill is identical to SB 1501.

Patron - Cox

SB927 Death certificates; disclosure to grandchildren and great-grandchildren. Requires the State Registrar or the city or county registrar to issue a certified copy of a death certificate to the grandchild or great-grandchild of a decedent in accordance with procedures prescribed by the Board of Health in regulation.

Patron - Cuccinelli

SB949 Organ donation; Virginia Donor Registry and Public Awareness Fund. Changes the name of the Virginia Transplant Council Education Fund to the Virginia Donor Registry and Public Awareness Fund, and requires the Department of Motor Vehicles to establish a procedure for driver's license applicants to voluntarily contribute to the Fund. Also makes technical corrections to make certain sections consistent with the Revised Uniform Anatomical Gift Act.

Patron - Howell

SB1107 Exposure to communicable diseases; first responders. Requires that if any salaried or volunteer firefighter, paramedic, or emergency medical technician becomes exposed to another's body fluids in a manner that may transmit HIV or hepatitis, the other person will be deemed to have consented to testing for those viruses. This bill removes the duty of a law-enforcement officer to inform a person of his deemed consent prior to exposure to his bodily fluids. Also, when a first responder is asked to transport someone with a communicable disease, this bill removes the transferring facility's discretion in deciding if the responder must be notified as to the general condition of the patient and any precautions to be taken, and instead always requires such notice. This bill incorporates SB 1034 and SB 1152. This bill is identical to HB 2449.

Patron - Northam

SB1112 Virginia Tobacco Settlement Foundation; name change. Changes the name of the Virginia Tobacco Settlement Foundation to the Virginia Foundation for Healthy Youth and allows for moneys from the Virginia Tobacco Settlement Fund that are obtained primarily from public grants and private funding sources to be used to reduce childhood obesity in the Commonwealth. This bill is identical to HB 2456.

Patron - Northam

SB1128 Construction of wells; geothermal heating systems. Requires the Board of Health to develop regulations for the issuance of an express geothermal permit allowing the construction of wells used solely for closed loop geothermal heating systems. Such regulations shall include a provision that a single application and a single fee shall be required for any geothermal well system, and that the fee shall be equal to the fee for a single private well.

Patron - Petersen

SB1144 Breast and Cervical Cancer Prevention and Treatment Fund; established. Establishes the Breast and Cervical Cancer Prevention and Treatment Fund (the Fund) to be used for the prevention and treatment of breast and cervical cancer for underserved and uninsured women in Virginia. The bill adds the Fund as a voluntary contribution on the individual income tax return. The bill specifies that moneys in the Fund shall not be used until such time as the General Assembly authorizes the Virginia Department of Health and the Virginia Department of Medical Assistance Services to increase access to services consistent with "Option 3" of the National Breast and Cervical Cancer Early Detection Program. This bill is identical to HB 2200.

Patron - Whipple

SB1162 Certificate of public need; plan of correction for failure to meet conditions. Provides that, when a certificate of public need is subject to conditions imposed by the Commissioner, and the certificate holder is unable to or fails to satisfy the conditions of the certificate, the Department may approve alternative methods to satisfy the conditions, including allowing the holder to, pursuant to a plan of compliance that identifies a timeframe for satisfying the conditions and explanation of how the certificate holder will satisfy the conditions of the certificate, (i) make direct payments to an organization authorized under a memorandum of understanding with the Department to receive contributions satisfying the conditions of a certificate, (ii) make direct payments to a private nonprofit foundation that funds basic insurance coverage for indigents authorized under a memorandum of understanding with the Department to receive contributions satisfying conditions of a certificate, or (iii) undertake other initiatives to provide primary or specialized care to underserved populations.

Patron - Watkins

SB1236 Board of Health; membership. Adds two members to the Board of Health. This bill provides that one new member shall be a person who has public environmental health expertise and one new member shall be a representative of the emergency medical services community recommended by the State Emergency Medical Services Advisory Board.

Patron - Barker

SB1448 Virginia Indigent Health Care Trust Fund; repeal. Repeals the Virginia Indigent Health Care Trust Fund.

Patron - Watkins

SB1468 Department of Health; onsite treatment works; designs by engineers. Requires the Department of Health to ensure that onsite treatment works designs by professional engineers meet or exceed the discharge standards for systems otherwise permitted pursuant to the Department's regulations and policies. This bill also requires the Board of Health to adopt, within 280 days, regulations establishing performance requirements and horizontal setbacks necessary to protect public health and the environment for alternative systems, and provides that such regulations shall include a requirement for comment period of at least 30 days, and shall contain operation and maintenance requirements consistent with the requirements for alternative onsite sewage systems.

Patron - Quayle

SB1501 Medicaid; eliminate MR and IFDDS Waiver waiting lists. Expresses the intent of the General Assembly to eliminate the waiting lists for the Mental Retardation Medicaid Waiver and the Individual and Family Developmental Disabilities and Support Medicaid Waiver. Beginning July 1, 2010, and each year thereafter, the Department of Medical Assistance Services shall add at least 400 funded slots for MR Waivers, and at least 67 funded slots for IFDDS Waivers, until the waiting lists for both have been eliminated. This bill is identical to HB 2674.

Patron - Barker

Failed

HB1692 Virginia Indoor Clean Air Act; penalty. Moves the regulation of smoking in restaurants from Title 15.2 to a new chapter in Title 32.1. This bill prohibits smoking in all indoor restaurants and bar and lounge areas in the Commonwealth. Requires the posting of "No Smoking" signs and provides for a \$25 civil penalty for a violation of these provisions. Incorporated in HB 1703.

Patron - Englin

HB1704 Virginia Smoke Free Air Act; smoking in public places; civil penalties. Moves the law restricting smoking in buildings and other enclosed areas from the title relating to local government (15.2) to the title relating to health (32.1) and prohibits smoking indoors in most buildings or enclosed areas frequented by the public. Exceptions are provided for (i) private homes, private residences, and private automobiles, and home-based businesses, unless used in conjunction with a licensed child care, adult day care, or health care facility; (ii) private clubs, except when being used for functions attended by persons other than members and invited guests; (iii) hotel or motel rooms designated as smoking rooms that are offered for rent to the public; (iv) specialty tobacco stores; (v) tobacco manufacturers; and (vi) private and semiprivate rooms in nursing homes and long-term care facilities. The bill requires the posting of "No Smoking" signs inside and at the entrances of areas where smoking is prohibited. Any person who continues to smoke in an area in which smoking is prohibited will be subject to a civil penalty of not more than \$100 for the first offense, and \$250 for subsequent offenses. Failure to comply with the smoking restrictions will subject proprietors to a \$200 civil penalty for the first offense and \$500 for subsequent offenses. Incorporated into HB 1703.

Patron - Howell, A.T.

HB1853 Plan to eliminate the Mental Retardation and IFDDS waiver waiting lists. Requires the Governor to develop and implement a plan to eliminate waiting lists for the Mental Retardation Waiver and the Individual and Family Developmental Disabilities Support Waiver.

Patron - Cox

HB1981 Certificate of public need; plan of correction for failure to meet conditions. Provides that, when a certificate of public need is subject to conditions imposed by the Commissioner, and the certificate holder fails to satisfy the conditions of the certificate, the certificate holder shall file a plan of correction with the Department of Health, which shall identify how the certificate holder shall satisfy the condition of the certificate, and shall provide a time frame for satisfaction of the conditions, for approval. This bill further provides that a certificate holder may satisfy conditions by (i) making direct payments to an organization authorized under a memorandum of understanding with the department to receive contributions satisfying the conditions of a certificate, or (ii) making direct payments to a private nonprofit foundation that funds basic insurance coverage for indigents authorized under a memorandum of understanding with the Department to receive contributions satisfying conditions of a certificate. The certificate holder shall provide documentation to the Department demonstrating that the conditions of the certificate have been satisfied as set forth in the approved plan of correction. This bill was incorporated into HB1598.

Patron - McClellan

HB2067 Virginia Smoke Free Air Act; smoking in public places; civil penalties. Moves the law restricting smoking in buildings and other enclosed areas from the title relating to local government (15.2) to the title relating to health (32.1) and prohibits smoking indoors in most buildings or enclosed areas frequented by the public. Exceptions are provided for (i) private homes, private residences, private automobiles, and home-based businesses, unless used in conjunction with a licensed child care, adult day care, or health care facility; (ii) private clubs, except when being used for functions attended by persons other than members and invited guests; (iii) hotel or motel rooms designated as smoking rooms that are offered for rent to the public; (iv) specialty tobacco stores; (v) tobacco manufacturers; and (vi) private and semiprivate rooms in nurs-

ing homes and long-term care facilities. The bill requires the posting of "No Smoking" signs inside and at the entrances of areas where smoking is prohibited. Any person who continues to smoke in an area in which smoking is prohibited will be subject to a civil penalty of not more than \$100 for the first offense and \$250 for subsequent offenses. Failure to comply with the smoking restrictions will subject proprietors to a \$200 civil penalty for the first offense and \$500 for subsequent offenses. Incorporated in HB 1703.

Patron - Hamilton

HB2142 Statewide Healthcare Workforce Authority; creation. Creates the Statewide Healthcare Workforce Authority to take over the duties of the Statewide Area Health Education Centers Program. The mission of the Authority is to: (i) develop health careers recruitment programs for Virginia's students, especially underrepresented and disadvantaged students; (ii) support the community-based training of primary care health professions students, residents, and other health professions students in Virginia's underserved communities; (iii) provide educational and practice support systems for the Commonwealth's primary care providers; (iv) support recruitment and retention efforts of primary care, mental health, and dental professionals for underserved areas of the Commonwealth; and (v) collaborate with health, education, public health, and human services organizations to facilitate and promote improved health education and disease prevention among the citizens of the Commonwealth.

Patron - Nutter

HB2193 Nursing homes; report direct care service hours. Requires the Board of Health to promulgate regulations requiring nursing homes to report quarterly to the Department of Health the average number of direct care service hours provided by certified nursing assistants, licensed practical nurses, licensed vocational nurses, and registered nurses to each resident, based on payroll information reported to the Internal Revenue Service for positions that, in whole or in part, provide direct care services, beginning January 1, 2010. This bill also requires that such regulations define direct care services, establish procedures for quarterly reporting, and establish procedures for making information reported available to the public.

Patron - Watts

HB2395 Reporting of pressure sores. Requires nursing homes, certified nursing facilities, and assisted living facilities to report data on the occurrence of pressure sores among patients or residents.

Patron - Bell

HB2451 Certificate of Public Need; applications for increase in psychiatric or substance abuse treatment beds or services in response to Request for Applications only. Provides that applications for a certificate of public need for an increase in psychiatric or substance abuse treatment beds or services shall be approved, authorized, or accepted in response to a Request for Applications only. This bill was incorporated into HB1598.

Patron - Sickles

HB2483 Virginia Indoor Clean Air Act; presence of minors; penalty. Moves the regulation of smoking in restaurants from Title 15.2 to a new chapter in Title 32.1. This bill prohibits the presence of minors in all indoor restaurants and bar and lounge areas in the Commonwealth that allow smoking. Requires the posting of "Minors Allowed" signs where smoking is allowed and provides for a \$100 civil penalty for a first violation of these provisions, and \$250 for any subsequent violation. Incorporated into HB 1703.

Patron - Eisenberg

HB2625 Emergency medical services provider; procedure upon receipt of complaint. Provides that, upon receipt of a complaint regarding an emergency medical services provider, the Commissioner of Health shall provide a copy of the complaint to the provider who is the subject of the complaint and shall inform the emergency medical services provider who is the subject of the complaint of the complaint investigation procedure, the hearing process set forth in the Administrative Process Act, and of the emergency medical services provider's right to be represented by counsel. This bill further provides that no emergency medical services personnel provider shall be interviewed as part of the investigation process until such time as the requirements have been met, and that failure to comply with the requirements shall entitle the emergency medical services provider to recover damages in the amount of \$25,000 plus all reasonable costs and attorney fees.

Patron - Abbitt

SB822 Autopsy reports; release to mental health facilities. Clarifies that programs at mental health facilities, community services boards, and behavioral health authorities are included among the health facility quality assurance programs that are authorized to receive autopsy reports.

Patron - Cuccinelli

SB962 Fetal deaths; report when unattended; penalty. Requires that when a fetal death occurs without medical attendance upon the mother at or after the delivery or abortion, the mother or someone acting on her behalf, within 24 hours, report the fetal death, location of the remains, and identity of the mother to the local or state police or sheriff's department of the city or county where the fetal death occurred. The bill also specifies that no one shall remove, destroy, or otherwise dispose of any remains without the express authorization of law-enforcement officials or the medical examiner, and that a violation of this section is a Class 1 misdemeanor.

Patron - Obenshain

SB1034 Law-enforcement officers; deemed consent. Removes the requirement that a law-enforcement officer inform a person that if the officer comes into contact with that person's body fluids in a manner that may transmit human immunodeficiency virus or hepatitis B or C viruses, that person will be deemed to have consented to HIV and hepatitis B and C testing. This bill was incorporated into SB 1107.

Patron - Hanger

SB1057 Virginia Smoke Free Air Act; smoking in public places; civil penalties. Moves the law restricting smoking in buildings and other enclosed areas from the title relating to local government (15.2) to the title relating to health (32.1) and prohibits smoking indoors in most buildings or enclosed areas frequented by the public. Exceptions are provided for (i) private homes, private residences, private automobiles, and home-based businesses, unless used in conjunction with a licensed child care, adult day care, or health care facility; (ii) private clubs, except when being used for functions attended by persons other than members and invited guests; (iii) hotel or motel rooms designated as smoking rooms that are offered for rent to the public; (iv) specialty tobacco stores; (v) tobacco manufacturers; and (vi) private and semiprivate rooms in nursing homes and long-term care facilities. The bill requires the posting of "No Smoking" signs inside and at the entrances of areas where smoking is prohibited. Any person who continues to smoke in an area in which smoking is prohibited will be subject to a civil penalty of not more than \$100 for the first offense, and \$250 for subsequent offenses. Failure to comply with the smoking restrictions will subject proprietors to a \$200

civil penalty for the first offense and \$500 for subsequent offenses. Incorporated in SB 1105.

Patron - Whipple

SB1106 Smoking in cars with minor present; civil penalty. Makes it unlawful for a person to smoke in a motor vehicle, whether in motion or at rest, in which a minor is present, punishable by a civil penalty not to exceed \$100.

Patron - Northam

SB1152 Infectious disease; deemed consent for testing. Eliminates requirement that, in other than emergency situations, a law-enforcement officer give notice that a person shall be deemed to have consented to testing and disclosure of test results for HIV and hepatitis B or C, when the officer is directly exposed to body fluids of a person in a manner that may transmit HIV or hepatitis B or C. This bill was incorporated into SB 1107.

Patron - McDougle

SB1160 Virginia Indoor Clean Air Act; civil penalty. Moves the regulation of smoking in restaurants from Title 15.2 to a new chapter in Title 32.1. This bill prohibits smoking in all indoor restaurants and bar and lounge areas in the Commonwealth. Also, the bill requires the posting of "No Smoking" signs and provides for a \$25 civil penalty for a violation of these provisions. This bill was incorporated into SB 1105.

Patron - Saslaw

SB1229 Protection of medical information. Adds further protections to medical information by (i) adding medical information and health insurance information to the definition of personal information, which requires an individual to be notified in the case of a database security breach, and (ii) adding a corporation organized for the purpose of maintaining medical information to the definition of health care provider in the health records privacy act.

Patron - Barker

SB1263 Certificate of Public Need; exception. Provides for the authorization and acceptance of certain certificate of public need applications and for the authorization of funding incentives from existing funds to effect a Green House demonstration nursing home in Planning District 8.

Patron - Vogel

SB1270 Licensure of abortion clinics. Requires all abortion clinics, defined as any facility other than a hospital or an ambulatory surgery center in which 25 or more first trimester abortions are performed in any 12-month period, to be licensed and to comply with the requirements currently in place for ambulatory surgery centers except the requirement for a certificate of public need. The Board of Health may also waive certain structural requirements.

Patron - Vogel

SB1286 Department of Health; certificates of free sale. Extends until July 1, 2010, the authority of the Department of Health to issue certificates of free sale to the manufacturer of any product defined as a "cosmetic" in the Federal Food, Drug and Cosmetic Act, 21 U.S.C. 301(i) to allow the export of such products.

Patron - Newman

SB1334 Certificate of Public Need; schedule of fees. Increases the maximum amount for fees for an application for a certificate of public need from \$20,000 to \$50,000 and provides that such fees shall be divided equally between the Department of Health and the regional health planning agencies, with the allocation among the regional health planning

agencies based on population, except that when a region does not have a regional health planning agency, the Department shall retain fees that would have been distributed to that regional health planning agency.

Patron - Puckett

FSB1437 State surgeon general; duties. Establishes a State Surgeon General, to be appointed by the Governor and subject to confirmation by the General Assembly. The Surgeon General shall be a physician licensed to practice medicine in the Commonwealth and shall be certified by the American Board of Preventive Medicine or a recognized board in a primary care specialty as approved by the American Board of Medical Specialties and experienced in public health.

Patron - Miller, Y.B.

FSB1467 Certificate of public need; exemption. Exempts from the certificate of public need requirements up to 10 beds for the delivery of inpatient psychiatric services in a critical access hospital.

Patron - Reynolds

FSB1497 Virginia Network for Geospatial Health Research Authority; created. Creates the Virginia Network for Geospatial Health Research Authority, as a body politic and corporate, a political subdivision of the Commonwealth, to (i) provide for the continuity and expansion of research both within the public and private sectors using geospatial analysis of health and health care relevant data, (ii) develop economies of scale within state health agencies and within public health programs within the Commonwealth's universities, (iii) provide geospatial analytical support to other political subdivisions concerned with cost-effective targeting of public health initiatives, and (iv) engage in such other lawful activities as the Board of Directors of the Authority deems reasonable and appropriate.

Patron - Barker

Highways, Bridges and Ferries

Passed

PHB1580 Hampton Roads Transportation Authority. Abolishes the Authority and the taxes, fees, and charges dedicated to financing its operation and programs. The bill also makes several technical changes. Except for some capitalization and the order of the final enactments, this bill is the same as SB 1018.

Patron - Oder

PHB1611 Veterans Memorial Bridge. Designates the Interstate Route 64 bridges near the town of Clifton Forge at approximately mile marker 24 the "Veterans Memorial Bridge."

Patron - Shuler

PHB1628 Contractor performance bonds for locally administered transportation improvement projects. Provides that whenever any county, city, or town undertakes administration of a transportation improvement project and obtains, in connection therewith, contractor performance bonds that include the Virginia Department of Transportation as a dual obligee, the amount of such bonds shall be no greater than would have been required had the Department not been included as a dual obligee. This bill incorporates HB 1677.

Patron - Cole

PHB1631 Interstate Public-Private Partnership Compact. Repeals Chapter 17 of Title 33.1, which established the Interstate Public-Private Partnership Compact.

Patron - Landes

PHB1645 Urban highway system construction allocations. Provides that not more than two-thirds (instead of the present one-third) of the annual urban system highway funds apportioned to a city or town may be used to reimburse the locality for debt service for bonds or eligible project costs incurred on approved projects included in the Six-Year Improvement Program of the Commonwealth Transportation Board and the city's or town's capital improvement program. This bill is the same as SB 1438.

Patron - Marshall, D.W.

PHB1667 American Former Prisoners of War Memorial Highway. Extends the American Former Prisoners of War Memorial Highway (U.S. Route 19) northward from the Russell/Tazewell County line to U.S. Route 460 at Claypool.

Patron - Bowling

PHB1713 Holland-Councill Memorial Bridge. Designates the U.S. Route 58 Business bridge over the Blackwater River in Isle of Wight County the "Holland-Councill Memorial Bridge." This bill is the same as SB 802. This bill incorporates HB 2244.

Patron - Tyler

PHB1763 Naming of bridges. Repeals a section of the Code (§ 33.1-250) that in part overlaps and in part conflicts with provisions in another Code section (subdivision 4 of § 33.1-12), where this subject is treated in more detail, and which has more recently been amended.

Patron - Landes

PHB1835 Rail Enhancement Fund. Allows the Rail Enhancement Fund to be used to support improvements, etc., to passenger and freight railways that result in a public benefit in terms of traffic congestion, environmental quality, and passenger rail capacity in corridors, identified by the Commonwealth Transportation Board, that have existing passenger rail service.

Patron - Toscano

PHB1880 Department of Rail and Public Transportation (VDRPT). Makes VDRPT responsible for ensuring the safety of rail fixed guideway transit systems within the Commonwealth and carrying out state safety and security oversight responsibilities for rail fixed guideway transit systems as required by the Federal Transit Administration and federal law.

Patron - Miller, P.J.

PHB2019 Transportation corridors. Allows the Commonwealth Transportation Board to establish transportation corridors in connection with the establishment of the Statewide Transportation Plan. This bill incorporates HB 2420 and is the same as SB 1398.

Patron - Rust

PHB2088 Public recreational access and safety issues; new railroad projects. Provides that, no later than December 1, 2009, the Department of Rail and Public Transportation, the Department of Game and Inland Fisheries, and the Department of Conservation and Recreation shall develop a process to coordinate and evaluate public recreational access and safety issues related to certain new railroad projects.

Patron - Fralin

HB2099 George Washington Toll Road Authority. Creates a toll road authority encompassing the City of Fredericksburg and the County of Spotsylvania for the purposes of alleviating highway congestion, promoting highway safety, expanding highway construction, increasing the utility and benefits and extending the services of public highways, including bridges, tunnels and other highway facilities, both free and toll, and otherwise contributing to the welfare of the Commonwealth and the George Washington Region.

Patron - Orrock

HB2401 Bridge designations. Designates the following bridges: the U.S. Route 29 bridge over the Rapidan River between Greene and Madison Counties as the "Fallen Heroes Memorial Bridge in honor of Corporal Adam J. Fargo and Private First Class Edwin A. Andino" and the U.S. Route 340 bridge over Overall Run at the Warren County/Page County line as the "Larry E. Smedley (USMC) Memorial Bridge."

Patron - Bell

HB2425 Primary and secondary system of state highways; localities. Provides for the transfer of roads, bridges, and streets from the primary system of state highways to the local system of roads operated by certain localities. Also provides that any county choosing to resume responsibility over the secondary roads within its boundaries shall be deemed to have withdrawn from the secondary system of state highways.

Patron - May

HB2476 HOV lanes; clean special fuel vehicles. Extends until July 1, 2010, the "sunset" provision allowing vehicles bearing clean special fuel license plates to use HOV lanes regardless of the number of passengers. This bill incorporates HB 1932 and HB 2299.

Patron - Hugo

HB2477 Popes Head Road. Designates the entire length of Popes Head Road in Fairfax County a Virginia byway.

Patron - Hugo

HB2577 Noise abatement practices and technologies. Requires that whenever the Commonwealth Transportation Board or VDOT plans for or undertakes any highway construction or improvement project and such project includes or may include the requirement for the mitigation of traffic noise impacts, consideration shall be given to the use of noise reducing design and low noise pavement materials and techniques.

Patron - May

SB802 Holland-Councill Memorial Bridge. Designates the U.S. Route 58 Business bridge over the Blackwater River in Isle of Wight County the "Holland-Councill Memorial Bridge." This bill incorporates SB 1005. This bill is identical to HB 1713.

Patron - Lucas

SB941 Staff Sergeant Jason R. Arnette Memorial Bridge. Designates the U.S. Route 360 (Patrick Henry Highway) bridge over U.S. Route 360 Business (Goodes Bridge Road) in Amelia County the "Staff Sergeant Jason R. Arnette Memorial Bridge."

Patron - Watkins

SB1018 Hampton Roads Transportation Authority. Abolishes the Hampton Roads Transportation Authority and repeals the various taxes associated with the Authority and

local governments embraced by the Authority. The bill also requires that the Statewide Transportation Plan incorporate long-range plan measures and goals developed by the Hampton Roads Metropolitan Planning Organization, instead of those of the Authority. Except for some capitalization and the order of the final enactments, this bill is the same as HB 1580.

Patron - Miller, J.C.

SB1238 Virginia Department of Rail and Public Transportation (VDRPT). Grants the Director of VDRPT, in procuring architectural and engineering services for rail and public transportation construction projects, the same procurement powers granted to the VDOT Commissioner by the Virginia Public Procurement Act.

Patron - Barker

SB1288 Parkway. Provides that the term "parkway" as used in § 33.1-369 of the Code of Virginia does not include any parkway designated by Chapter 44 of the Acts of Assembly of 2008.

Patron - Newman

SB1398 Statewide Transportation Plan. Provides that the Statewide Transportation Plan shall include corridors of statewide significance. This bill incorporates SB 1475. This bill is identical to HB 2019.

Patron - Norment

SB1405 Richard Daley Mahone Memorial Bridge; John McLaughlin Memorial Bridge. Designates the Virginia Route 143 (Merrimac Trail) bridge over Queens Creek in Williamsburg the "Richard Daley Mahone Memorial Bridge" and the Virginia Route 64 (Old Roxbury Road) bridge that crosses Interstate Route 64 in New Kent County the "John McLaughlin Memorial Bridge."

Patron - Norment

SB1438 Urban highway system construction funds. Increases from one-third to two-thirds the portion of a city or town's urban highway system construction funds that can be used to service debt. This bill is identical to HB 1645.

Patron - Miller, Y.B.

SB1475 The Office of Intermodal Planning and Investment and the Statewide Transportation Plan. Updates responsibilities of the Office of Intermodal Planning and Investment and the Statewide Transportation Plan. This bill was incorporated into SB 1398.

Patron - McEachin

SB1530 Subdivision streets; acceptance into state secondary highway system. Provides that no secondary street can be taken into the state secondary highway system unless and until any and all required permits have been obtained and any outstanding fees, charges, or other financial obligations of whatsoever nature have been satisfied or provision has been made, whether by the posting of a bond or otherwise, for their satisfaction.

Patron - Norment

SB1550 Jordan Bridge. Authorizes the Chesapeake City Council to provide for the emergency replacement of the Jordan Bridge (Poindexter Street, crossing the Southern Branch of the Elizabeth River). The bill includes an emergency clause making it effective retroactively to January 1, 2009.

Patron - Blevins

Failed

HB1579 Transportation funding and administration. Provides for transportation funding and administration in Hampton Roads, Northern Virginia, the Richmond Highway Construction District, the Staunton Highway Construction District, and the Salem Highway Construction District. The bill repeals the Hampton Roads Transportation Authority and repeals certain fees and taxes authorized pursuant to Chapter 896 of the Acts of Assembly of 2007 that are within the ambit of the Supreme Court of Virginia's decision on February 29, 2008, that they are unconstitutional. This bill incorporates HB 2622.

Patron - Oder

HB1581 VDOT highway logo and tourist-oriented directional sign programs. Requires the Virginia Department of Transportation (VDOT) and the Commonwealth Transportation Board to revise VDOT's highway logo sign and tourist-oriented directional sign programs to provide for signs giving directions to senior centers.

Patron - Toscano

HB1642 Naming highways, etc. Allows the Commonwealth Transportation Board to name a highway, bridge, or interchange for a living person, group, or business entity if the cost of construction of the bridge, highway, or interchange is paid by the person, group, or business entity.

Patron - Marshall, R.G.

HB1648 Virginia byways. Requires that every agency, instrumentality, and political subdivision of the Commonwealth must give due consideration to what impact or effect any of its plans or projects might have upon the qualities that caused such road to be designated a byway.

Patron - Ware, R.L.

HB1677 Contractor performance bonds for locally administered transportation improvement projects. Provides that whenever any county, city, or town undertakes administration of a transportation improvement project and obtains, in connection therewith, contractor performance bonds that include the Virginia Department of Transportation as an additional insured, the amount of such bonds shall be no greater than would have been required had the Department not been included as an additional insured. This bill was incorporated into HB 1628.

Patron - Orrock

HB1723 Highway Maintenance and Operating Fund. Provides a formula for allocating the proceeds of the Highway Maintenance and Operating Fund.

Patron - Albo

HB1861 Street maintenance payments. Provides for increased payments where traffic volumes exceed the state-wide average by more than 20 percent.

Patron - Shannon

HB1882 Composition of RMA Board. Revises the composition of the Board of Directors of the Richmond Metropolitan Authority (RMA).

Patron - Nixon

HB1920 Revenue-sharing funds. Allows towns with populations of no more than 15,000 to use "revenue-sharing funds" allocated by the Commonwealth Transportation Board for highway maintenance.

Patron - Crockett-Stark

HB1932 HOV lanes; clean special fuel vehicles. Extends until July 1, 2010, the "sunset" provision allowing vehicles bearing clean special fuel license plates to use HOV lanes regardless of the number of their passengers. This bill was incorporated into HB 2476.

Patron - Plum

HB1992 Outdoor signs and advertising; Fairfax County. Provides that all penalties and costs collected for violations of advertising provisions when the locality has entered into an agreement with the Commonwealth Transportation Commissioner shall be paid to the affected locality. Excludes signs and advertising erected from Saturday through the following Monday from those agreements with the Commissioner.

Patron - Bulova

HB1993 Allocation of maintenance funds among highway systems. Requires the Commonwealth Transportation Board, in allocating highway maintenance funds, to achieve a minimal level of disparity among VDOT's highway construction districts in meeting asset management performance standards established under § 33.1-13.02.

Patron - Bulova

HB2020 Allocation of highway maintenance funds. Provides a method by which the Commonwealth Transportation Board is to allocate additional funds for highway maintenance in the event of insufficiency of funds in the Highway Maintenance and Operating Fund. Such allocations would begin with fiscal year 2011.

Patron - Rust

HB2076 Tolls. Prohibits imposition and collection of tolls for use of (i) Interstate Route 64 between the Virginia Route 143 (Jefferson Avenue) interchange in the City of Newport News and the Hampton Roads Bridge-Tunnel and (ii) Interstate Route 664 between Interstate Route 64 and the Monitor-Merrimac Memorial Bridge-Tunnel.

Patron - Oder

HB2079 Hampton Roads Bridge-Tunnel; unsolicited proposals. Directs the Virginia Department of Transportation to accept unsolicited proposals to add capacity to the Hampton Roads Bridge-Tunnel.

Patron - Oder

HB2117 HOT lanes. Prohibits the designation of HOT lanes on any portion of I-95 between the Potomac River and the City of Fredericksburg.

Patron - Nichols

HB2118 Secondary highway system construction allocations. Allocates construction funds among the counties in the state secondary highway system solely on the basis of population. Presently, allocations are made on the basis of population (80 percent) and area (20 percent).

Patron - Nichols

HB2119 Rail Enhancement Fund. Allows the Director of the Department of Rail and Public Transportation, with the approval of the Rail Advisory Board, to waive the requirement that projects funded by the Rail Enhancement Fund include a minimum of 30 percent cash or in-kind matching contribution from a private source, which may include a railroad, a regional authority, a local government source, or a combination of such sources. The bill also allows the use of funds

from "federal governmental sources" in connection with projects funded from the Fund.

Patron - Nichols

HB2122 Outdoor advertising; penalties. Increases penalties for violation of certain provisions of the outdoor advertising requirements from \$10-\$50 for first and subsequent offenses to \$50-\$100 for a first offense and \$200-\$500 for each subsequent offense. This increase applies only to violations for which no other penalty is already prescribed. This bill was incorporated into HB 2137.

Patron - Nichols

HB2137 Outdoor advertising; penalties. Increases penalties for violation of certain provisions of the outdoor advertising requirements from between \$10-\$50 to between \$50-\$250. This increase applies only to violations for which no other penalty is already prescribed. This bill incorporates HB 2122.

Patron - Miller, J.H.

HB2194 Motor fuels tax; rate increase; allocation of construction funds for primary highway system. Increases the motor fuels tax by \$0.10 per gallon, minus \$0.01 for each \$0.20 that the average price of gasoline exceeds \$3.00. The tax will be indexed every two years beginning July 1, 2010, by an amount equal to the percentage change in the U.S. Department of Labor's Producer Price Index for Highway and Street Construction. The revenue generated is used for transportation purposes as required by existing law, and allocates primary system highway construction funds among the nine highway construction districts on the basis of the ratio of vehicle miles traveled on primary highways divided by the lane miles of primary highways in each highway construction district, weighted 90 percent, and a need factor, weighted 10 percent.

Patron - Watts

HB2230 Highway construction allocations; Northern Virginia and Hampton Roads. Provides that every year, the Commonwealth Transportation Board must allocate to highway construction projects in the Northern Virginia highway construction district or the Hampton Roads highway construction district at least as much as was allocated for highway construction in each respective district in fiscal year 2008-09.

Patron - Marsden

HB2232 Crashes on HOT lanes under construction on the Capital Beltway. Requires that when there is a vehicle crash on HOT lanes under construction on the Capital Beltway and the vehicles involved in the crash can be moved and there are no apparent bodily injuries, the drivers must move their vehicles to the nearest designated pull-off area. Failure to do so is punishable by a civil penalty of \$100, to be paid into the Highway Maintenance and Operating Fund. VDOT is required to post the bill's requirements on signs along the Capital Beltway in Virginia where HOT lanes are under construction. The bill's provisions expire when HOT lane on the Capital Beltway in Virginia is completed and the Virginia Department of Transportation accepts the project.

Patron - Marsden

HB2244 Holland-Councill Memorial Bridge. Designates the U.S. Route 58 Business bridge over the Blackwater River in Isle of Wight County the "Holland-Councill Memorial Bridge." This bill was incorporated into HB 1713.

Patron - Barlow

HB2299 HOV lanes; clean special fuel vehicles. Extends until July 1, 2010, the "sunset" provision allowing vehicles bearing clean special fuel license plates to use HOV

lanes regardless of the number of passengers. This bill was incorporated into HB 2476.

Patron - Caputo

HB2600 Transportation-disadvantaged persons. Requires the Commonwealth to develop plans and programs to assist the transportation disadvantaged.

Patron - McClellan

HB2622 Transportation funding; the Salem Highway Construction District. Provides funds for transportation in the Salem Highway Construction District by allocating revenue attributable to a portion of economic growth due to or facilitated by the Inland Port in Montgomery County. This bill was incorporated into HB 1579.

Patron - Marshall, D.W.

HB2664 U.S. Route 29; access management. Requires the Commonwealth Transportation Commissioner to take all appropriate measures to develop local corridor access management plans for U.S. Route 29 between Gainesville and North Carolina.

Patron - Valentine

SB830 Local governing bodies as agents of the Commonwealth Transportation Commissioner; removal of certain advertising. Allows the governing body of any county, city, or town to authorize local law-enforcement agencies or other governmental agencies to act with the same authority granted to the Commissioner for the purpose of removing certain signs and advertising.

Patron - Cuccinelli

SB836 Toll Facilities Revolving Account. Provides that any balance remaining on any loan issued to a political subdivision from funds in the Toll Facilities Revolving Account shall either be repaid in full or assumed as a loan issued pursuant to this bill by any private entity who enters into a comprehensive agreement with a responsible public entity for construction of a qualifying transportation facility if (i) such comprehensive agreement authorizes the issuance of tolls on a portion of such qualifying transportation facility; (ii) the qualifying transportation facility is included in the same Record of Decision or Revised Record of Decision issued by the Federal Highway Administration as that issued for the project financed by such loan; (iii) no tolls were imposed upon completion of construction of the project financed by such loan; and (iv) such political subdivision pledged to repay such loan from its annual allocation of construction funds for urban system highways as authorized by the Commonwealth Transportation Board.

Patron - Lucas

SB863 TransDominion Express Commission. Establishes the TransDominion Express Commission, to be responsible, within the TransDominion Corridor, for identifying needed construction, reconstruction, improvements of or repairs to railroads and their facilities and equipment to provide enhanced passenger rail service coordinated with freight rail opportunities within the corridor.

Patron - Edwards

SB864 Rail Transportation Development Authority. Establishes the Rail Transportation Development Authority. The Authority is to be responsible for identifying needed construction, reconstruction, improvements, or repairs to railroads and their facilities and equipment. The Authority is given the power to finance or assist in financing any such rail transportation project. The bill requires the Virginia Department of Rail and Public Transportation, in conjunction with the Authority, to develop a rail transportation plan for the Commonwealth.

The bill further abolishes the Rail Advisory Board and repeals Chapter 1041 of the 2003 Acts of Assembly, which provided for the creation of a Rail Transportation Development Authority, but never became effective, because it included a reenactment clause, and the act was not reenacted.

Patron - Edwards

FSB900 Contractor performance bonds for locally administered transportation improvement projects. Provides that whenever any county, city, or town undertakes administration of a transportation improvement project and obtains, in connection therewith, contractor performance bonds that include the Virginia Department of Transportation as an additional insured, the amount of such bonds shall be no greater than would have been required had the Department not been included as an additional insured.

Patron - McDougale

FSB901 Shane Timothy Adcock Memorial Bridge. Designates the Virginia Route 835 bridge over Interstate Route 95 in Hanover County the "Shane Timothy Adcock Memorial Bridge."

Patron - McDougale

FSB995 Hampton Roads Transportation Authority. Abolishes the Authority and the taxes, fees, and charges dedicated to financing its operation and programs. The bill also makes several technical changes.

Patron - Miller, J.C.

FSB1005 Holland-Councill Memorial Bridge. Designates the U.S. Route 58 Business bridge over the Blackwater River in Isle of Wight County the "Holland-Councill Memorial Bridge." This bill was incorporated into SB 802.

Patron - Quayle

FSB1224 Highways; littering unsightly matter. Provides that when a person is convicted of illegally dumping or disposing of garbage or refuse on public property or on private property without the permission on the owner the court shall impose a fine of not less than \$500 and order a mandatory 10 hours of community service.

Patron - Smith

FSB1232 HOT lane construction contracts. Requires that HOT lane construction contracts contain requirements for minimum average speed for vehicles using the facility.

Patron - Barker

FSB1281 Advertising structures. Provides that the prohibition on advertising structures within 660 feet of any "parkway" does not apply to the Jerry Falwell Parkway, designated by Chapter 44 of the Acts of Assembly of 2008.

Patron - Newman

FSB1368 Allocation of maintenance funds among highway systems. Requires the Commonwealth Transportation Board to utilize the estimated budget required to meet performance standards for asset management under § 33.1-13.02 in determining the total amount of funds that are reasonable and necessary for maintenance of roads; the allocation of the total amount of funds made available for maintenance shall be based on achieving a minimal level of disparity in meeting asset management performance standards established under § 33.1-13.02; such provision to be fully implemented by fiscal year 2015.

Patron - Barker

FSB1457 Hampton Roads MPO. Increases the size of the Hampton Roads Metropolitan Planning Organization

(MPO) by seven: four members of the House of Delegates, and three members of the Senate.

Patron - Miller, J.C.

Homestead and Other Exemptions

Passed

PHB1668 Garnishment. Provides that a parent who supports a dependent child or children residing with him may hold exempt from garnishment an additional amount for the support of the child or children as follows: \$34 per week for one child; \$52 per week for two children; and \$66 per week for three or more children. This additional exemption amount shall not be available to a parent whose household gross income, including any support payments received for the children, exceeds \$1,750 per month. In order to claim this exemption, the parent must file an affidavit concerning his household income and the number of dependent children in his home and submit two items of proof showing that the debtor is entitled to the exemption.

Patron - Kilgore

PHB2559 Homestead exemption. Increases the homestead exemption from \$5,000 to \$10,000 for householders who are 65 years of age or older.

Patron - Johnson

PHB2560 Homestead exemption; veterans. Increases the additional homestead exemption for veterans from \$2,000 to \$10,000.

Patron - Johnson

Failed

PHB2229 Exemption from creditor process for retirement benefits. Prohibits a person acting as a trustee or custodian with respect to an individual retirement account or other exempt retirement plan from exercising setoff against the retirement plan except to the extent permitted under federal law.

Patron - Marsden

Hotels, Restaurants, Summer Camps and Campgrounds

Failed

FSB1382 Smoking in restaurants; civil penalties. Creates a statewide ban on smoking in restaurants, sets out exceptions to this ban, and provides for civil penalties for violation. The bill contains technical amendments.

Patron - Stolle

Housing

Passed

HB1890 Housing authorities; referendum. Increases the number of qualified voters in a locality needed to have a referendum creating a housing authority from at least 100 voters to at least two percent of the qualified voters. The bill also provides that once a referendum has been held, no other referendum on the same question shall be held in the county, city, or town within five years of the date of the prior referendum.

Patron - Brink

HB2569 Manufactured Housing Licensing and Transaction Recovery Fund Law. Limits to \$4,000 the amount of actual damages that a manufactured home dealer may retain when a buyer fails to accept delivery of a manufactured home that is larger than a single section unit and in the manufactured home dealer's stock. The bill also raises the limit of actual damages from \$5,000 to \$7,000 when a buyer fails to accept delivery of a manufactured home that is larger than a single section unit and is specially ordered for the buyer. The bill also (i) raises the maximum claim amount of a single claimant against the Manufactured Housing Recovery Fund for single or multiple violations by one or more regulants from \$20,000 to \$40,000, (ii) raises the minimum balance of the Fund from \$250,000 to \$300,000, (iii) authorizes interest earned on the Fund to be used for education programs for a wider range of individuals and to pay department staff expenses for conducting investigations, and (iv) authorizes the Manufactured Housing Board to use up to five percent of the balance of the Fund in any fiscal year for educational purposes and to pay investigation expenses. Under the bill, the provisions raising the minimum fund balance and authorizing the use of the Fund balance and interest on educational programs and to pay investigative costs will expire on July 1, 2011.

Patron - Scott, J.M.

SB1459 Manufactured Housing Licensing and Transaction Recovery Fund Law. Limits to \$4,000 the amount of actual damages that a manufactured home dealer may retain when a buyer fails to accept delivery of a manufactured home that is larger than a single section unit and in the manufactured home dealer's stock. The bill also raises the limit of actual damages from \$5,000 to \$7,000 when a buyer fails to accept delivery of a manufactured home that is larger than a single section unit and is specially ordered for the buyer. In addition, the bill raises the maximum claim amount of a single claimant against the Manufactured Housing Transaction Recovery Fund for single or multiple violations by one or more regulants from \$20,000 to \$40,000, and raises the minimum balance of the Fund from \$250,000 to \$300,000. The bill also (i) authorizes interest earned on the Fund to be used for education programs for a wider range of individuals and to pay department staff expenses for conducting investigations, and (ii) authorizes the Manufactured Housing Board to use up to five percent of the balance of the Fund in any fiscal year for educational purposes and to pay investigation expenses. The provisions of the bill amending § 36-85.31 will expire on July 1, 2011.

Patron - Puckett

Failed

HB1625 Housing; local government powers; fair housing protections. Allows localities to expand fair housing protections beyond the classes protected by state law.
Patron - Englin

HB2078 Uniform Statewide Building Code; authority of local building officials; penalty. Provides that in addition to the penalties provided for in § 54.1-111, the local governing body of a county, city, or town may, by ordinance, authorize its building official to issue a summons for unlicensed activity by any person required to be licensed by the Board for Contractors.
Patron - Oder

HB2388 Department of General Services; Uniform Statewide Building Code; buildings and structures owned by the state located on state property. Clarifies the applicability of the Uniform Statewide Building Code (USBC) to buildings and structures located on state property that are not owned by the state and the authority of the Division of Engineering and Buildings of the Department of General Services to act as the building official for determining compliance with the USBC.
Patron - Ebbin

HB2501 Department of Housing and Community Development; rental assistance pilot project. Requires the Department of Housing and Community Development to establish a three-year rental assistance pilot project and to report its findings and recommendations to the Governor and the Housing Commission.
Patron - Englin

HB2668 Fair Housing Law; unlawful discrimination; sexual orientation. Adds discrimination based on sexual orientation as an unlawful discriminatory housing practice.
Patron - Scott, J.M.

SB853 Carbon monoxide detectors. Requires the Board of Housing and Community Development to promulgate regulations establishing standards and requirements for carbon monoxide detectors in residential occupancies and dwelling units serviced by fuel-fired appliances. Owners of non-owner-occupied dwellings or residential units shall maintain the carbon monoxide detection devices in good working order.
Patron - Edwards

SB972 Building Code; enforcement of Property Maintenance Code by local governing body. Authorizes a local governing body to enforce the Virginia Maintenance Code in designated geographic areas of its jurisdiction.
Patron - Stuart

SB1055 Virginia Housing Partnership Revolving Trust Fund; dedicating revenues. Establishes special, permanent, nonreverting fund to provide affordable housing in the Commonwealth. The bill also provides that a portion of the fund shall be used to provide matching funds to localities that have both established a local housing fund and appropriated local moneys to the fund. Under the bill, the Department of Housing and Community Development is required to establish criteria for the allocation of the matching funds to eligible localities and to annually report on the allocation of matching funds. In addition, the bill authorizes grants to be made from the Fund to support innovative housing projects and low and moderate income housing projects that are located in areas experiencing extreme shortages of such housing as well as

rural housing initiatives. The bill also changes the name of the Virginia Housing Partnership Revolving Trust Fund to the Virginia Housing Trust Fund. This bill is recommended by the Virginia Housing Commission.

Patron - Whipple

FSB1139 Uniform Statewide Building Code; rental occupancy permits. Provides that the building official may revoke any rental occupancy permit issued when the owner has violated any provision of the Uniform Statewide Building Code on two occasions within a six-month period and the owner has failed to submit a plan to remedy the violation.

Patron - Petersen

FSB1430 Grants to purchasers of newly constructed residential homes. Authorizes the issuance of \$50 million in bonds to fund grants to individuals who purchase a principal residence in the Commonwealth that was first issued a certificate of occupancy on or after January 1, 2007, but before July 1, 2009. Eligible individuals would be individuals who had no present ownership in a principal residence within the last three years. The Virginia Housing Development Authority, in consultation with the Virginia Economic Development Partnership, would develop guidelines for purposes of determining eligible homebuyers and the amount of grant awards. The bill is contingent on supplemental appropriations that may be used for such a program being included in a federal stimulus package adopted by March 27, 2009, or on the State Treasurer certifying to the Governor, no later than September 1, 2009, that bonds or indebtedness issued or entered into pursuant to this act would not negatively impact the debt capacity of the Commonwealth.

Patron - Stosch

Institutions for the Mentally Ill; Mental Health Generally

Passed

PHB1657 Appointment of guardian or conservator. Clarifies that in a proceeding to appoint a guardian or conservator for a person, a court may appoint the spouse of the person.

Patron - Marshall, R.G.

PHB1843 Civil commitment of sexually violent predators; penalties. Makes a number of changes, including requiring that the court records for certain sexual misdemeanors be retained for 50 years rather than 10 years; allowing access to juvenile court and records of the Department of Juvenile Justice; addressing challenges to filing defects, including defendants under the Commitment Review Committee; allowing access to sealed records; extending from 60 to 90 days the time for a probable cause hearing and allowing the respondent to waive his right to such hearing; setting a standard for the court to find probable cause; and extending from 90 to 120 the number of days after the probable cause hearing for conduct of the trial.

Patron - Griffith

PHB1948 Examination for involuntary commitment; allow examination by licensed marriage and family therapists. Adds licensed marriage and family therapists to the list of persons who may conduct independent examinations of persons who are subject to a hearing for involuntary commitment.

Patron - Shuler

PHB2060 Mental health law revisions. Amends mental health statutes to address issues resulting from the overhaul of mental health laws during the 2008 Session. This bill clarifies requirements that law-enforcement initiated emergency custody remains subject to the four hour limit and two hour extension provisions; clarifies that the employee or designee of the community services board attending a commitment hearing need not be the person who prepared the prescreening report, and that neither the employee or designee of the community services board attending a commitment hearing nor the independent examiner who attends the commitment hearing shall be excluded pursuant to an order of sequestration of the witnesses; clarifies that the prescreening report shall be admitted into evidence and made part of the record of the case; and extends the CCRE reporting requirement to close of business on the next business day following the hearing resulting in involuntary commitment. This bill has an emergency clause. This bill is identical to SB 1083.

Patron - Hamilton

PHB2257 Outpatient treatment; voluntary admission. Provides that, in determining whether a person is capable of consenting to voluntary admission, the judge or special justice shall consider evidence regarding the person's past compliance or noncompliance with treatment.

Patron - Albo

PHB2300 Department of Mental Health, Mental Retardation and Substance Abuse Services; name change. Changes the name of the Department, Board, Inspector General, and Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to the Department, Board, Inspector General, and Commissioner of Behavioral Health and Developmental Services. This bill also makes technical amendments. This bill is identical to SB 1117.

Patron - Caputo

PHB2459 Consumers; right to notify. Provides that a consumer in a mental health facility shall have the opportunity to have an individual of his choosing notified of his general condition, location, and transfer to another facility. This bill is identical to SB 1076.

Patron - O'Bannon

PHB2460 Transportation of person under emergency custody order. Provides for transportation of a person who is the subject of an emergency custody order as a result of his inability to protect himself from harm, a person under a temporary detention order, and a person under an involuntary commitment order by a family member or friend, representative of the community services board, or other alternative transportation provider with staff trained to provide transportation in a safe manner. This bill is identical to SB 823.

Patron - O'Bannon

PHB2461 Notification of family member of person involved in commitment process. Authorizes disclosure to a friend or family member of a person who is the subject of an emergency custody order, temporary detention order, or involuntary commitment order, of information that is relevant to that friend's or family member's involvement with the person's health care, including information regarding the person's location and general condition. This bill is identical to SB 1077.

Patron - O'Bannon

PHB2486 Emergency custody; authority of law-enforcement officer. Authorizes a law-enforcement officer who is transporting a person who has voluntarily consented to being transported to a facility for assessment or evaluation and

who subsequently revokes consent to be transported to take such person into emergency custody when the law-enforcement officer determines that consent has been revoked and the person meets the criteria for emergency custody, even if the law-enforcement officer is beyond the territorial limits of the jurisdiction in which he serves. This bill also clarifies that a law-enforcement officer who takes a person into emergency custody based upon his own observations or reliable reports of others may transport such person beyond the territorial boundaries of the jurisdiction in which he serves in order to obtain the required assessment. This bill states that it is declarative of existing law. This bill is identical to SB 1079.

Patron - Ward

SB823 Transportation of person under emergency custody order. Provides for transportation of a person who is the subject of an emergency custody order as a result of their inability to protect themselves from harm, persons under a temporary detention order, and persons under an involuntary commitment order by a family member or friend, representative of the community services board, or other alternative transportation provider with staff trained to provide transportation in a safe manner. This bill is identical to HB 2460.

Patron - Cuccinelli

SB1076 Consumers; right to notify. Provides that a consumer in a mental health facility shall have the opportunity to have an individual of his choosing notified of his general condition, location, and transfer to another facility. This bill incorporates SB 1433. This bill is identical to HB 2459.

Patron - Howell

SB1077 Notification of family member of person involved in commitment process. Authorizes disclosure to a family member or personal representative of a person who is involved in the commitment process of information that is directly relevant to such person's involvement with the individual's health care, which may include the individual's location and general condition. This bill is identical to HB 2461.

Patron - Howell

SB1078 Special justices; expenses. Provides that special justices, retired judges, or district court substitute judges presiding over involuntary commitment hearings shall receive their necessary mileage, parking, tolls, and postage.

Patron - Howell

SB1079 Emergency custody; authority of law-enforcement officer. Authorizes a law-enforcement officer who is transporting a person who has voluntarily consented to being transported to a facility for assessment or evaluation and who subsequently revokes consent to be transported to take such person into emergency custody when the law-enforcement officer determines that consent has been revoked and the person meets the criteria for emergency custody, even if the law-enforcement officer is beyond the territorial limits of the jurisdiction in which he serves. This bill also clarifies that a law-enforcement officer who takes a person into emergency custody based upon his own observations or reliable reports of others may transport such person beyond the territorial boundaries of the jurisdiction in which he serves in order to obtain the required assessment. A second enactment clause provides that this bill is declarative of existing law. This bill is identical to HB 2486.

Patron - Howell

SB1081 Special justices; appointment. Clarifies that a special justice serves at the pleasure of the chief justice of the

judicial circuit in which he serves, rather than the specific chief justice that makes the original appointment.

Patron - Howell

SB1082 Voluntary and involuntary commitment; forms. Provides that the Office of the Executive Secretary of the Supreme Court shall prepare the petitions, orders, and such other legal documents as may be required in proceedings for emergency custody, temporary detention, and voluntary and involuntary admission to a facility and distribute such forms to the clerks of the general district courts and the juvenile and domestic relations courts. This bill further provides that the Department of Mental Health, Mental Retardation and Substance Abuse Services shall prepare the preadmission screening report, examination, and such other clinical forms as may be required for emergency custody, temporary detention, and voluntary and involuntary admission to a facility and distribute such forms to community services boards, mental health care providers, and directors of state facilities.

Patron - Howell

SB1083 Mental health law revisions. Amends mental health statutes to address issues resulting from the overhaul of mental health laws during the 2008 Session. This bill clarifies requirements that law-enforcement initiated emergency custody remains subject to the four hour limit and two hour extension provisions; clarifies that the employee or designee of the community services board attending a commitment hearing need not be the person who prepared the prescreening report, and that neither the employee or designee of the community services board attending a commitment hearing nor the independent examiner who attends the commitment hearing shall be excluded pursuant to an order of sequestration of the witnesses; clarifies that the prescreening report shall be admitted into evidence and made part of the record of the case; and extends the CCRE reporting requirement to close of business on the next business day following the hearing resulting in involuntary commitment. This bill has an emergency clause. This bill is identical to HB 2060.

Patron - Howell

SB1117 Department of Mental Health, Mental Retardation and Substance Abuse Services; name change. Changes the name of the Department, Board, Inspector General, and Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to the Department, Board, Inspector General, and Commissioner of Behavioral Health and Developmental Services. This bill also makes technical amendments. This bill is identical to HB 2300.

Patron - Ticer

Failed

HB2062 Mental health; admission to a facility by an agent or guardian. Allows an agent appointed in an advance directive or a guardian to admit an incapacitated person to a mental health facility for no more than 10 calendar days if (i) prior to admission, a physician on the staff of or designated by the proposed admitting facility examines the person and states, in writing, that the person (a) has a mental illness, (b) is incapable of making an informed decision regarding admission, and (c) is in need of treatment in a facility; (ii) the proposed admitting facility is willing to admit the person; and, either (iii) the person has executed an advance directive in accordance with the Health Care Decisions Act (§ 54.1-2981 et seq.) authorizing the agent to consent to his admission to a facility and he is not protesting such admission; or (iv) the guardianship order specifically authorizes the guardian to consent to the admission

of such person to a facility. This bill was incorporated into HB 2396.

Patron - Hamilton

HB2156 Involuntary commitment; place of hearing. Provides that, upon the request of the respondent or his attorney, a district court judge or special justice may restrict attendance at an involuntary commitment hearing to persons whose participation is required for proper conduct of the hearing and those whose presence is requested by the respondent upon a finding that (i) such restriction is necessary to protect the respondent's health, safety, or privacy and (ii) the respondent's interest in the restriction outweighs the public's interest in attendance by any person who would be excluded.

Patron - Toscano

HB2288 Eligibility for employment with community services board; removes provision allowing employment of person convicted of assault and battery of a family member. Eliminates provision authorizing employment of a person convicted of assault and battery of a family member at an adult substance abuse or adult mental health treatment program by a community services board. This bill is identical to SB 1228.

Patron - Cline

SB818 Opiate addiction treatment providers; service fee. Requires that any licensed provider of treatment for persons with opiate addiction shall pay a service fee of not greater than 1.5 percent of each consumer's daily dosing fee that is charged by the program. The provider shall be responsible for calculating the fee, and on a quarterly basis, forwarding the collected fees to the Department.

Patron - Lucas

SB840 Mandatory outpatient treatment following inpatient treatment. Allows a court to enter an order for mandatory outpatient treatment following involuntary admission, which orders a person who has been involuntarily admitted to mandatory outpatient treatment. The criteria for such an order differ from the criteria used for a mandatory outpatient treatment order entered where the person was not first involuntarily admitted. The criteria for an order for mandatory outpatient treatment following involuntary admission are that the person (i) has mental illness; (ii) no longer needs inpatient hospitalization but requires mandatory outpatient treatment to prevent rapid deterioration of his condition that would likely result in his meeting the criteria for inpatient treatment; (iii) is not likely to obtain outpatient treatment unless the court enters the order; and (iv) is likely to comply with the order. Additionally, services must actually be available in the community and providers of services must have actually agreed to deliver the services. The bill also sets forth how orders for mandatory outpatient treatment following involuntary admission will be enforced, reviewed, continued, and rescinded.

Patron - Cuccinelli

SB1051 Mental health; admission to a facility by an agent or guardian. Allows an agent appointed in an advance directive or a guardian to admit an incapacitated person to a mental health facility for no more than 10 calendar days if (i) prior to admission, a physician on the staff of or designated by the proposed admitting facility examines the person and states, in writing, that the person (a) has a mental illness, (b) is incapable of making an informed decision regarding admission, and (c) is in need of treatment in a facility; (ii) the proposed admitting facility is willing to admit the person; and, either (iii) the person has executed an advance directive in accordance with the Health Care Decisions Act (§ 54.1-2981 et seq.) authorizing the agent to consent to his admission to a facility and he is not protesting such admission; or (iv) the guardianship order

specifically authorizes the guardian to consent to the admission of such person to a facility. This bill was incorporated into SB 1142.

Patron - Whipple

SB1080 Involuntary commitment. Provides that Upon request of the respondent or his attorney, the district court judge or a special justice may restrict attendance at all or part of the hearing to persons whose participation is required for proper conduct of the hearing and those whose presence is requested by the respondent upon a finding based upon clear and convincing evidence that (i) such restriction is necessary to protect the health or safety of the respondent, or the privacy of the respondent's health information and (ii) the respondent's interest in the restriction outweighs the public's interest in attendance by any person who would be excluded.

Patron - Howell

SB1228 Eligibility for employment with community services board; removes provision allowing employment of person convicted of assault and battery of a family member. Eliminates provision authorizing employment of a person convicted of assault and battery of a family member at an adult substance abuse or adult mental health treatment program by a community services board. This bill is identical to HB 2288.

Patron - Barker

SB1303 Involuntary mental health commitment. Provides that a court may, in its discretion, appoint counsel for a minor in proceedings seeking judicial approval of the admission by the parents of a minor 14 years of age or older who is incapable of making an informed decision or who objects to the admission and provides that a court may, in its discretion, appoint a guardian ad litem for a minor who is the subject of an involuntary commitment petition. Currently, the court is required to appoint both a guardian ad litem and counsel in both circumstances. The bill also removes authority for monitoring compliance with mandatory outpatient treatment from special justices and places it with district court judges (currently it can be done by either) and allows recordings of hearings to be electronic or digital.

Patron - Hurt

SB1432 Notification of family member of person involved in commitment process. Authorizes disclosure of information regarding a patient's location and general condition to a family member or personal representative of the person. This bill was incorporated into SB 1077.

Patron - Cuccinelli

SB1433 Consumers; right to notify. Provides that a consumer in a mental health facility shall have the opportunity to have an individual of his choosing notified of his general condition, location, and transfer to another facility. This bill was incorporated into SB 1076.

Patron - Cuccinelli

Insurance

Passed

HB1887 Cancellation of property insurance policy upon foreclosure. Authorizes the cancellation of a policy insuring an owner-occupied dwelling on grounds that the property secured by the policy has been sold pursuant to foreclosure of a deed of trust encumbering the property.

Patron - Nixon

HB1935 Confidentiality of insurance information.

Provides for the confidentiality of company licensing applications and supporting documentation received by the State Corporation Commission. The requirement for confidential treatment extends to information obtained by the Commission or any other person in the course of an investigation or a review of a licensing application.

Patron - Plum

HB1971 Credit life insurance reserve standards.

Recognizes the 2001 CSO Male Composite Ultimate Mortality Table for use in determining the minimum standard of valuation for credit life insurance reserves, and the 1985 Commissioners' Individual Disability Table A in determining the standard for valuation of reserves for credit accident and sickness plans. The measure also specifies the interest rate and method to be used in determining the minimum standard of valuation. In addition, for credit life and disability contracts in the aggregate, insurers are required to establish an additional reserve liability if the net premium refund liability exceeds the aggregate recorded contract reserve.

Patron - Ware, R.L.

HB1972 Credit insurance.

Requires that a disclosure notice be provided to debtors on credit property, credit involuntary unemployment, credit life, and credit accident and sickness insurance policies. No insurance contract upon a debtor paid by a single premium shall be made unless the debtor is provided with a notice disclosing the right to a refund of premium if the insurance is terminated prior to its scheduled maturity date or the insured debt is terminated or paid off early, and of the debtor's obligation to notify the insurer of certain events. The minimum amount of a refund is increased from \$1 to \$5. Policies and certificates are required to include a notice advising the debtor of his rights and the insurer's obligations regarding premium refunds. The State Corporation Commission shall not approve a form for credit property or credit involuntary unemployment insurance paid by a single premium unless the policy or certificate states that the unearned premium refund will be calculated on a pro rata basis.

Patron - Ware, R.L.

HB1974 Crash prevention courses for those 55 years and older.

Authorizes the Department of Motor Vehicles to approve a crash prevention course for drivers 55 or older that is delivered through a computer-based medium, if the course sponsor has been approved to provide the course in a classroom setting. Insurers may allow a premium reduction for persons who complete the course provided via the Internet or other electronic means. SB 1013 is identical.

Patron - Ware, R.L.

HB1982 Insurance; large commercial risks.

Makes forms for commercial automobile insurance policies that are written to large commercial risks eligible for the exemption that currently exists for other insurance of large commercial risks. Currently, forms for writing commercial automobile insurance policies are excluded from the provision that exempts insurance of large commercial risks from requirements that policy forms be filed with, and approved by, the State Corporation Commission. The measure also provides that any officer of the large commercial risk is authorized to sign the required certification regarding compliance with certain requirements; currently, its chief executive officer must sign the certification.

Patron - McClellan

HB2024 Availability of basic health insurance.

Allows health insurers to offer and sell group health insurance

policies or contracts that do not include state mandated health insurance benefits to employers with 50 or fewer employees to provide coverage for employees who have been uninsured during the preceding six months. Such a group policy or contract may include any, or none, of the state-mandated health benefits as the health insurer and the qualified small employer agree. Contracts shall be filed with the Bureau of Insurance and shall disclose the mandated benefits that are excluded from coverage. The measure also provides that a plan of correction prepared by a holder of a certificate of public need for a medical care facility may allow the holder to satisfy the conditions of the certificate regarding the provision of charity care by (i) making direct payments to a private nonprofit foundation that funds basic insurance coverage for indigents authorized under a memorandum of understanding with the Department of Health to receive contributions satisfying conditions of a certificate, or (ii) other documented efforts to provide primary or specialized care to underserved populations. Finally, the measure states that a health insurance policy or subscription contract may include caps or limits on the total annual or lifetime benefits provided thereunder at specified dollar amounts, which statement is declarative of existing law. Health insurers offering plans under this act are required to report annually to the Bureau of Insurance on the number of small employers and individuals using plans that do not offer mandated benefits, the coverage provided, and the cost of premiums and out-of-pocket expenses, which information shall be compiled, evaluated, and submitted to the Governor and General Assembly. HB 2209 is incorporated and SB 1411 is identical.

Patron - Marshall, D.W.

HB2430 Electronic delivery of insurance notices.

Authorizes property, casualty, life, and certain other types of insurers to electronically transmit notices, other than notices of cancellation or termination of a policy, to the insured person. The insured's consent to receiving such notices electronically is required. If the parties agree to conduct business by electronic means, the agency of record shall be notified. Copies of electronic notifications are also required to be transmitted to the agent of record not more than 72 hours after the notice is transmitted to the insured.

Patron - May

HB2467 Funding preneed funeral contracts with life insurance.

Requires that life insurance policies, annuity contracts, and certificates issued in connection with group life insurance policies or group annuity contracts specify the means by which face amount adjustments will be made, and benefits payable upon death will be adjusted, when they will be used to fund preneed funeral contracts. The measure also requires insurers proposing to issue life insurance policies or annuity contracts for purposes of funding preneed funeral contracts to disclose clearly their intended purpose and market when the forms are submitted for State Corporation Commission approval.

Patron - Morgan

HB2655 Interest on accident and sickness claim proceeds.

Provides that the requirements regarding payment of interest on health insurance claims do not apply to claims proceeds payable to an out-of-state provider of pharmacy services, for such services provided outside Virginia, unless the state where the services are rendered fails to provide for payment of interest on the claims proceeds. In such event, interest shall be computed daily at the legal rate from the 30th day after the insurer received the proof of loss until the claim is paid.

Patron - Sickles

SB1013 Crash prevention courses for those 55 years and older.

Authorizes the Department of Motor Vehicles to

approve a crash prevention course for drivers 55 or older that is delivered through a computer-based medium, if the course sponsor has been approved to provide the course in a classroom setting. Insurers may allow a premium reduction for persons who complete the course provided via the Internet or other electronic means. HB 1974 is identical.

Patron - Edwards

PSB1044 Insurers; annual statements. Provides the State Corporation Commission with discretion to prescribe the method of filing annual statements that will be required for each type of insurer, including a requirement for insurers to submit filings electronically through the National Association of Insurance Commissioners. Currently, annual statements are required to be mailed to the Commission.

Patron - Miller, Y.B.

PSB1116 Health insurance; mandated coverage for prosthetic devices and components. Requires health insurers, health care subscription plans, and health maintenance organizations to offer and make available coverage for medically necessary prosthetic devices, their repair, fitting, replacement, and components, to replace a limb.

Patron - Ticer

PSB1352 Insurance holding companies. Authorizes the State Corporation Commission to approve any ordinary dividend or other distribution by a registered insurer that is a member of an insurance holding company system to its shareholders within 30 days of receiving written notice of the declaration. Currently, the insurer is required to provide written notice as to all dividends and other distributions at least 30 days prior to payment. The measure also clarifies the Commission's authority to request additional information in making determinations regarding filings of disclaimers of affiliation.

Patron - Wagner

PSB1411 Availability of basic health insurance. Allows health insurers to offer and sell group health insurance policies or contracts that do not include state mandated health insurance benefits to employers with 50 or fewer employees to provide coverage for employees who have been uninsured during the preceding six months. Such a group policy or contract may include any, or none, of the state-mandated health benefits as the health insurer and the qualified small employer agree. Contracts shall be filed with the Bureau of Insurance and shall disclose the mandated benefits that are excluded from coverage. The measure also provides that a plan of correction prepared by a holder of a certificate of public need for a medical care facility may allow the holder to satisfy the conditions of the certificate regarding the provision of charity care by (i) making direct payments to a private nonprofit foundation that funds basic insurance coverage for indigents authorized under a memorandum of understanding with the Department of Health to receive contributions satisfying conditions of a certificate, or (ii) other documented efforts to provide primary or specialized care to underserved populations. Finally, the measure states that a health insurance policy or subscription contract may include caps or limits on the total annual or lifetime benefits provided thereunder at specified dollar amounts, which statement is declarative of existing law. Health insurers offering plans under this act are required to report annually to the Bureau of Insurance on the number of small employers and individuals using plans that do not offer mandated benefits, the coverage provided, and the cost of premiums and out-of-pocket expenses, which information shall be compiled, evaluated, and submitted to the Governor and General Assembly. HB 2024 is identical.

Patron - Watkins

PSB1480 Life insurance policies; delivery method. Provides that the date of delivery of a life insurance policy shall be the date of signed receipt of delivery, if delivered by mail or physical delivery, or the date of electronic transmission, if effected electronically. In any event, a policy shall be deemed to have been received by a policy owner if six months have passed since its issuance and the owner paid premiums throughout the period.

Patron - Ruff

Failed

FHB1588 Health insurance; mandated coverage for autism spectrum disorder. Requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the diagnosis and treatment of autism spectrum disorder in individuals under age 21. Coverage is subject to an annual maximum benefit of \$36,000.

Patron - Marshall, R.G.

FHB1650 Pharmacy contracts; audits. Establishes requirements for audit procedures with respect to contracts between a health insurance carrier and its pharmacy benefits administrator, or between a carrier and a participating pharmacy provider or its contracting agent. Requirements address notice of audits, nondiscrimination, use of a licensed pharmacist to assist the auditor, provision of preliminary audit reports, use of extrapolations, charging interest, recovery or setoff for any overpayment or denial of claims, and related matters. Such contracts shall include a claims review process. The measure applies to contracts entered into, amended, extended, or renewed on or after January 1, 2010.

Patron - Ware, R.L.

FHB1726 Group life insurance coverage. Allows coverage under a group life insurance policy to be extended to insure any class of persons as may mutually be agreed upon by the insurer and the group policyholder.

Patron - Rust

FHB1829 Individual health insurance; classes of coverage. Requires the State Corporation Commission to establish, by regulation, classes, and tiers within each class, for the underwriting of health insurance coverage in the individual market. Classes and tiers shall recognize the risk associated with an individual's health condition or diagnosis, while differentiating among individuals diagnosed with or treated for a specific illness, disease, or condition based upon factors including the individual's current health condition and diagnosis; the current severity of the illness, disease, or condition; the prognosis for increased severity during the term of the coverage; projections of medical treatments and services expected to be required during the term of the coverage; and the extent to which the symptoms or pathologies associated with the illness, disease, or condition are adequately controlled through such measures as medication, diet, and exercise. Health insurers are required to underwrite such individual health insurance coverage, and to rate insured individuals, in a manner that ensures that the individual is placed in the appropriate class or tier. Insurers are required to provide an internal review procedure, and individuals aggrieved by the insurer's decision may appeal to the Commission, which may modify, affirm, or reverse the decision.

Patron - Fralin

FHB1864 Viatical settlements; stranger-originated life insurance. Revises Virginia's Viatical Settlements Act to incorporate provisions regulating the issuance of stranger-originated life insurance (STOLI) policies, which arise when an

individual is provided a financial incentive to purchase a life insurance policy on himself with the intention of selling the policy at a later date to a third party investor who has no insurable interest in the insured. The measure provides for regulation by the Bureau of Insurance of activities of viatical settlement investment agents who sell such policies to investors. Entering in to any practice or plan that involves a STOLI policy is declared to be a fraudulent viatical settlement act that is prohibited under the Act. Other provisions restrict settlement for five years on policies financed with the intent to settle or having other elements indicating it is a STOLI transaction; however, an insured may enter into such a contract within the five-year period if he certifies that he entered into the viatical settlement contract more than two years after the policy was issued and the purchase of the policy was not financed by a third party.

Patron - Janis

HB1977 Health insurance; mandated coverage for prosthetic devices and components. Requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the cost of prosthetic devices and components. The measure also requires that the health insurance plan for state employees include coverage for the cost of prosthetic devices and components.

Patron - Ware, R.L.

HB2145 Health insurance provider contracts; access to coverage information. Requires health care provider contracts to require that the carrier providing the health plan make available to providers, by the Internet or other electronic medium, information that allows the provider to determine if the enrollee is covered under a health plan for which the provider is a member of the provider network or provider panel, if the enrollee is covered under another health plan provided by the carrier, and information regarding the enrollee's coordination of benefits. A carrier shall not deny a claim for payment unless it has determined that another carrier is the primary carrier of the enrollee and the primary carrier's name has been made available to the provider. The measure applies to provider contracts entered into, amended, extended, or renewed on or after July 1, 2009.

Patron - Nutter

HB2191 Health insurance; mandated coverage for telehealth services. Requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the cost of telehealth services when the services are appropriately provided through such means. "Telehealth services" means the use of interactive audio, video, or other telecommunications technology by a health care provider to deliver health care services at a site other than the site where the patient is located, for consultation, transfer of medical data, and medical education.

Patron - Phillips

HB2209 Health insurance; policies to protect the uninsured. Authorizes health insurers, health plans, and health maintenance organizations to offer "Protect the Uninsured" (PTU) policies. PTU policies may be sold to small employers with no more than 50 employees, to provide coverage for their employees who have been uninsured for the preceding six months. The coverage provided under a PTU policy will be determined at the discretion of the health insurer issuing the policy, and specifically is not required to include state-mandated health benefits. This bill is a recommendation of the Small Business Commission. This bill was incorporated into HB 2024.

Patron - Frederick

HB2337 Health insurance; mandated coverage for amino acid based elemental formulas. Requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the provision of amino acid based elemental formulas for the diagnosis and treatment of Immunoglobulin E and non Immunoglobulin E mediated allergies to multiple food proteins for enrollees under age 10, severe food protein induced enterocolitis syndrome, eosinophilic disorders as evidenced by the results of a biopsy, and impaired absorption of nutrients caused by disorders affecting the absorptive surface, functional length, and motility of the gastrointestinal tract.

Patron - Amundson

HB2431 Underinsured motorist insurance coverage. Provides a mechanism for a motor vehicle liability insurer to settle a claim for bodily injury or death for an amount that would exhaust its policy limits. Notice of the offer is required to be sent to any insurer providing uninsured motorist coverage. If the insurer consents to the liability insurer's tentative policy limits settlement offer, it will thereby waive its subrogation rights against the tortfeasor and his insurer. The measure also provides that the liability insurer of a tortfeasor, after paying the limits of liability under its policy and obtaining the court's approval, shall be released from further liability and the obligation to participate in the defense of an action against a tortfeasor for damages, including death, caused by the operation of an underinsured motor vehicle. The court may approve an application if it is persuaded that the tortfeasor has been sent notice of the nature of the proceeding and of his right to select counsel of his choice to appear in the action.

Patron - Joannou

HB2516 Motor vehicle insurance rate reductions; crash prevention courses. Provides that certain motor vehicle crash prevention courses may be delivered via the Internet or other electronic means so long as they have been approved by the Department of Motor Vehicles.

Patron - Ware, R.L.

HB2521 Health insurance; coverage for length of hospital inpatient stay for mother and newborn after childbirth. Requires insurers, corporations, and health maintenance organizations that provide individual or group benefits for obstetrical services to provide coverage for inpatient care of a mother and her newborn immediately after childbirth of no less than 72 hours of inpatient care following vaginal delivery or 96 hours of inpatient care following a Cesarean section.

Patron - Tyler

SB879 Underinsured motorist insurance. Authorizes an underinsured motorist insurer to assume control, for its own benefit, of the defense of an action involving its underinsured motorist coverage if the insurer for the putative at-fault insured settles, in part, the claims against its insured by payment of its applicable liability limits on behalf of its insured. The measure, which is based on a South Carolina statute, provides that an underinsured motorist insurer has 30 days after service of process in which to appear and defend in the name of the underinsured motorist an action that may affect its liability. The evidence of service upon the insurer may not be made a part of the record. The measure also prohibits an underinsured motorist policy from containing a clause requiring the insurer's consent to settlement with the at-fault party.

Patron - Martin

SB920 Health insurance; policies to protect the uninsured. Authorizes health insurers, health plans, and health maintenance organizations to offer "Protect the Uninsured"

(PTU) policies. PTU policies may be sold to small employers with no more than 50 employees, to provide coverage for their employees who have been uninsured for the preceding six months. The coverage provided under a PTU policy will be determined at the discretion of the health insurer issuing the policy, and specifically is not required to include state-mandated health benefits. Health insurers offering PTU policies are required to file quarterly reports with the Bureau of Insurance. The measure will expire on July 1, 2012.

Patron - Reynolds

FSB921 Mandated benefits; exempt individual policies. Eliminates all mandated benefits from inclusion in individual health insurance policies.

Patron - Reynolds

FSB945 Group life insurance coverage. Allows coverage under a group life insurance policy to be extended to insure any class of persons as may mutually be agreed upon by the insurer and the group policyholder.

Patron - Howell

FSB964 Health insurance; cost-sharing calculations. Requires a health insurer, health services plan, or health maintenance organization, when calculating the coinsurance obligation or other percentage of the cost of covered services provided to its insured, subscriber, or enrollee, to calculate the amount based on an amount not to exceed the provider's actual charge for the service when (i) the health insurer, health services plan, or health maintenance organization has agreed to pay the provider a fixed rate or charge for the covered service without regard to the provider's actual charge for the service and (ii) the provider's actual charge for the service is less than the fixed rate or charge for the covered service that the insurer, health services plan, or health maintenance organization has agreed to pay to the provider. In addition, persons covered under a managed care health insurance plan shall not be liable to the provider for any amount, other than any required copayment, in excess of the specified percentage of the cost of the covered service that is calculated based upon an amount not to exceed the provider's actual charge for the service provided to the covered person. Currently, a health insurer, health services plan, or health maintenance organization is required to calculate such amount based upon an amount that does not exceed the amount paid or payable to the provider.

Patron - Blevins

FSB976 Basic health benefit plans. Requires every health insurer, health maintenance organization, and corporation providing accident and sickness subscription contracts, as a condition of transacting business in Virginia, to offer to eligible individuals a basic health benefit plan. Eligible individuals are residents of the Commonwealth that have a family income that does not exceed 150 percent of the federal poverty level, have not been insured within the preceding six months, and are not eligible for coverage under certain government-sponsored health plans. Coverage under a basic health insurance policy provides benefits of at least 75 percent of necessary, reasonable, and customary charges for medical care, including hospitalization, surgery, physician services, emergency services, diagnostic tests, with a minimum annual deductible of \$5,000 for the eligible individual and \$10,000 for the eligible individual and dependent coverage, with maximum annual amount out-of-pocket limits for co-payments, co-insurance, deductibles, and other cost-sharing arrangement of \$10,000 for the eligible individual and \$20,000 for the eligible individual and dependents, and with maximum lifetime benefits of at least \$1 million. Such a policy will not provide benefits for routine

physician visits, prescription drugs, or dental treatment, or for any mandated benefit.

Patron - Stuart

FSB1260 Health insurance; mandated coverage for autism spectrum disorder. Requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the diagnosis and treatment of autism spectrum disorder in individuals under age 21. Coverage is subject to an annual maximum benefit of \$36,000.

Patron - Vogel

FSB1274 Health insurance; business practices. Prohibits the issuance, delivery, sale, or negotiation of an accident and sickness insurance policy, subscription contract for a health services plan, or health care plan, which provides for premiums to be paid on a monthly or other period basis, to require that the policyholder pay premiums in advance for future periods, as a condition to reinstatement of the policy, contract, or plan. Issuers of such policies, contracts, or plans shall not refuse to permit a policyholder to reinstate a policy, contract, or plan on the basis of the policyholder's claims experience or history of premium payments. The measure also requires that individual and group health policies, contracts, and plans include a grace period of not less than 90 days for the payment of any premium, except for the first premium.

Patron - Vogel

FSB1331 Health benefits plans offered by foreign health insurers. Authorizes health insurers licensed to sell health benefits plans in any other state to sell health benefits plans to residents of the Commonwealth if the foreign health insurer offers the same plans in its domiciliary state, is in compliance with the laws of that state, obtains a certificate of authority to do business in the Commonwealth, and participates in the Virginia Life, Accident and Sickness Insurance Guaranty Association. Foreign health insurers offering such plans in the Commonwealth will be subject to existing provisions regarding unfair trade practices, capital and surplus requirements, and taxes and assessments imposed on domestic health insurers selling individual and group health insurance policies.

Patron - Cuccinelli

FSB1458 Health insurance; mandated coverage for telehealth services. Requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the cost of telehealth services when the services are appropriately provided through such means. "Telehealth services" means the use of interactive audio, video, or other telecommunications technology by a health care provider to deliver health care services at a site other than the site where the patient is located, for consultation, transfer of medical data, and medical education.

Patron - Wampler

FSB1486 Investments of domestic insurers. Authorizes the State Corporation Commission to delay the application of provisions applicable to the investments of a petitioning domestic insurer, including the requirement that Category 2 investments be excluded from the value of admitted assets to the extent their value exceeds 75 percent of the amount by which the insurer's surplus to policyholders exceeds its minimum capital and surplus, if the Commission finds that the delay may be beneficial to the policyholders of the domestic insurer.

Patron - Edwards

Labor and Employment

Passed

HB2495 Child labor; driving automobiles and trucks. Permits children at least 17 years of age to drive automobiles or trucks on public roadways if enumerated criteria are satisfied, including requirements that the vehicle's gross weight not exceed 6,000 pounds, the driving occur in daylight hours, and the driving occur within 30 miles of the place of employment. Currently, 17-year-olds may not be employed as a driver or helper on a truck or commercial vehicle with more than two axles.

Patron - Alexander

SB860 Notice to employees; earned income tax credit. Requires employers to post any notice that may be provided by the Department of Social Services informing employees that they may be eligible for federal and state earned income tax credits.

Patron - Edwards

SB1264 Payment of wages and salaries; wage payments. Authorizes employers to pay wages and salaries to an employee hired after January 1, 2010, by credit to a prepaid debit card or card account, without the employee's affirmative written consent, if the employee fails to designate a financial institution to which payment could be made by electronic automated fund transfer and the employer arranges for the card or card account to be issued through a network system through which the employee will have the ability to make at least one free withdrawal or transfer per pay period, which withdrawal may be for any amount in the card or card account, using such card at a participating financial institution. Currently, payment via prepaid debit card or card account requires the affirmative consent of the employee, though such consent is not required if the employee has not designated a financial institution to which payment by electronic automated fund transfer could be made and the employee is employed at an amusement park.

Patron - Norment

Failed

HB1815 Questioning employees about criminal convictions; penalty. Prohibits an employer from asking an existing or prospective employee about the individual's record of arrests or convictions, unless the question refers to an arrest or conviction that occurred within the preceding 8 years or was for a violent felony. An employer may not take negative employment actions against an individual based on a response to a prohibited question. A violation is a Class 1 misdemeanor.

Patron - Morrissey

HB1869 Boiler inspections; immunity. Provides that agents and special inspectors who are authorized by the Commissioner of Labor and Industry to conduct boiler inspections, but who are not employed or paid by the Commonwealth, are exempt from civil liability from furnishing or failing to furnish inspections. This immunity does not apply in instances of gross negligence or willful misconduct.

Patron - Janis

Libraries

Passed

SB837 State Law Library; authorized users. Authorizes members of the General Assembly to designate one person to perform legal research in the State Law Library.

Patron - Cuccinelli

SB1189 Local law libraries. Authorizes all or a portion of local law libraries to be housed in local public libraries with the approval of and subject to the management of the local public libraries. Such law libraries are also authorized to charge a flat rate or fee to patrons for the use of computer research services. The bill also authorizes the use of some of the funding generated from the four dollars assessed on civil actions in certain localities to be used to acquire computer terminals for offsite placement to maximize access to the law library by the public.

Patron - Puckett

Mechanics' and Certain Other Liens

Passed

HB2164 Mechanics' liens; acquisition and disposal of abandoned vehicles. Provides new standards and procedures for acquisition and disposal of abandoned vehicles.

Patron - Lohr

Military and Emergency Laws

Passed

HB1983 Emergency response; liability. Provides civil immunity for private and charitable organizations providing resources and assistance, without compensation, pursuant to a governor-declared emergency or during a formal emergency management training exercise, and at the request of the State Department of Emergency Management or a local emergency management employee. The immunity would not apply in instances of gross negligence, recklessness, or willful misconduct.

Patron - McClellan

HB2350 Transportation of troops by railroad. Repeals an obsolete section referencing the transportation of troops by railroad. The provisions requiring the transportation of troops in times of peril were repealed by Chapters 114 and 157 of the 1996 Acts of Assembly.

Patron - Landes

HB2612 Emergency plans; victims' rights. Requires all emergency plans to include a provision that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be contacted immediately to deploy assistance in the event of an emergency as defined in the emergency response plan when there are victims as defined in

§ 19.2-11.01, as well as current contact information for both. This bill is identical to SB 1150.

Patron - Shannon

SB1150 Emergency plans; victims' rights. Requires all emergency plans to include a provision that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be contacted immediately to deploy assistance in the event of an emergency as defined in the emergency response plan when there are victims as defined in § 19.2-11.01, as well as current contact information for both. This bill is identical to HB 2612.

Patron - Howell

Failed

HB2398 Commonwealth Law-Enforcement Mutual Aid Agreement. Establishes the Commonwealth Law-Enforcement Mutual Aid agreement. Each local police and sheriff's department in the Commonwealth will automatically participate in the agreement, unless the chief law-enforcement officer provides the Virginia Department of Emergency Management with written notice of withdrawal from the agreement.

Patron - Bell

SB1030 Commonwealth Law-Enforcement Mutual Aid Agreement. Establishes the Commonwealth Law-Enforcement Mutual Aid agreement. Each local police and sheriff's department in the Commonwealth will automatically participate in the agreement, unless the chief law-enforcement officer provides the Virginia Department of Emergency Management with written notice of withdrawal from the agreement.

Patron - Hanger

Mines and Mining

Passed

HB2001 Biofuels Production Incentive Grant Program. Distinguishes between advanced biofuels that are made from winter cover crops, cellulose, hemicellulose, lignin oil, and algae and those standard biofuels that may be made from agricultural feedstocks such as corn. The program will award a \$0.125 per gallon grant for advanced biofuels and a \$0.10 per gallon grant for standard biofuels and requires the production of one million gallons per year for eligibility. This bill is identical to SB 1186.

Patron - Cosgrove

SB1186 Biofuels Production Incentive Grant Program. Distinguishes between advanced biofuels that are made from winter cover crops, cellulose, hemicellulose, lignin oil, and algae and those standard biofuels that may be made from agricultural feedstocks such as corn. The program will award a \$0.125 per gallon grant for advanced biofuels and a \$0.10 per gallon grant for standard biofuels and requires the production of one million gallons per year for eligibility. This bill is identical to HB 2001.

Patron - Hanger

SB1460 Replacement of water by gas well operators. Requires the operator of any gas well, whether a conventional or coalbed methane well, to replace any water supply contaminated or interrupted by an operation that is within 750 feet of a water well. Surface owners must allow gas well operators to sample water from such wells. Currently, these requirements

apply only to operators of coalbed methane wells and not to operators of conventional gas wells.

Patron - Puckett

Failed

HB1840 Gas and Oil Act; distance limitations of wells. Exempts wells from minimum distance limitations if the proposed drilling application includes a plan for plugging the well in advance of mining that would allow for the mine-through of the well. Permits to drill coalbed methane gas wells must also include a notice of stimulation if the proposed method of stimulation of the coal seam requires an amount of proppant greater than 10,000 pounds per foot of coal in the coal seam. If the applicant proposes to stimulate and the proposed method of stimulation of the coal seam requires an amount of proppant equal to or less than 10,000 pounds per foot of coal in the coal seam, then no consent shall be required of the coal operator.

Patron - Griffith

HB2235 Clean Energy Manufacturing Incentive Grant Program. Repeals the Solar Photovoltaic Manufacturing Incentive Grant Program and creates a program to provide financial incentives to companies that manufacture or assemble equipment, systems, or products used to produce renewable energy, nuclear energy, or energy efficiency products. To be eligible for a grant, the manufacturer must make a capital investment greater than \$50 million and create at least 200 full-time jobs. The program would be managed by the Director of the Department of Mines, Minerals and Energy.

Patron - Valentine

HB2518 Royalty payments from gas or oil drilling. Provides that property owners with an interest in oil or gas wells whose interest has been force-pooled shall receive a royalty payment of no less than one-eighth the value of production calculated at the point of the first arms-length sale. Such payment shall not be subject to reduction for operating or other costs.

Patron - Phillips

SB1204 Royalty payments from gas or oil drilling. Provides that property owners with an interest in oil or gas wells whose interest has been force-pooled shall receive a royalty payment of no less than one-eighth the value of production calculated at the point of the first arms-length sale. Such payment shall not be subject to reduction for operating or other costs.

Patron - Puckett

SB1215 Clean Energy Manufacturing Incentive Grant Program. Repeals the Solar Photovoltaic Manufacturing Incentive Grant Program and creates a program to provide financial incentives to companies that manufacture or assemble equipment, systems, or products used to produce renewable energy, nuclear energy, or energy efficiency products. To be eligible for a grant, the manufacturer must make a capital investment greater than \$50 million and create at least 200 full-time jobs. The program would be managed by the Director of the Department of Mines, Minerals and Energy.

Patron - Deeds

Motor Vehicles

Passed

HB1587 REAL ID Act; Commonwealth's participation. Provides that, with the exception of identification cards issued to employees of the Department of State Police and certain other law enforcement officers, the Commonwealth will not comply with any provision of the federal REAL ID Act that it determines would compromise the economic privacy, biometric data, or biometric samples of any resident of the Commonwealth. This bill is identical to SB 1431.

Patron - Marshall, R.G.

HB1619 Solicitation of contributions, distribution of materials, etc., in highway right-of-way. Grants Hanover and Spotsylvania Counties and the City of Falls Church the power to regulate and prohibit the solicitation of contributions and distribution of materials, etc., on highways located within their boundaries. The bill also grants Hanover County and the City of Falls Church the power to regulate such solicitations and distributions on public roadways and medians. This bill incorporates HB 1676.

Patron - Peace

HB1629 Loitering. Grants counties the same authority as cities and towns to prohibit loitering of pedestrians on bridges and highway rights-of-way. Local jurisdictions must obtain agreement from the Commonwealth Transportation Commissioner on placement of signs and shall be responsible for costs of production, installation, and maintenance of those signs. This bill incorporates HB 1675.

Patron - Cole

HB1653 Provisional driver's licenses. Provides for issuance of restricted driver's licenses, allowing the licensee to drive to and from institutions of higher education, to persons whose driver's licenses have been suspended for violations committed when operating a motor vehicle under a provisional driver's license. Presently, these restricted licenses may only be issued for the purpose of driving to and from work.

Patron - Carrico

HB1687 Vehicle sales subject to conditional financing. Spells out rights of dealers and buyers when purchases of vehicles are conditional upon financing of the transaction by an independent source. The bill further provides that if the dealer, seller, or purchaser exercises his statutory or contractual rights to cancel a purchaser's contract to buy a vehicle before application for title to the vehicle has been submitted to the Department in the name of the purchaser, the dealer has the right to possession of the vehicle without claim of possession by the purchaser within 24 hours of written or oral notice to the purchaser and without regard to the provisions of the Commercial Code, provided the dealer's right to possession is enforced in accordance with law and without breach of the peace.

Patron - Cosgrove

HB1694 Parking. Allows Fairfax and Prince William Counties and the towns of Clifton, Herndon, and Vienna to prohibit on-street parking of any truck more than 20 feet in length (other than commercial vehicles used by a public service company or by others working on its behalf, or commercial vehicles used in the provision of cable television service, or commercial vehicles used in the provision of propane gas

service) and any vehicle carrying commercial freight in plain view.

Patron - Albo

HB1706 T&M vehicle dealers, trailer dealers, and motorcycle dealers; buyer's orders; purchaser's on-line filing fees; and dealer's manual transaction fees. Provides for the collection of purchaser's on-line filing fees by T&M vehicle dealers, trailer dealers, and motorcycle dealers, and also the payment of dealer's manual transaction fees to DMV.

Patron - Oder

HB1722 Transfer of vehicle titles by operation of law. Clarifies procedures for transfer of vehicle titles by operation of law when vehicles are brought into Virginia from other states, some of which may not have provided for titling of the vehicles. This bill incorporates HB 2510. This bill is the same as SB 1415.

Patron - Cosgrove

HB1724 Trespassing vehicle; towing; local ordinances. Provides that local ordinances may require towing and recovery operators to obtain at the time the vehicle is towed, verbal approval of an agent designated in the ordinance. Further provides that local ordinances requiring "second signatures" before trespassing vehicles can be towed away only apply if the tow is performed during the normal business hours of the owner of the property from which the vehicle is towed. This bill is the same as SB 997.

Patron - Rust

HB1747 Board for Towing and Recovery Operators; public service towing services. Prohibits establishment of any regulatory scheme for public safety towing and recovery services. This bill is the same as SB 1404.

Patron - Pogge

HB1752 Weight limits for gravel trucks. Extends until July 1, 2010, the sunset on the statute granting trucks hauling gravel, sand, or crushed stone no more than 50 miles from origin to destination in counties that impose a severance tax on coal and gases the same weight limits prescribed for coal trucks. The bill also allows the same overweight permits for trucks hauling coal and coal byproducts to electricity-generation facilities as trucks hauling coal to a loading dock or railroad. The bill also sets an annual overweight vehicle fee for tank wagons. This bill incorporates HB 1622 and HB 2185.

Patron - Carrico

HB1773 Golf carts; operation on the highways. Allows the governing body of the Town of Irvington to authorize operation of golf carts on the highways of the Town, subject to limits of general law. This bill is the same as SB 911.

Patron - Pollard

HB1778 Motor vehicle dealers; coercion. Revises and clarifies responsibilities of manufacturers toward motor vehicle dealers in the event of termination of a dealer franchise. This bill is the same as SB 1410.

Patron - Athey

HB1782 Public school standardized driver education programs. Requires that public school standardized driver education programs in Planning District 8, for any student completing a driver education program on or after January 1, 2010, include an additional minimum 90-minute parent/student driver education component, as part of the in-classroom portion of the driver education curriculum, requiring the participation of the student's parent or guardian and emphasizing parental responsibilities regarding juvenile driver behavior,

juvenile driving restrictions pursuant to the Code of Virginia, and the dangers of driving while intoxicated and underage consumption of alcohol.

Patron - Albo

HB1826 Driver's licenses of minors. Provides for the suspension of the driver's license of any minor who has 10 or more unexcused absences from public school on consecutive school days.

Patron - Fralin

HB1837 Maximum speed limit on nonsurface treated highways for certain counties. Adds Albemarle County to the list of counties where the unposted maximum speed limit on nonsurface treated highways (dirt roads) is 35 miles per hour.

Patron - Toscano

HB1873 Motorcycle classifications. Provides for issuance by DMV of motorcycle classifications by mail to holders of Virginia driver's licenses if they are U.S. Armed Services members stationed outside Virginia, their spouses, or their dependents, if they can show proof of successful completion of a basic motorcycle rider course approved by the U.S. Armed Services and of their assignment outside Virginia.

Patron - Cosgrove

HB1876 Text messaging and emailing while driving. Prohibits operation of a motor vehicle, on the highways in the Commonwealth while using any handheld personal communications device to manually enter multiple letters or text or to read a text message. This bill provides exemptions for the use of global positioning systems (GPS), reading caller identification information, and using a wireless telecommunications device to report an emergency. The provisions of this bill do not apply to operators of emergency vehicles. This bill incorporates HB 1615 and HB 2380.

Patron - Cosgrove

HB1905 Golf carts. Allows operation of golf carts and utility vehicles on secondary highway system components that have a posted speed limit of no more than 35 miles per hour and that are within three miles of a motor speedway with a seating capacity of at least 25,000 but less than 90,000 on the same day as any race or race-related event conducted on that speedway.

Patron - Armstrong

HB1906 Motorcycle brake lights. Allows motorcycles to be equipped with a means of varying the brightness of the vehicle's brake light for a duration of not more than five seconds upon application of the vehicle's brakes.

Patron - Armstrong

HB2008 Electric personal assistive mobility devices, electrically powered toy vehicles, bicycles, electric power-assisted bicycles, and mopeds. Prohibits operation of electric personal assistive mobility devices, electrically powered toy vehicles, bicycles, electric power-assisted bicycles, and mopeds on any Interstate Highway System component.

Patron - Brink

HB2073 Weight limit extension; vehicles using an auxiliary power unit or idle reduction technology. Extends weight limit for motor vehicles using an auxiliary power unit or other form of idle reduction technology by an additional 400 pounds.

Patron - Scott, E.T.

HB2075 Overweight/oversize vehicle permits. Provides that violation of terms and conditions of excessive size and weight permits shall not invalidate the weight allowed on such permit unless (i) the permit vehicle is operating off the route listed on the permit, (ii) the vehicle has fewer axles than required by the permit, (iii) the vehicle has less axle spacing than required by the permit when measured longitudinally from the center of the axle to center axle with any fraction of a foot rounded to the next highest foot, or (iv) the vehicle is transporting multiple items not allowed by the permit.

Patron - Scott, E.T.

HB2169 Board of Towing and Recovery Operators. Revises the composition of the Board and provides that the Superintendent of State Police (or his designee) will be chairman of the Board. The bill also requires the Board to make an annual report to the Governor, the General Assembly, the Superintendent of State Police, and postpones the date by which towing and recovery business must be licensed by the Board and by which tow truck drivers must have tow truck driver authorization documents issued by the Board from January 1, 2009, to July 1, 2009. Additionally, license fees charged by the Board are prohibited from being more than required to generate sufficient revenue to cover the Board's costs. Licensed operators whose businesses generate less than \$10,000 per year are not required to accept credit cards. Finally, the bill provides a mechanism for suspension, revocation, and refusal to renew license or tow truck driver authorization documents issued by the Board.

Patron - Abbitt

HB2182 Local vehicle license fees and taxes; disabled veterans and their surviving spouses. Amends present law to allow localities to exempt disabled veterans, non-disabled veterans, and the surviving spouses of veterans from local vehicle license fees and taxes. This bill conflicts with SB 1200.

Patron - Phillips

HB2233 Electronic filings; Department of Motor Vehicles. Provides that DMV may require certain filings or submissions be made electronically, including any required monthly updates from insurance companies and requests for refunds of certain fuel.

Patron - Marsden

HB2238 Transport of hazardous materials by commercial motor vehicle; out-of-service order. Extends disqualification for violation of an out-of-service order to any person operating a commercial vehicle used to transport hazardous materials.

Patron - Valentine

HB2317 Vehicle safety inspections; use of electronic forms. Requires State Police on or before December 1, 2010, to accept data required to be submitted to them by official inspection stations in electronic form.

Patron - Carrico

HB2428 Peddling along public roads. Adds Loudoun County to the list of localities that may adopt ordinances regulating peddling, etc., along public roads.

Patron - May

HB2485 Vehicle safety inspections. Codifies exceptions to vehicle safety inspection requirements set forth in a gubernatorial proclamation of July 2006. This bill is the same as SB 1027.

Patron - Nichols

HB2505 Towing and recovery licensure. Extends the date from January 1, 2009, until July 1, 2009, for which a person engaging in or offering to engage in towing needs a valid license from the Board; emergency. This bill is the same as SB 1449.

Patron - Howell, A.T.

HB2533 Studded tires. Allows emergency vehicles to operate with studded tires, etc., year-round.

Patron - Wright

HB2534 Special license plates. Authorizes the issuance of special license plates for veterans of Operation Enduring Freedom, members of the Virginia State Defense Force, and "tobacco heritage" plates for trucks. Repeals authorizations for issuance of special license plates for which the required minimum number of prepaid orders was never received: for supporters of the Lake Taylor Transitional Care Hospital Foundation and for supporters of the National D-Day Memorial Foundation. This bill incorporates HB 1583, HB 1586, HB 1772, and HB 2392.

Patron - Scott, E.T.

HB2571 Restricted license eligibility while license is suspended. Allows a court to issue a restricted license to a person whose license is suspended under certain circumstances. This bill is identical to SB 1343.

Patron - BaCote

HB2596 Washington Metropolitan Area Transit Authority Compact. Amends the Washington Metropolitan Area Transit Authority Compact to comply with certain federal requirements; increases the number of directors on the WMATA Board by adding two federal appointees contingent upon certain federal grants; establishes an Office of the Inspector General and provides for the duties of such office; and requires that certain payments made to WMATA to match certain federal funds be made from a dedicated funding source.

Patron - Ebbin

SB39 Traffic accident reports. Increases from \$1,000 to \$1,500 the damage threshold at which traffic accidents become "reportable."

Patron - Deeds

SB817 Special license plates. Authorizes the issuance of special license plates promoting tourism and conservation on the Northern Neck, for supporters of the Choose Life Virginia Fund, and for supporters of the Shenandoah National Park Association. Repeals § 46.2-749.49:1 of the Code of Virginia, relating to special license plates for supporters of the Shenandoah National Park Association. This bill incorporates SB 828, SB 862, SB 1054, SB 1108, SB 1209, SB 1488, SB 1491, and SB 1526.

Patron - Stuart

SB882 Regulation of parking on public highways. Adds Stafford County to the list of counties and towns that may by ordinance regulate the parking of (i) watercraft, (ii) boat trailers, (iii) motor homes, and (iv) camping trailers. The bill also replaces several circumlocutions with the names of the localities to which those circumlocutions apply.

Patron - Stuart

SB899 Solicitation of contributions, distribution of materials, etc., in highway right-of-way. Grants Hanover and Spotsylvania Counties and the City of Falls Church the power to regulate and prohibit the solicitation of contributions and distribution of materials, etc., on highways located within their

boundaries. The bill also grants Hanover County and the City of Falls Church the power to regulate such solicitations and distributions on public roadways and medians.

Patron - McDougle

SB911 Golf carts; operation on the highways. Allows the governing body of the Town of Irvington to authorize operation of golf carts on the highways of the Town, subject to limits of general law. This bill is identical to HB 1773.

Patron - Stuart

SB932 Washington Metropolitan Area Transit Commission. Provides that the Mayor of the District of Columbia will appoint the member to represent the District of Columbia on the Commission from a District of Columbia agency with oversight of matters relating to the Commission.

Patron - Ticer

SB974 Golf carts; crossing highways in Colonial Beach. Amends the provision allowing golf carts to cross highways with 35 mph speed limits at traffic lights in Colonial Beach by removing the reference to traffic lights.

Patron - Stuart

SB992 Red warning lights on vehicles. Updates the existing authorization for use of red warning lights on security vehicles of the Newport News Shipbuilding and Drydock Company by changing the name to Northrop Grumman Shipbuilding, Inc. Also, an obsolete reference to "Tultex Corporation" is deleted.

Patron - Miller, J.C.

SB997 Trespassing vehicle; towing; local ordinances. Provides that local ordinances may require towing and recovery operators to obtain at the time the vehicle is towed, verbal approval of an agent designated in the ordinance. Further provides that local ordinances requiring "second signatures" before trespassing vehicles can be towed away only apply if the tow is performed during the normal business hours of the owner of the property from which the vehicle is towed. This bill is identical to HB 1724.

Patron - Miller, J.C.

SB1027 Vehicle safety inspections. Codifies exceptions to vehicle safety inspection requirements set forth in a gubernatorial proclamation of July 2006. This bill is identical to HB 2485.

Patron - Hanger

SB1046 Obtaining licenses and identification cards; federal REAL ID Act. Amends provisions for obtaining licenses to comply with federal REAL ID Act requirements.

Patron - Miller, Y.B.

SB1159 Safety inspection stickers. Extends from 72 hours to five business days the amount of time a person serving in the armed forces of the U.S. outside Virginia has to get his vehicle inspected upon returning to the Commonwealth.

Patron - Saslaw

SB1200 Local vehicle license fees and taxes; disabled veterans and their surviving spouses. Amends current law that allows localities to exempt disabled veterans and the surviving spouses of veterans from local vehicle license fees and taxes so as to allow localities to grant this exemption to all veterans and their surviving spouses. This bill conflicts with HB 2182.

Patron - Puckett

SB1206 Reciprocal agreements with other states; penalties for violations. Provides that any operator of a motor vehicle not in compliance with the federal Unified Carrier Registration System shall be guilty of a Class 4 misdemeanor.

Patron - Puckett

SB1326 Obtaining salvage certificates or certificates of title to certain vehicles. Provides that whenever an insurance company or its agent applies for the registration of or a new certificate of title for a motor vehicle, trailer, or semitrailer and is unable to present a certificate of title, DMV may receive the application along with an affidavit indicating that the vehicle was acquired as the result of the claims process and the efforts made by the insurance company or its agent to obtain a certificate of title from the previous owner. The bill also allows DMV to charge a fee of no more than \$25 for such transactions.

Patron - McEachin

SB1343 Restricted license eligibility while license is suspended. Allows a court to issue a restricted license to a person whose license is suspended under certain circumstances. This bill is identical to HB 2571.

Patron - Reynolds

SB1404 Board for Towing and Recovery Operators; public service towing services. Prohibits establishment of any regulatory scheme for public safety towing and recovery services. This bill is identical to HB 1747.

Patron - Norment

SB1410 Motor vehicle dealers; coercion. Revises and clarifies responsibilities of manufacturers toward motor vehicle dealers in the event of termination of a dealer franchise. This bill is identical to HB 1778.

Patron - Norment

SB1415 Sale in Virginia of vehicles repossessed in another state. Provides that any motor vehicle dealer who purchases a vehicle titled in another state and was repossessed may sell that vehicle in Virginia without obtaining a Virginia title for the vehicle from Virginia or the state in which the vehicle is titled, provided the motor vehicle dealer has an affidavit of repossession or similar document showing the lawful repossession. This bill is identical to HB 1722.

Patron - Blevins

SB1431 REAL ID Act; Commonwealth's participation. Provides that, with the exception of identification cards issued to employees of the Department of State Police and certain other law enforcement officers, the Commonwealth will not comply with any provision of the federal REAL ID Act that it determines would compromise the economic privacy, biometric data, or biometric samples of any resident of the Commonwealth. This bill is identical to HB 1587.

Patron - Cuccinelli

SB1449 Towing and recovery licensure. Extends the date from January 1, 2009, until July 1, 2009, for which a person engaging in or offering to engage in towing needs a valid license from the Board; emergency. This bill is identical to HB 2505.

Patron - Wagner

SB1511 Washington Metropolitan Area Transit Authority Compact. Amends the Washington Metropolitan Area Transit Authority Compact to comply with certain federal requirements; increases the number of directors on the WMATA Board by adding two federal government appointees;

establishes an Office of the Inspector General and provides for the duties of such office; and requires that certain payments made to WMATA to match certain federal funds be made from a dedicated funding source.

Patron - Whipple

Failed

HB1583 Special truck license plates celebrating Virginia's tobacco heritage. Authorizes the issuance of "tobacco heritage" special license plates for trucks. This bill was incorporated into HB 2534.

Patron - Wright

HB1586 Special license plates; expired authorizations. Repeals authorizations for issuance of special license plates for which the required minimum number of prepaid orders was never received. The affected plates are those for supporters of the Lake Taylor Transitional Care Hospital Foundation and those for supporters of the National D-Day Memorial Foundation. This bill was incorporated into HB 2534.

Patron - Landes

HB1614 Possession of open container of alcohol in a motor vehicle; penalty. Provides that no person shall possess an alcoholic beverage in the passenger area of a motor vehicle upon a public highway of the Commonwealth in other than the manufacturer's unopened, original container. The bill punishes violators with a civil penalty of \$25.

Patron - Purkey

HB1615 Text messaging while driving. Prohibits operation of a motor vehicle, bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped on the highways in the Commonwealth while using any wireless telecommunication device for the purpose of sending, receiving, or reading any text message. The prohibition, however, does not extend to entering names or numbers for making telephone calls and does not apply to the operator of emergency vehicles. Violations are punishable by fines of \$20 for first offenses and \$50 for subsequent offenses. This bill was incorporated into HB 1876.

Patron - Howell, A.T.

HB1622 Weight limits for gravel trucks. Repeals the July 1, 2009, sunset on the statute granting trucks hauling gravel, sand, or crushed stone no more than 50 miles from origin to destination in counties that impose a severance tax on coal and gases the same weight limits prescribed for coal trucks. This bill was incorporated into HB 1752.

Patron - Bowling

HB1626 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.

Patron - Ware, O.

HB1627 Motor carrier liability insurance. Reduces the minimum amount of liability insurance required of operators of "trolleys" to \$1.5 million.

Patron - Cole

HB1654 Examination of driver's licenses believed to be incompetent. Limits the "relatives" that may report incompetent drivers to DMV without DMV's identifying the source of the report to the licensee to the licensee's spouse, parent, child, or stepchild.

Patron - Carrico

HB1659 Use of wireless telecommunications devices while driving. Prohibits use of wireless telecommunications devices, whether handheld or otherwise, while operating a motor vehicle, bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped on the highways in the Commonwealth, except in an emergency.

Patron - Howell, A.T.

HB1675 Loitering. Grants counties the same authority as cities and towns to prohibit loitering of pedestrians on bridges and highway rights-of-way. This bill was incorporated into HB 1629.

Patron - Orrock

HB1676 Distribution of handbills, etc., on highways. Grants Spotsylvania County the same power granted Arlington and Henrico Counties, the City of Richmond, and the Town of Vienna to prohibit distribution of handbills, etc., on highways. This bill has been incorporated into HB 1619.

Patron - Orrock

HB1690 Special ID cards. Allows persons at least 70 years old to exchange Virginia driver's licenses for special ID cards without having to submit birth certificates.

Patron - Tata

HB1701 Special license plates; SEAFOOD LOVER. Authorizes the issuance of revenue-sharing special license plates bearing the legend SEAFOOD LOVER. For each set of plates issued (after the first 1,000 sets), \$15 will be paid into the Virginia Marine Products Fund, established pursuant to § 3.2-2705 of the Code of Virginia, and used as therein provided.

Patron - Lewis

HB1717 Special license plates; Special Olympics. Authorizes the issuance of special license plates for supporters of Special Olympics.

Patron - Cox

HB1731 Vehicle license plates. Provides for display of one license plate on vehicles. This bill is identical to SB 937.

Patron - Cole

HB1769 Use of mobile telephone and other wireless electronic devices while driving. Provides that, with certain exceptions, no person may use a mobile telephone or other wireless electronic telecommunications device while operating a moving motor vehicle on any public highway in the Commonwealth unless such mobile telephone or other wireless electronic telecommunications device is equipped with a hands-free accessory.

Patron - Dance

HB1772 Special license plates; members of the Virginia State Defense Force. Authorizes the issuance of special license plates to members of the Virginia State Defense Force. These plates are not subject to the standard 350 minimum pre-paid order requirement. This bill was incorporated into HB 2534.

Patron - Pollard

HB1817 Speed limits. Provides for a 70 mph speed limit on (i) I-295 between Williamsburg Road in Henrico County and the I-295/I-95 interchange in Prince George County and (ii) on I-95 between the I-295/I-95 interchange in Prince George County and North Carolina.

Patron - Morrissey

HB1824 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 SB 1370.

Patron - Wright

HB1860 Impoundment of motor vehicle for driving without an operator's license. Provides that a person who is found to be driving a motor vehicle without an operator's license, having been previously convicted of such an offense, shall have his motor vehicle impounded. This bill was incorporated into HB 2021.

Patron - Shannon

HB1870 Motorcycle riding abreast. Provides that it shall be a traffic infraction punishable by a \$25 civil penalty for two motorcycles to travel abreast in a lane designated for one vehicle.

Patron - Janis

HB1955 Use of mobile telephone and other wireless electronic devices while driving. Provides that, with certain exceptions, no person may use a mobile telephone or other wireless electronic telecommunications device while operating a moving motor vehicle on any public highway in the Commonwealth unless such mobile telephone or other wireless electronic telecommunications device is equipped with a hands-free accessory.

Patron - Mathieson

HB1987 Suspension of driver's license for failure to pay jail fees. Allows for the suspension of a driver's license for failure to pay jail fees related to a prisoner's keep.

Patron - Miller, P.J.

HB2011 Pedestrians; railroad grade crossings. Prohibits crossing of railroad grade crossings by pedestrians using public highways if a train or locomotive is present or approaching.

Patron - Ebbin

HB2021 Impoundment of motor vehicle for driving without an operator's license. Provides that a person who is found to be driving a motor vehicle without an operator's license, having been previously convicted of such an offense, shall have his motor vehicle impounded for 30 days. Persons arrested for failure to have a valid operator's license who are under 18 years of age or whose licenses have been expired for less than one year are exempted from impoundment. The bill contains provisions to allow a person to retrieve his vehicle upon reinstatement of his driving privilege. This bill incorporates HB 1860.

Patron - Rust

HB2036 Vehicle safety inspections; age of tires. Prohibits issuance of a vehicle safety inspection approval sticker for any vehicle equipped with tires that are more than 10 years old.

Patron - Iaquinto

HB2100 Special license plates; clean special fuel vehicles; fee. Eliminates the annual \$25 surcharge for issuance

of clean special fuel vehicle license plates and provides that the fee for issuance of these plates will be the same as that charged for standard state license plates. The bill also repeals the provision that had dedicated the revenues from the \$25 surcharge to HOV lane enforcement.

Patron - Gear

HB2140 Learner's permits. Requires DMV to refuse an application for a learner's permit by a minor who has had more than five unexcused absences from school in the six months of school immediately preceding the application.

Patron - Miller, J.H.

HB2183 All-terrain vehicles; registration; limited over-the-road operation. Allows over-the-road operation of all-terrain vehicles for distances of no more than two miles between one all-terrain vehicle trail and another. Operators must have driver's licenses with motorcycle classifications and must obey all rules of the road applicable to motorcycles.

Patron - Phillips

HB2185 Weight limits for gravel trucks. Extends for two more years the July 1, 2009, sunset on the statute granting trucks hauling gravel, sand, or crushed stone no more than 50 miles from origin to destination in counties that impose a severance tax on coal and gases, the same weight limits prescribed for coal trucks. This bill was incorporated into HB 1752.

Patron - Phillips

HB2210 Enforcement of traffic light signals. Allows law-enforcement officers to arrest or detain persons who violate traffic light signals even if the officers are not in uniform at the time.

Patron - Jones

HB2231 Parking. Adds pickup and panel trucks to the list of vehicles that Fairfax and Prince William Counties and Clifton, Herndon, and Vienna may prohibit from parking on streets in areas zoned for residential use. The bill also eliminates population bracket circumlocutions and names the specific localities to which those brackets were intended to apply.

Patron - Marsden

HB2236 Private security officer nomenclature. Changes the words "private security guard" to "private security officer" in three sections of Title 46.2.

Patron - Valentine

HB2253 Safety belts. Makes non-use of motor vehicle safety belts a "primary offense." This bill is identical to HB 2339, SB 970 and SB 1161.

Patron - Barlow

HB2254 Special license plates; members and supporters of the International Association of Fire Fighters. Authorizes the issuance of revenue-sharing special license plates to members and supporters of the International Association of Fire Fighters. The annual surcharge for these plates would be \$25, instead of the standard \$10 for most other non-revenue-sharing special license plates. For each set of plates issued (after the first 1,000 sets), \$15 will go to the Virginia Professional Fire Fighters Charitable Foundation.

Patron - Nichols

HB2273 Driver's license examination. Requires the DMV Commissioner, on or before January 1, 2010, to significantly strengthen the Virginia driver's license examination. Such improvements are to include (i) overcorrection; (ii) trailer connection requirements and driving techniques associated with towing of light- to medium-duty trailers; and (iii) recogni-

tion of driver hand signals, especially while driving in rural areas.

Patron - Poindexter

HB2276 Board of Towing and Recovery Operators. Exempts towing and recovery operators, businesses, and vehicles operating, registered in, or principally garaged in a locality imposing a coal severance tax from the powers and regulations of the Board of Towing and Recovery Operators.

Patron - Bowling

HB2319 Overload and overweight permits; fees. Revises the fees for vehicle overload and overweight permits to conform to recommendations of the Virginia Transportation Research Council.

Patron - Marshall, R.G.

HB2339 Safety belts. Makes non-use of motor vehicle safety belts a "primary offense." This bill is identical to HB 2253, SB 970 and SB 1161.

Patron - Amundson

HB2380 Text messaging and emailing while driving. Prohibits operation of a motor vehicle, bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped on the highways in the Commonwealth while using any wireless telecommunications device for the purpose of composing or sending any text message or email. This bill provides exemptions for persons lawfully parked or stopped, the use of global positioning systems (GPS), and the use of a wireless telecommunications device to report an emergency. The provisions of this bill do not apply to operators of emergency vehicles. This bill was incorporated into HB 1876.

Patron - Scott, J.M.

HB2384 Safety belt ordinances. Allows the governing body of any county, city, or town to enact a local safety belt ordinance not inconsistent with the state law on the same subject. Presently, this ability is limited to the City of Lynchburg.

Patron - Scott, J.M.

HB2386 Pedestrians and drivers; responsibilities. Sets out the responsibilities of pedestrians and drivers at marked and unmarked crosswalks. This bill incorporates HB 2520.

Patron - Ebbin

HB2392 Special license plates; veterans of Operation Enduring Freedom. Authorizes the issuance of special license plates for veterans of Operation Enduring Freedom. These plates are not subject to the standard 350 minimum pre-paid order requirement. This bill was incorporated into HB 2534.

Patron - Bell

HB2399 Special license plates; Purple Heart recipients. Allows surviving parents of Purple Heart recipients to be issued Purple Heart license plates if the person to whom the decoration was awarded has no unremarried surviving spouse.

Patron - Bell

HB2448 Special license plates; D.C. United soccer team. Authorizes the issuance of special license plates to supporters of the D.C. United soccer team.

Patron - Sickles

HB2510 Sale in Virginia of vehicles repossessed in another state. Provides that a person who purchases in another state a vehicle repossessed in that state, may sell that vehicle in Virginia without obtaining a Virginia title, provided the person

who purchased the vehicle in another state has in his possession an affidavit of repossession or similar document, approved by the state in which the vehicle was purchased, attesting to the lawful repossession. This bill was incorporated into HB 1722.

Patron - Marsden

HB2520 Pedestrians and drivers; responsibilities. Sets out the responsibilities of pedestrians and drivers at marked and unmarked crosswalks. This bill was incorporated into HB 2386.

Patron - Shannon

HB2542 "Move-over" law. Revises the class of stationary vehicles for which motorists must, if safe to do so, move over by providing a new definition of "emergency vehicle."

Patron - Valentine

HB2548 Learner's permits. Requires applicants for a learner's permit or renewal thereof to prove their legal presence in the U.S.

Patron - Albo

HB2556 Special license plates; disabled veterans. Amends the definition of "disabled veteran" in § 46.2-100 to allow any veteran who has a service-connected disability that would qualify him for receiving disabled parking license plates to receive disabled veteran license plates.

Patron - Ingram

HB2561 Motor vehicles; suspension of license for failure or refusal to pay fines or costs. Allows for the suspension of a defendant's driver's license for failure or refusal to pay fines and costs 15 days after sentencing. Currently, the court is authorized to suspend the license for such failure or refusal 15 days after conviction; however, it is during the sentencing phase that the court assesses whether fines and costs have been paid.

Patron - Miller, J.H.

HB2605 Driver training schools; regulation by DMV. Transfers to the Department of Motor Vehicles (DMV) responsibility for driver training programs established for the public school system by the Department of Education.

Patron - Hugo

SB801 Special license plates; supporters of certain programs for expectant mothers. Authorizes the issuance of special "revenue sharing" license plates bearing the legend: CHOOSE LIFE. These plates would be subject to an annual fee of \$25 in addition to the prescribed fee for state license plates. For each such \$25 fee collected in excess of 1,000 registrations, \$15 would be paid annually to the locality in which the vehicle is registered and distributed to nongovernmental, not-for-profit agencies that provide counseling and other services intended to meet the needs of expectant mothers who are committed to placing their children for adoption. No funds under this bill would be distributed to any agency that is involved or associated with abortion activities, including, but not necessarily limited to, counseling for or referrals to abortion clinics, providing medical abortion-related procedures, or pro-abortion advertising. No funds under this bill would be distributed to any agency that charges for services received.

Patron - Cuccinelli

SB803 Off-road motorcycles. Prohibits operation of off-road motorcycles on the highways.

Patron - Miller, Y.B.

SB804 Special license plates; supporters of the Virginia Kids Eat Free program. Authorizes the issuance of revenue-sharing special license plates to supporters of the Virginia Kids Eat Free program. The annual surcharge for these plates would be \$25, instead of the standard \$10 for most other non-revenue-sharing special license plates. For each set of plates issued (after the first 1,000 sets), \$15 will go to Virginia Kids Eat Free, Inc., to support its operation and programs in Virginia.

Patron - Lucas

SB805 Special license plates; National Ovarian Cancer Coalition. Authorizes the issuance of revenue-sharing special license plates for supporters of the National Ovarian Cancer Coalition.

Patron - Ticer

SB809 Special license plates; members and supporters of the International Association of Fire Fighters. Authorizes the issuance of revenue-sharing special license plates to members and supporters of the International Association of Fire Fighters. 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 International Association of Fire Fighters to support its operation and programs in Virginia.

Patron - Puller

SB828 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 - Smith

SB841 REAL ID Act and citizens' privacy. Prohibits DMV or any other agency of the Commonwealth from using any type of computer chip or radio-frequency identification on licenses and identification cards and from sharing certain data with other states or with any federal government agency. Further provides that no biometric data will be gathered or retained.

Patron - Cuccinelli

SB846 Special license plates; members and supporters of the International Association of Fire Fighters. Authorizes the issuance of revenue-sharing special license plates to members and supporters of the International Association of Fire Fighters. The annual surcharge for these plates would be \$25, instead of the standard \$10 for most other nonrevenue-sharing special license plates. For each set of plates issued (after the first 1,000 sets), \$15 will go to the Virginia Professional Fire Fighters Charitable Foundation.

Patron - Puller

SB847 Emergency vehicles proceeding past red lights. Provides that emergency vehicles proceeding past any device indicating moving traffic shall stop must maintain a reduced speed, must display flashing lights, and must sound a siren.

Patron - Puller

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 check-points.

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

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

Partnerships

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

PSB919 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

PSB1306 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

ESB1205 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

ESB1234 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

ESB1327 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

ESB1355 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

ESB1378 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

ESB1388 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

ESB1545 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

PSB1063 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

SHB2314 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

SHB1919 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

SHB2441 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

SHB2624 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 - McDougle

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 HJR 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 HJR 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

Failed

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

Miscellaneous (Including Budget and Bonds)

Passed

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

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

Index of House Bills

Bill Number	Page	Bill Number	Page	Bill Number	Page	Bill Number	Page
House Bills							
HB1579	81	HB1629	94	HB1681	75	HB1733	161
HB1580	79	HB1630	65	HB1682	159	HB1734	46
HB1581	81	HB1631	79	HB1683	19	HB1735	31
HB1582	136	HB1632	103	HB1684	103	HB1736	159
HB1583	97	HB1633	138	HB1685	65	HB1737	122
HB1584	114	HB1634	65	HB1686	127	HB1738	73
HB1585	18	HB1635	72	HB1687	94	HB1739	140
HB1586	97	HB1636	115	HB1688	114	HB1740	63
HB1587	94	HB1637	30	HB1689	46	HB1741	46
HB1588	89	HB1638	61	HB1690	98	HB1742	103
HB1589	103	HB1639	152	HB1691	122	HB1743	23
HB1590	127	HB1640	114	HB1692	76	HB1744	111
HB1591	8	HB1641	73	HB1693	43	HB1745	42
HB1592	127	HB1642	81	HB1694	94	HB1746	54
HB1593	111	HB1643	63	HB1695	52	HB1747	94
HB1594	122	HB1644	65	HB1696	61	HB1748	46
HB1595	30	HB1645	79	HB1697	31	HB1749	144
HB1596	52	HB1646	159	HB1698	135	HB1750	61
HB1597	127	HB1647	103	HB1699	14	HB1751	127
HB1598	74	HB1648	81	HB1700	56	HB1752	94
HB1599	59	HB1649	115	HB1701	98	HB1753	41
HB1600	151	HB1650	89	HB1702	46	HB1754	46
HB1601	107	HB1651	23	HB1703	31	HB1755	46
HB1602	56	HB1652	25	HB1704	77	HB1756	31
HB1603	56	HB1653	94	HB1705	118	HB1757	159
HB1604	151	HB1654	98	HB1706	94	HB1758	152
HB1605	74	HB1655	30	HB1707	28	HB1759	152
HB1606	61	HB1656	61	HB1708	107	HB1760	152
HB1607	65	HB1657	85	HB1709	17	HB1761	1
HB1608	61	HB1658	65	HB1710	29	HB1762	30
HB1609	71	HB1659	98	HB1711	20	HB1763	79
HB1610	65	HB1660	1	HB1712	63	HB1764	46
HB1611	79	HB1661	127	HB1713	79	HB1765	159
HB1612	61	HB1662	152	HB1714	140	HB1766	127
HB1613	107	HB1663	59	HB1715	127	HB1767	54
HB1614	97	HB1664	59	HB1716	71	HB1768	75
HB1615	97	HB1665	59	HB1717	98	HB1769	98
HB1616	8	HB1666	71	HB1718	107	HB1770	118
HB1617	1	HB1667	79	HB1719	70	HB1771	63
HB1618	71	HB1668	83	HB1720	72	HB1772	98
HB1619	94	HB1669	127	HB1721	127	HB1773	94
HB1620	65	HB1670	52	HB1722	94	HB1774	139
HB1621	65	HB1671	30	HB1723	81	HB1775	1
HB1622	97	HB1672	65	HB1724	94	HB1776	17
HB1623	70	HB1673	23	HB1725	59	HB1777	114
HB1624	54	HB1674	143	HB1726	89	HB1778	94
HB1625	84	HB1675	98	HB1727	54	HB1779	122
HB1626	97	HB1676	98	HB1728	36	HB1780	66
HB1627	97	HB1677	81	HB1729	31	HB1781	46
HB1628	79	HB1678	31	HB1730	73	HB1782	94
		HB1679	54	HB1731	98	HB1783	36
		HB1680	31	HB1732	1	HB1784	36

Index of House Bills

<u>Bill Number</u>	<u>Page</u>						
HB1785	113	HB1837	95	HB1889	138	HB1941	1
HB1786	127	HB1838	1	HB1890	84	HB1942	55
HB1787	18	HB1839	128	HB1891	122	HB1943	107
HB1788	31	HB1840	93	HB1892	64	HB1944	143
HB1789	56	HB1841	21	HB1893	72	HB1945	55
HB1790	122	HB1842	43	HB1894	66	HB1946	42
HB1791	63	HB1843	85	HB1895	128	HB1947	122
HB1792	1	HB1844	54	HB1896	66	HB1948	85
HB1793	66	HB1845	42	HB1897	53	HB1949	104
HB1794	54	HB1846	128	HB1898	23	HB1950	71
HB1795	66	HB1847	71	HB1899	20	HB1951	14
HB1796	46	HB1848	73	HB1900	111	HB1952	73
HB1797	47	HB1849	136	HB1901	71	HB1953	56
HB1798	114	HB1850	50	HB1902	128	HB1954	47
HB1799	1	HB1851	44	HB1903	137	HB1955	98
HB1800	56	HB1852	107	HB1904	140	HB1956	16
HB1801	47	HB1853	77	HB1905	95	HB1957	29
HB1802	31	HB1854	36	HB1906	95	HB1958	144
HB1803	122	HB1855	71	HB1907	159	HB1959	144
HB1804	43	HB1856	113	HB1908	44	HB1960	23
HB1805	43	HB1857	40	HB1909	111	HB1961	22
HB1806	47	HB1858	103	HB1910	36	HB1962	23
HB1807	47	HB1859	21	HB1911	104	HB1963	23
HB1808	127	HB1860	98	HB1912	31	HB1964	17
HB1809	19	HB1861	81	HB1913	54	HB1965	128
HB1810	59	HB1862	23	HB1914	40	HB1966	8
HB1811	47	HB1863	106	HB1915	23	HB1967	8
HB1812	8	HB1864	89	HB1916	74	HB1968	50
HB1813	52	HB1865	43	HB1917	122	HB1969	1
HB1814	27	HB1866	50	HB1918	25	HB1970	116
HB1815	92	HB1867	43	HB1919	105	HB1971	88
HB1816	138	HB1868	44	HB1920	81	HB1972	88
HB1817	98	HB1869	92	HB1921	23	HB1973	25
HB1818	103	HB1870	98	HB1922	73	HB1974	88
HB1819	116	HB1871	36	HB1923	55	HB1975	122
HB1820	111	HB1872	31	HB1924	59	HB1976	128
HB1821	47	HB1873	95	HB1925	25	HB1977	90
HB1822	47	HB1874	50	HB1926	31	HB1978	66
HB1823	127	HB1875	1	HB1927	1	HB1979	47
HB1824	98	HB1876	95	HB1928	23	HB1980	55
HB1825	56	HB1877	63	HB1929	19	HB1981	77
HB1826	95	HB1878	63	HB1930	25	HB1982	88
HB1827	103	HB1879	36	HB1931	139	HB1983	92
HB1828	31	HB1880	79	HB1932	81	HB1984	21
HB1829	89	HB1881	63	HB1933	37	HB1985	56
HB1830	122	HB1882	81	HB1934	128	HB1986	107
HB1831	25	HB1883	8	HB1935	88	HB1987	98
HB1832	63	HB1884	135	HB1936	139	HB1988	66
HB1833	36	HB1885	116	HB1937	142	HB1989	21
HB1834	59	HB1886	17	HB1938	122	HB1990	61
HB1835	79	HB1887	87	HB1939	107	HB1991	25
HB1836	54	HB1888	20	HB1940	59	HB1992	81

Index of House Bills

<u>Bill Number</u>	<u>Page</u>						
HB1993	81	HB2045	21	HB2097	108	HB2149	62
HB1994	116	HB2046	138	HB2098	122	HB2150	32
HB1995	32	HB2047	66	HB2099	80	HB2151	57
HB1996	37	HB2048	143	HB2100	98	HB2152	116
HB1997	24	HB2049	66	HB2101	123	HB2153	129
HB1998	104	HB2050	152	HB2102	72	HB2154	104
HB1999	21	HB2051	15	HB2103	159	HB2155	116
HB2000	118	HB2052	15	HB2104	57	HB2156	87
HB2001	93	HB2053	48	HB2105	119	HB2157	137
HB2002	138	HB2054	48	HB2106	128	HB2158	32
HB2003	159	HB2055	32	HB2107	37	HB2159	140
HB2004	47	HB2056	135	HB2108	51	HB2160	141
HB2005	161	HB2057	20	HB2109	32	HB2161	129
HB2006	37	HB2058	108	HB2110	66	HB2162	37
HB2007	37	HB2059	122	HB2111	144	HB2163	108
HB2008	95	HB2060	85	HB2112	55	HB2164	92
HB2009	137	HB2061	40	HB2113	66	HB2165	32
HB2010	128	HB2062	86	HB2114	137	HB2166	55
HB2011	98	HB2063	56	HB2115	115	HB2167	111
HB2012	137	HB2064	2	HB2116	115	HB2168	25
HB2013	16	HB2065	103	HB2117	81	HB2169	95
HB2014	16	HB2066	119	HB2118	81	HB2170	24
HB2015	66	HB2067	77	HB2119	81	HB2171	116
HB2016	44	HB2068	103	HB2120	37	HB2172	116
HB2017	128	HB2069	103	HB2121	9	HB2173	119
HB2018	37	HB2070	55	HB2122	82	HB2174	9
HB2019	79	HB2071	32	HB2123	32	HB2175	117
HB2020	81	HB2072	111	HB2124	115	HB2176	119
HB2021	98	HB2073	95	HB2125	37	HB2177	26
HB2022	2	HB2074	139	HB2126	29	HB2178	44
HB2023	2	HB2075	95	HB2127	17	HB2179	106
HB2024	88	HB2076	81	HB2128	103	HB2180	108
HB2025	47	HB2077	32	HB2129	115	HB2181	2
HB2026	104	HB2078	84	HB2130	9	HB2182	95
HB2027	128	HB2079	81	HB2131	48	HB2183	99
HB2028	9	HB2080	113	HB2132	32	HB2184	32
HB2029	32	HB2081	119	HB2133	123	HB2185	99
HB2030	17	HB2082	61	HB2134	74	HB2186	123
HB2031	17	HB2083	2	HB2135	123	HB2187	33
HB2032	107	HB2084	122	HB2136	52	HB2188	75
HB2033	9	HB2085	37	HB2137	82	HB2189	48
HB2034	32	HB2086	29	HB2138	32	HB2190	72
HB2035	20	HB2087	16	HB2139	104	HB2191	90
HB2036	98	HB2088	79	HB2140	99	HB2192	9
HB2037	2	HB2089	55	HB2141	75	HB2193	77
HB2038	21	HB2090	57	HB2142	77	HB2194	82
HB2039	135	HB2091	122	HB2143	104	HB2195	129
HB2040	107	HB2092	9	HB2144	44	HB2196	129
HB2041	48	HB2093	57	HB2145	90	HB2197	64
HB2042	135	HB2094	128	HB2146	104	HB2198	57
HB2043	140	HB2095	111	HB2147	111	HB2199	2
HB2044	2	HB2096	32	HB2148	75	HB2200	75

Index of House Bills

<u>Bill Number</u>	<u>Page</u>						
HB2201	2	HB2253	99	HB2305	113	HB2357	104
HB2202	27	HB2254	99	HB2306	113	HB2358	44
HB2203	129	HB2255	26	HB2307	67	HB2359	48
HB2204	57	HB2256	70	HB2308	123	HB2360	123
HB2205	129	HB2257	85	HB2309	51	HB2361	24
HB2206	129	HB2258	108	HB2310	40	HB2362	44
HB2207	73	HB2259	111	HB2311	42	HB2363	52
HB2208	37	HB2260	152	HB2312	51	HB2364	14
HB2209	90	HB2261	135	HB2313	44	HB2365	112
HB2210	99	HB2262	17	HB2314	105	HB2366	159
HB2211	108	HB2263	14	HB2315	119	HB2367	41
HB2212	108	HB2264	129	HB2316	123	HB2368	129
HB2213	70	HB2265	141	HB2317	95	HB2369	154
HB2214	108	HB2266	2	HB2318	112	HB2370	10
HB2215	33	HB2267	119	HB2319	99	HB2371	117
HB2216	33	HB2268	117	HB2320	19	HB2372	119
HB2217	111	HB2269	55	HB2321	14	HB2373	112
HB2218	26	HB2270	75	HB2322	33	HB2374	129
HB2219	66	HB2271	48	HB2323	140	HB2375	143
HB2220	14	HB2272	145	HB2324	62	HB2376	129
HB2221	66	HB2273	99	HB2325	62	HB2377	14
HB2222	29	HB2274	24	HB2326	33	HB2378	123
HB2223	70	HB2275	44	HB2327	62	HB2379	130
HB2224	55	HB2276	99	HB2328	141	HB2380	99
HB2225	24	HB2277	117	HB2329	21	HB2381	41
HB2226	20	HB2278	74	HB2330	123	HB2382	10
HB2227	48	HB2279	3	HB2331	48	HB2383	130
HB2228	41	HB2280	104	HB2332	135	HB2384	99
HB2229	83	HB2281	71	HB2333	10	HB2385	10
HB2230	82	HB2282	72	HB2334	112	HB2386	99
HB2231	99	HB2283	139	HB2335	57	HB2387	10
HB2232	82	HB2284	74	HB2336	37	HB2388	84
HB2233	95	HB2285	3	HB2337	90	HB2389	130
HB2234	9	HB2286	9	HB2338	112	HB2390	16
HB2235	93	HB2287	9	HB2339	99	HB2391	51
HB2236	99	HB2288	87	HB2340	141	HB2392	99
HB2237	28	HB2289	123	HB2341	55	HB2393	44
HB2238	95	HB2290	129	HB2342	59	HB2394	19
HB2239	24	HB2291	113	HB2343	129	HB2395	77
HB2240	2	HB2292	144	HB2344	57	HB2396	108
HB2241	22	HB2293	15	HB2345	14	HB2397	44
HB2242	72	HB2294	37	HB2346	103	HB2398	93
HB2243	152	HB2295	62	HB2347	123	HB2399	99
HB2244	82	HB2296	129	HB2348	123	HB2400	22
HB2245	48	HB2297	16	HB2349	33	HB2401	80
HB2246	37	HB2298	129	HB2350	92	HB2402	44
HB2247	33	HB2299	82	HB2351	26	HB2403	51
HB2248	70	HB2300	85	HB2352	108	HB2404	62
HB2249	129	HB2301	67	HB2353	55	HB2405	108
HB2250	129	HB2302	21	HB2354	10	HB2406	20
HB2251	159	HB2303	44	HB2355	37	HB2407	109
HB2252	144	HB2304	55	HB2356	10	HB2408	33

Index of House Bills

<u>Bill Number</u>	<u>Page</u>						
HB2409	55	HB2461	85	HB2513	40	HB2565	14
HB2410	33	HB2462	75	HB2514	143	HB2566	26
HB2411	130	HB2463	73	HB2515	144	HB2567	52
HB2412	71	HB2464	60	HB2516	90	HB2568	18
HB2413	139	HB2465	64	HB2517	55	HB2569	84
HB2414	130	HB2466	67	HB2518	93	HB2570	38
HB2415	3	HB2467	88	HB2519	117	HB2571	96
HB2416	38	HB2468	48	HB2520	100	HB2572	130
HB2417	138	HB2469	27	HB2521	90	HB2573	130
HB2418	38	HB2470	130	HB2522	11	HB2574	24
HB2419	27	HB2471	10	HB2523	15	HB2575	124
HB2420	10	HB2472	123	HB2524	124	HB2576	117
HB2421	10	HB2473	33	HB2525	120	HB2577	80
HB2422	64	HB2474	55	HB2526	43	HB2578	44
HB2423	3	HB2475	62	HB2527	43	HB2579	49
HB2424	33	HB2476	80	HB2528	33	HB2580	51
HB2425	80	HB2477	80	HB2529	3	HB2581	62
HB2426	3	HB2478	145	HB2530	57	HB2582	159
HB2427	3	HB2479	123	HB2531	117	HB2583	4
HB2428	95	HB2480	123	HB2532	33	HB2584	16
HB2429	33	HB2481	48	HB2533	96	HB2585	49
HB2430	88	HB2482	109	HB2534	96	HB2586	70
HB2431	90	HB2483	77	HB2535	38	HB2587	130
HB2432	109	HB2484	72	HB2536	115	HB2588	130
HB2433	60	HB2485	95	HB2537	56	HB2589	56
HB2434	40	HB2486	85	HB2538	67	HB2590	11
HB2435	113	HB2487	33	HB2539	3	HB2591	140
HB2436	48	HB2488	112	HB2540	140	HB2592	124
HB2437	123	HB2489	41	HB2541	109	HB2593	130
HB2438	67	HB2490	152	HB2542	100	HB2594	4
HB2439	130	HB2491	159	HB2543	67	HB2595	44
HB2440	16	HB2492	48	HB2544	64	HB2596	96
HB2441	105	HB2493	106	HB2545	124	HB2597	15
HB2442	3	HB2494	159	HB2546	60	HB2598	28
HB2443	38	HB2495	92	HB2547	152	HB2599	113
HB2444	10	HB2496	67	HB2548	100	HB2600	82
HB2445	29	HB2497	10	HB2549	60	HB2601	131
HB2446	135	HB2498	49	HB2550	4	HB2602	26
HB2447	75	HB2499	3	HB2551	75	HB2603	24
HB2448	99	HB2500	141	HB2552	58	HB2604	135
HB2449	75	HB2501	84	HB2553	52	HB2605	100
HB2450	67	HB2502	124	HB2554	74	HB2606	38
HB2451	77	HB2503	41	HB2555	38	HB2607	124
HB2452	112	HB2504	124	HB2556	100	HB2608	11
HB2453	3	HB2505	96	HB2557	4	HB2609	131
HB2454	22	HB2506	117	HB2558	139	HB2610	49
HB2455	130	HB2507	70	HB2559	83	HB2611	41
HB2456	75	HB2508	11	HB2560	83	HB2612	92
HB2457	104	HB2509	67	HB2561	100	HB2613	38
HB2458	75	HB2510	99	HB2562	130	HB2614	67
HB2459	85	HB2511	24	HB2563	38	HB2615	4
HB2460	85	HB2512	130	HB2564	106	HB2616	62

Index of House Bills

<u>Bill Number</u>	<u>Page</u>	<u>Bill Number</u>	<u>Page</u>	<u>Bill Number</u>	<u>Page</u>	<u>Bill Number</u>	<u>Page</u>
HB2617	11	HB2669	14	HJ684	149	House Resolutions	
HB2618	4	HB2670	112	HJ685	149	HR38	151
HB2619	56	HB2671	74	HJ686	146	HR39	150
HB2620	54	HB2672	4	HJ687	155	HR41	151
HB2621	67	HB2673	4	HJ688	145	HR42	73
HB2622	82	HB2674	75	HJ689	151	HR43	73
HB2623	51	House Joint Resolutions		HJ701	155	HR53	150
HB2624	105			HJ702	147	HR61	151
HB2625	78			HJ703	155		
HB2626	22			HJ704	155		
HB2627	15	HJ620	145	HJ705	155		
HB2628	11	HJ621	151	HJ706	155		
HB2629	135	HJ623	145	HJ707	156		
HB2630	24	HJ626	154	HJ708	156		
HB2631	112	HJ627	151	HJ709	147		
HB2632	11	HJ628	145	HJ710	147		
HB2633	49	HJ630	146	HJ711	153		
HB2634	49	HJ631	146	HJ712	151		
HB2635	131	HJ632	154	HJ713	156		
HB2636	71	HJ633	146	HJ714	156		
HB2637	51	HJ634	146	HJ715	149		
HB2638	44	HJ635	149	HJ716	156		
HB2639	4	HJ640	146	HJ717	151		
HB2640	24	HJ641	154	HJ718	156		
HB2641	38	HJ644	149	HJ719	156		
HB2642	64	HJ647	145	HJ720	147		
HB2643	4	HJ648	145	HJ721	156		
HB2644	22	HJ651	149	HJ722	149		
HB2645	131	HJ652	149	HJ723	156		
HB2646	26	HJ653	149	HJ724	147		
HB2647	112	HJ654	154	HJ725	147		
HB2648	68	HJ656	146	HJ726	147		
HB2649	28	HJ657	146	HJ727	156		
HB2650	52	HJ658	154	HJ728	147		
HB2651	124	HJ660	154	HJ729	147		
HB2652	68	HJ661	154	HJ730	153		
HB2653	38	HJ663	154	HJ731	147		
HB2654	58	HJ664	146	HJ742	156		
HB2655	88	HJ666	154	HJ754	149		
HB2656	114	HJ667	155	HJ755	149		
HB2657	11	HJ668	155	HJ756	149		
HB2658	68	HJ669	146	HJ770	156		
HB2659	115	HJ674	149	HJ771	150		
HB2660	152	HJ675	155	HJ783	150		
HB2661	131	HJ676	155	HJ788	150		
HB2662	38	HJ677	146	HJ789	147		
HB2663	34	HJ678	153	HJ790	156		
HB2664	82	HJ679	155	HJ792	150		
HB2665	34	HJ680	149	HJ793	150		
HB2666	64	HJ681	153	HJ823	150		
HB2667	38	HJ682	155				
HB2668	84	HJ683	149				

Index of Senate Bills

<u>Bill Number</u>	<u>Page</u>	<u>Bill Number</u>	<u>Page</u>	<u>Bill Number</u>	<u>Page</u>	<u>Bill Number</u>	<u>Page</u>
Senate Bills							
SB39	96	SB849	38	SB901	83	SB953	104
SB402	112	SB850	152	SB902	41	SB954	136
SB801	100	SB851	152	SB903	29	SB955	160
SB802	80	SB852	152	SB904	125	SB956	58
SB803	100	SB853	84	SB905	125	SB957	26
SB804	100	SB854	43	SB906	131	SB958	20
SB805	100	SB855	70	SB907	143	SB959	114
SB806	143	SB856	104	SB908	120	SB960	42
SB807	120	SB857	160	SB909	131	SB961	45
SB808	53	SB858	124	SB910	136	SB962	78
SB809	100	SB859	54	SB911	96	SB963	69
SB810	68	SB860	92	SB912	52	SB964	91
SB811	109	SB861	11	SB913	120	SB965	109
SB812	131	SB862	101	SB914	143	SB966	101
SB813	131	SB863	82	SB915	53	SB967	15
SB814	104	SB864	82	SB916	43	SB968	109
SB815	143	SB865	26	SB917	138	SB969	141
SB816	49	SB866	62	SB918	5	SB970	101
SB817	96	SB867	68	SB919	103	SB971	28
SB818	87	SB868	124	SB920	90	SB972	84
SB819	68	SB869	160	SB921	91	SB973	39
SB820	72	SB870	39	SB922	45	SB974	96
SB821	145	SB871	14	SB923	42	SB975	26
SB822	78	SB872	143	SB924	131	SB976	91
SB823	86	SB873	28	SB925	39	SB977	62
SB824	68	SB874	101	SB926	68	SB978	125
SB825	112	SB875	21	SB927	76	SB979	39
SB826	68	SB876	68	SB928	40	SB980	72
SB827	56	SB877	45	SB929	160	SB981	72
SB828	100	SB878	109	SB930	28	SB982	34
SB829	68	SB879	90	SB931	14	SB983	15
SB830	82	SB880	72	SB932	96	SB984	28
SB831	38	SB881	34	SB933	101	SB985	125
SB832	38	SB882	96	SB934	73	SB986	125
SB833	102	SB883	160	SB935	42	SB987	131
SB834	4	SB884	18	SB936	5	SB988	64
SB835	49	SB885	21	SB937	101	SB989	139
SB836	82	SB886	109	SB938	18	SB990	132
SB837	92	SB887	24	SB939	53	SB991	19
SB838	131	SB888	114	SB940	109	SB992	96
SB839	52	SB889	45	SB941	80	SB993	64
SB840	87	SB890	40	SB942	161	SB994	60
SB841	100	SB891	124	SB943	24	SB995	83
SB842	68	SB892	4	SB944	125	SB996	19
SB843	21	SB893	5	SB945	91	SB997	96
SB844	52	SB894	11	SB946	125	SB998	43
SB845	124	SB895	5	SB947	131	SB999	49
SB846	100	SB896	124	SB948	69	SB1000	53
SB847	100	SB897	14	SB949	76	SB1001	34
SB848	64	SB898	141	SB950	14	SB1002	39
		SB899	96	SB951	45	SB1003	125
		SB900	83	SB952	49	SB1004	125

Index of Senate Bills

<u>Bill Number</u>	<u>Page</u>						
SB1005	83	SB1057	78	SB1109	5	SB1161	101
SB1006	24	SB1058	125	SB1110	160	SB1162	76
SB1007	21	SB1059	142	SB1111	70	SB1163	5
SB1008	112	SB1060	72	SB1112	76	SB1164	6
SB1009	51	SB1061	43	SB1113	39	SB1165	136
SB1010	69	SB1062	5	SB1114	26	SB1166	49
SB1011	141	SB1063	105	SB1115	28	SB1167	101
SB1012	141	SB1064	34	SB1116	89	SB1168	101
SB1013	88	SB1065	139	SB1117	86	SB1169	136
SB1014	11	SB1066	45	SB1118	63	SB1170	18
SB1015	141	SB1067	39	SB1119	5	SB1171	18
SB1016	11	SB1068	143	SB1120	125	SB1172	19
SB1017	60	SB1069	45	SB1121	49	SB1173	60
SB1018	80	SB1070	64	SB1122	40	SB1174	6
SB1019	132	SB1071	160	SB1123	132	SB1175	133
SB1020	18	SB1072	121	SB1124	132	SB1176	126
SB1021	125	SB1073	5	SB1125	133	SB1177	34
SB1022	139	SB1074	132	SB1126	120	SB1178	39
SB1023	101	SB1075	110	SB1127	12	SB1179	142
SB1024	26	SB1076	86	SB1128	76	SB1180	142
SB1025	125	SB1077	86	SB1129	133	SB1181	142
SB1026	26	SB1078	86	SB1130	24	SB1182	12
SB1027	96	SB1079	86	SB1131	133	SB1183	12
SB1028	141	SB1080	87	SB1132	133	SB1184	12
SB1029	132	SB1081	86	SB1133	133	SB1185	133
SB1030	93	SB1082	86	SB1134	43	SB1186	93
SB1031	109	SB1083	86	SB1135	106	SB1187	39
SB1032	110	SB1084	101	SB1136	49	SB1188	64
SB1033	34	SB1085	110	SB1137	34	SB1189	92
SB1034	78	SB1086	71	SB1138	101	SB1190	120
SB1035	45	SB1087	71	SB1139	85	SB1191	43
SB1036	139	SB1088	106	SB1140	5	SB1192	69
SB1037	62	SB1089	5	SB1141	133	SB1193	104
SB1038	69	SB1090	5	SB1142	110	SB1194	28
SB1039	11	SB1091	69	SB1143	114	SB1195	110
SB1040	58	SB1092	15	SB1144	76	SB1196	53
SB1041	132	SB1093	34	SB1145	28	SB1197	51
SB1042	115	SB1094	34	SB1146	12	SB1198	26
SB1043	132	SB1095	34	SB1147	125	SB1199	106
SB1044	89	SB1096	5	SB1148	133	SB1200	96
SB1045	141	SB1097	132	SB1149	41	SB1201	142
SB1046	96	SB1098	132	SB1150	93	SB1202	110
SB1047	144	SB1099	49	SB1151	15	SB1203	6
SB1048	101	SB1100	22	SB1152	78	SB1204	93
SB1049	60	SB1101	137	SB1153	117	SB1205	105
SB1050	26	SB1102	69	SB1154	20	SB1206	97
SB1051	87	SB1103	69	SB1155	64	SB1207	112
SB1052	125	SB1104	132	SB1156	60	SB1208	49
SB1053	39	SB1105	34	SB1157	126	SB1209	101
SB1054	101	SB1106	78	SB1158	144	SB1210	112
SB1055	84	SB1107	76	SB1159	96	SB1211	27
SB1056	104	SB1108	101	SB1160	78	SB1212	34

Index of Senate Bills

<u>Bill Number</u>	<u>Page</u>						
SB1213	15	SB1265	102	SB1317	6	SB1369	35
SB1214	63	SB1266	58	SB1318	7	SB1370	102
SB1215	93	SB1267	112	SB1319	7	SB1371	27
SB1216	133	SB1268	51	SB1320	69	SB1372	35
SB1217	12	SB1269	39	SB1321	136	SB1373	134
SB1218	41	SB1270	78	SB1322	58	SB1374	110
SB1219	45	SB1271	6	SB1323	161	SB1375	160
SB1220	30	SB1272	73	SB1324	27	SB1376	138
SB1221	133	SB1273	120	SB1325	126	SB1377	41
SB1222	126	SB1274	91	SB1326	97	SB1378	105
SB1223	106	SB1275	20	SB1327	105	SB1379	110
SB1224	83	SB1276	34	SB1328	102	SB1380	53
SB1225	160	SB1277	42	SB1329	13	SB1381	51
SB1226	39	SB1278	134	SB1330	13	SB1382	83
SB1227	101	SB1279	6	SB1331	91	SB1383	45
SB1228	87	SB1280	12	SB1332	13	SB1384	45
SB1229	78	SB1281	83	SB1333	50	SB1385	113
SB1230	69	SB1282	110	SB1334	78	SB1386	106
SB1231	133	SB1283	134	SB1335	35	SB1387	42
SB1232	83	SB1284	25	SB1336	7	SB1388	105
SB1233	115	SB1285	56	SB1337	134	SB1389	22
SB1234	105	SB1286	78	SB1338	7	SB1390	43
SB1235	106	SB1287	35	SB1339	118	SB1391	51
SB1236	76	SB1288	80	SB1340	22	SB1392	42
SB1237	142	SB1289	53	SB1341	16	SB1393	69
SB1238	80	SB1290	41	SB1342	58	SB1394	65
SB1239	102	SB1291	20	SB1343	97	SB1395	61
SB1240	63	SB1292	126	SB1344	7	SB1396	136
SB1241	29	SB1293	20	SB1345	13	SB1397	137
SB1242	6	SB1294	22	SB1346	138	SB1398	80
SB1243	30	SB1295	27	SB1347	118	SB1399	13
SB1244	120	SB1296	121	SB1348	118	SB1400	22
SB1245	133	SB1297	41	SB1349	7	SB1401	73
SB1246	126	SB1298	42	SB1350	70	SB1402	102
SB1247	12	SB1299	6	SB1351	7	SB1403	74
SB1248	118	SB1300	45	SB1352	89	SB1404	97
SB1249	60	SB1301	45	SB1353	134	SB1405	80
SB1250	21	SB1302	6	SB1354	35	SB1406	160
SB1251	60	SB1303	87	SB1355	105	SB1407	53
SB1252	12	SB1304	45	SB1356	126	SB1408	102
SB1253	120	SB1305	6	SB1357	126	SB1409	45
SB1254	50	SB1306	103	SB1358	126	SB1410	97
SB1255	137	SB1307	51	SB1359	25	SB1411	89
SB1256	51	SB1308	39	SB1360	102	SB1412	161
SB1257	50	SB1309	126	SB1361	27	SB1413	143
SB1258	15	SB1310	74	SB1362	53	SB1414	16
SB1259	134	SB1311	106	SB1363	51	SB1415	97
SB1260	91	SB1312	106	SB1364	73	SB1416	35
SB1261	102	SB1313	160	SB1365	64	SB1417	152
SB1262	20	SB1314	12	SB1366	115	SB1418	35
SB1263	78	SB1315	126	SB1367	58	SB1419	126
SB1264	92	SB1316	6	SB1368	83	SB1420	50

