

# Administration of Government Generally

## Passed

**HB48 Debt Capacity Advisory Committee; membership.** Adds the State Comptroller, and the Staff Directors of the House Committee on Appropriations and Senate Committee on Finance as members of the Debt Capacity Advisory Committee.

*Patron - Lingamfelter*

**HB174 Department of Veterans Services; mental health and rehabilitative services.** Eliminates the requirement that the Wounded Warrior Program cover only injuries sustained by military service personnel in combat areas. The bill contains a technical amendment.

*Patron - Cox, M.K.*

**HB193 Aerospace Advisory Council.** Removes the sunset provision, thereby making the Aerospace Advisory Council a permanent council.

*Patron - Cosgrove*

**HB211 Freedom of Information Act; definition of scholastic record.** Includes in the definition of scholastic records, those records of an applicant for admission that are maintained by a public body that is an educational agency or institution or by a person acting for such agency or institution.

*Patron - Bulova*

**HB262 One-stop small business permitting program; fees for veterans.** Exempts veterans from paying the Department of Business Assistance's handling fee when establishing a small business through the one-stop small business permitting program.

*Patron - Sherwood*

**HB284 Investment of public funds; deposits.** Removes the requirement that public funds must be invested in certificates of deposit. The funds must still be deposited with a federally insured bank or savings institution qualified by the Virginia Treasury Board and the full amount of principal and interest must be covered by federal deposit insurance.

*Patron - Merricks*

**HB295 Oceana/Fentress Military Advisory Council; membership.** Adds the Executive Director of the Virginia National Defense Industrial Authority to the membership of the Oceana/Fentress Military Advisory Council.

*Patron - Cosgrove*

**HB349 Veterans services agencies; designees for certain ex officio members.** Authorizes the Commissioner of the Department of Veterans Services, and the Chairs of the Board of Veterans Services, the Board of Trustees of the Veterans Services Foundation, and the Joint Leadership Council of Veterans Service Organizations to designate persons to attend meetings of certain veterans services agencies on their behalf.

*Patron - Watts*

**HB380 Governor's Development Opportunity Fund; criteria for awarding grants and loans.** Provides that criteria to be used in awarding grants and loans from the Governor's Development Opportunity Fund shall include (i) job creation, (ii) private capital investment, and (iii) anticipated

additional state tax revenue expected to accrue to the state and affected localities as a result of the capital investment and jobs created.

*Patron - Edmunds*

**HB385 Suspension of state mandates.** Allows the Governor, upon application by a locality, to suspend any mandate, or portion thereof, for a period not to exceed two years, prescribed by any unit of the executive branch of state government on a locality upon a finding that it faces fiscal stress and the suspension of the mandate or portion thereof would help alleviate the fiscal hardship. Under existing law, the Governor may suspend such mandates for up to one year.

*Patron - Dance*

**HB388 Virginia Register Act; filing of agency regulations; use of electronic signatures.** Provides that final regulations filed with the Virginia Registrar must be accompanied by a statement or certification, either in original or electronic form, that the regulations are full, true, and correctly dated. Currently, such regulations must be accompanied by a signed statement or certification.

*Patron - Janis*

**HB419 Department of Veterans Services; processing of disability claims.** Requires the Department of Veterans Services to replace its existing case management technology, which replacement is required to support highly sophisticated electronic claims preparation.

*Patron - Cox, M.K.*

**HB426 Virginia Public Procurement Act; cooperative procurement.** Prohibits a local public body from using another local public body's contract for construction where the cost of the project is in excess of \$200,000 and the other local public body is more than a straight line distance of 75 miles from the territorial limits of the local public body procuring the construction. The bill provides an exception to the above limitation for contracts for the installation of artificial turf or other artificial surfaces. The bill also clarifies that the limitation shall not be construed to limit a local public body's use of the sole source or emergency procurements provisions of the Virginia Public Procurement Act. The bill contains technical amendments.

*Patron - Griffith*

**HB431 Freedom of Information Act; proceedings for enforcement.** Clarifies that a FOIA action may be brought in the name of a person notwithstanding that a request for public records was made by the person's attorney in his representative capacity. The bill also clarifies that costs and reasonable fees for expert witnesses may be recovered by the petitioner in a FOIA action.

*Patron - Griffith*

**HB432 Freedom of Information Act; working papers and correspondence of the Clerks of the House of Delegates and the Senate of Virginia.** Provides an exemption from the mandatory disclosure requirements of FOIA for the working papers and correspondence of the Clerks of the House of Delegates and the Senate of Virginia.

*Patron - Griffith*

**HB433 Government Data Collection and Dissemination Practices Act; collection of social security numbers.** Sets out the original date (January 1, 1975) when social security numbers were authorized to be collected/required by state and local agencies under federal law, which is a recommendation of the Freedom of Information Advisory Council. The bill also provides that nothing shall be construed to prohibit the

collection of a social security number for the sole purpose of debt collection by state and local agencies.

*Patron - Griffith*

**[P]HB434 Freedom of Information Act; exemption for credit card and bank account data.** Exempts from the mandatory disclosure provisions of the Freedom of Information Act those portions of records that contain account numbers or routing information for any credit card, debit card, or other account with a financial institution of any person or public body. The bill provides, however, that access shall not be denied to the person who is the subject of the record. The bill defines "financial institution" and contains an emergency clause. The bill is a recommendation of the Freedom of Information Advisory Council.

*Patron - Griffith*

**[P]HB444 State and Local Government Conflict of Interests Act; prohibited contracts; exceptions.** Provides an exception to the conflict of interests rules, under certain circumstances, where an officer or employee whose personal interest in a contract with a public institution of higher education is by reason of an ownership in the contracting firm in excess of three percent of the contracting firm's equity or such an ownership interest and income from the contracting firm is in excess of \$10,000. Currently the exception is limited to an employee or officer's personal interest in such contract by reason of an ownership in the contracting firm in excess of three percent of the contracting firm's equity.

*Patron - Toscano*

**[P]HB479 Department of Veterans Services; burial vaults at state-operated veterans cemeteries.** Provides that from such funds as may be appropriated or otherwise received for such purpose, the Department shall provide burial vaults at cost to eligible veterans and their family members interred at state-operated veterans cemeteries. The bill contains technical amendments.

*Patron - Carrico*

**[P]HB485 Financial and management review of all state agencies.** Directs the Governor to initiate on July 1, 2010, an operational and programmatic performance review of (i) the agencies under the Secretary of Health and Human Resources and the Secretary of Public Safety, (ii) the Department of Education, including primary and secondary education funded by the Commonwealth, and (iii) any other department, agency, or program of the Commonwealth in the executive branch of state government that the Governor deems necessary to effect savings in expenditures, a reduction in duplication of effort, and programmatic efficiencies in the operation of state government. The review shall be concluded by December 1, 2011. The review shall be conducted by a private management consulting firm. The goal of the review is to effect savings in expenditures, a reduction in duplication of effort, and programmatic efficiencies in the operation of state government. The review would be conducted only pursuant to a fixed price contract.

*Patron - Lingamfelter*

**[P]HB514 State aging services; blueprint for livable communities and long-term services and supports for older Virginians and people with disabilities.** Provides for the Secretary of Health and Human Resources to coordinate the development of a blueprint for livable communities and long-term services and supports for older Virginians and people with disabilities. In addition, the bill amends provisions relating to the development by the Department for the Aging of a four-year plan for aging services. The bill also repeals the authority for Campbell County to contract with the Area Agency on Aging

designated to serve the County to provide certain services specified by federal law. This bill is identical to SB 410.

*Patron - Rust*

**[P]HB518 Freedom of Information Act; applicability; disclosure of criminal records; noncriminal incident information.** Provides that in the event a public body transferred possession of public records for storage, maintenance or archiving, the public body initiating the transfer shall remain the custodian of the records for the purpose of responding to FOIA requests. The bill also adds a definition of "criminal investigative file" and clarifies what records are exempt from FOIA as so defined. The bill provides that undercover operations and protective detail records as well as records of background and internal affairs investigations held by any state or local law-enforcement agencies are exempt from the mandatory disclosure provisions of FOIA.

*Patron - Rust*

**[P]HB563 Equipment used to determine the decibel level of sound.** Authorizes a law-enforcement officer to use certain equipment to determine the decibel level of sound, including noise. The results of such determinations shall be accepted as prima facie evidence of the decibel level of the sound in any court or legal proceeding where the decibel level of the sound is at issue. The bill also provides that in any court or legal proceeding in which any question arises about the calibration or accuracy of such equipment used to determine the decibel level of sound, a certificate, or a true copy thereof, showing the calibration or testing for accuracy of the equipment, and when and by whom the calibration or test was made, shall be admissible as evidence of the facts therein stated.

*Patron - Tata*

**[P]HB567 Virginia Public Procurement Act; state-aid construction projects.** Raises the competitive bidding/competitive negotiation dollar threshold from \$30,000 to \$50,000 for state-aid construction projects.

*Patron - Iaquinto*

**[P]HB582 Center for Rural Virginia; expansion and promotion of agricultural opportunities.** Provides the Center for Rural Virginia with the additional authority to facilitate the development of incentives and to provide a forum for competing interests to allow for job creation and expanded economic opportunities for farm businesses and rural enterprises while ensuring the rights of localities to develop reasonable regulations of such farm businesses and rural enterprises to protect the health, safety and welfare of residents. The Center will also convene a task force comprised of representatives of local government and agricultural interests to examine and make recommendations on issues related to the expansion and promotion of farm businesses or rural enterprises over the upcoming year. This bill is identical to SB 347.

*Patron - Landes*

**[P]HB591 Administrative Process Act; exemptions.** Removes obsolete exemptions from the Administrative Process Act for the Virginia Medicaid Prior Authorization Advisory Committee, which no longer exists, and a nonstock corporation created by the Commissioner of the Department of Agriculture and Consumer Affairs, which is not authorized to promulgate regulations. The bill also removes the exemption from the regulatory promulgation process for preliminary program permit fees of the Department of Environmental Quality. Permanent fees have been established by the Department and the exemption is no longer necessary.

*Patron - Landes*

**HB604 Center for Rural Virginia Board of Trustees; membership.** Adds the Lieutenant Governor and the Secretary of Commerce and Trade or their designees to the membership of the Board of Trustees of the Center for Rural Virginia.

*Patron - Merricks*

**HB633 State and Local Conflict of Interests Act; prohibited conduct relating to contracts; exceptions.** Provides that a conflict exists where there is employment by the same governmental agency of an officer or employee and spouse or any other relative residing in the same household and one such person is employed in a direct supervisory or administrative position, or both, with respect to his spouse or other relative residing in his household and the annual salary of such subordinate is \$35,000 or more. Currently, such amount is \$22,500.

*Patron - Scott, E.T.*

**HB676 Aerospace Advisory Council.** Removes the sunset on the Aerospace Advisory Council and adds three non-legislative citizen members to the Council. In addition to advising the Governor, the Council shall advise the Joint Commission on Technology and Science, and the Secretaries of Technology, Commerce and Trade, and Education, on policy and funding priorities with respect to aerospace development, workforce training, and educational programs and curriculum. Nonlegislative citizen members are to serve without compensation or reimbursement for travel expenses.

*Patron - May*

**HB678 Innovation and Entrepreneurship Investment Authority (IEIA) and the Commonwealth Research and Commercialization Fund (CRCF).** Updates obsolete references to the predecessors of the IEIA and the CRCF.

*Patron - May*

**HB726 Assessment of existing mandated health insurance benefits.** Requires the Special Advisory Commission on Mandated Health Insurance Benefits to review mandated health insurance benefits to assess their social and financial impact and their medical efficacy. The bill requires the Commission to submit a schedule of evaluations to the standing committees having jurisdiction over health insurance matters. Currently, the standing committees having jurisdiction over health insurance matters provide a mandate evaluation schedule to the Commission.

*Patron - Peace*

**HB789 Virginia Public Procurement Act; methods of procurement.** Increases from \$1 million to \$1.5 million the cost of a construction contract for which a state or local public body may use competitive negotiation instead of competitive bidding to procure the construction.

*Patron - Villanueva*

**HB831 Virginia Public Procurement Act; foreign business entities.** Requires all public bodies to include in every written contract a provision that the contractor must be authorized to transact business in Virginia as a domestic or foreign business entity as required by the State Corporation Commission, if such is required by law. Such status shall be maintained during the term of a contract. A contract entered into by a business in violation of the requirements is voidable at the option of the public body.

*Patron - Surovell*

**HB834 Delmarva Peninsula Compact.** Repeals the Delmarva Peninsula Compact and provisions for an Advisory Council.

*Patron - Carr*

**HB943 Small Business Jobs Grant Fund.** Establishes the Small Business Jobs Grant Program and Fund to be administered by the Department of Business Assistance (DBA). The purpose of the Fund is to provide grants to small businesses that create at least five new full-time positions within a 12-month period paying at least the prevailing average annual wage in the locality in which the business is located. Grants will range between \$500 and \$2,000 per new full-time position based on the education, training and experience required. In awarding grants, priority must be given to small businesses creating new full-time positions in areas with an annual average unemployment rate of more than 125% of the statewide average unemployment rate.

*Patron - Landes*

**HB944 Governor's reports of revenue estimates and collections and economic activity forecasts.** Codifies provisions in the Appropriation Act requiring the Governor to provide monthly reports on revenue collections and quarterly assessments of the Commonwealth's economic outlook. The bill also adds the Secretary of Finance as chair, the Staff Directors of the House Appropriations and Senate Finance Committees as members of the Advisory Board of Economists ("Board"), requires the Joint Rules Committee to appoint three of the 15 nonlegislative citizen members to the Board, and changes the Board's name to the Joint Advisory Board of Economists. Finally, the bill adds two members of the House of Delegates, appointed by the Speaker of the House, and two members of the Senate, appointed by the Chairman of the Senate Finance Committee, to the Advisory Council on Revenue Estimates and provides that the Governor shall be the Chairman of the Advisory Council.

*Patron - Landes*

**HB1028 Freedom of Information Act; recording of public meetings.** Prohibits any public body from conducting a meeting required to be open in any building or facility where any recording devices are prohibited. The bill also clarifies that no public body may prohibit or prevent any person from photographing, filming, recording, or otherwise reproducing any portion of a meeting required to be open.

*Patron - Pollard*

**HB1034 Information Technology governance in the Commonwealth; the Secretary of Technology; the Chief Information Officer; the Information Technology Investment Board; the Information Technology Advisory Council established.** Eliminates the Information Technology Investment Board (ITIB) and replaces it with the Information Technology Advisory Council (ITAC), which is established as a policy council under the Governor with the power and duty to advise the Chief Information Officer (CIO) and the Secretary of Technology. The ITAC is composed of 10 agency representatives from each Cabinet Secretary, the Secretary of Technology, the CIO, and no more than two citizens, all to be appointed by the Governor. The Secretary of Technology serves as chair and the CIO as vice chair. The bill requires the Secretary of Technology, in addition to existing duties, to develop criteria defining a "major information technology project" and, upon recommendation of the CIO, approve the procurement of such projects. The bill grants the Governor the power to appoint the Chief Information Officer (CIO), who shall serve as the head of the Virginia Information Technolo-

gies Agency (VITA). The CIO reports to the Secretary of Technology and is responsible, through his role as head of VITA, for planning, developing, and procuring enterprise applications and infrastructure services. The CIO is also responsible for planning, developing, and soliciting contracts for major information technology projects. The CIO may enter such contracts only upon approval of the Secretary of Technology. The CIO may suspend a major information technology project but such project may only be terminated by the Secretary of Technology. This bill contains additional substantive changes to information technology governance in the Commonwealth as well as numerous technical changes. This bill incorporates HB 1035 and contains an emergency clause. This bill is also identical to SB 236.

*Patron - Byron*

**[P]HB1036 Virginia Security for Public Deposits Act.** Establishes requirements for banks and savings institutions authorized by the Treasury Board to hold public deposits under the Virginia Security for Public Deposits Act. Qualified public depositories are required to secure deposits either by the pooled method or the dedicated method, and to deposit with a qualified escrow agent eligible collateral that equals or exceeds the required collateral. The measure establishes the procedure for the Treasury Board to recover funds to reimburse public depositors for uninsured public deposits when a qualified public depository is determined to be in default or insolvent. The measure also clarifies that public deposits secured under the Act shall be deposited in a qualified public depository, makes terminology consistent, and clarifies reporting requirements. This bill incorporates HB 906. SB 456 is identical.

*Patron - Byron*

**[P]HB1038 State and Local Government Conflict of Interests Act; employees of school boards.** Provides that the prohibition on the employment of certain relatives of members of a school board does not apply to school districts located in Planning Districts 11, 12, and 13 provided (i) the school board member who has a relative employed by the school district certifies that he had no involvement with the hiring decision and (ii) the superintendent certifies to the remaining members of the school board in writing that the employment is based upon merit and fitness and the competitive rating of the qualifications of the individual and that no member of the board had any involvement with the hiring decision. SB 499 is identical to this bill.

*Patron - Byron*

**[P]HB1043 Responsibilities of the Chief Workforce Development Officer.** Amends certain workforce development and training program evaluation reporting requirements to avoid redundancy. The bill requires the Governor to submit annual workforce development and training program evaluations to the chairs of the House and Senate Commerce and Labor Committees and to include these in the biennial reports.

*Patron - Byron*

**[P]HB1073 Virginia Freedom of Information Act; proprietary records of the Virginia Tobacco Indemnification and Community Revitalization Commission.** Excludes from the mandatory disclosure provisions of FOIA trade secrets and certain proprietary records disclosed to, provided to, or held by the Virginia Tobacco Indemnification and Community Revitalization Commission in support of or as may be required for an application for or the awarding of a grant. The exclusion provided by this subdivision shall apply to grants that are consistent with the powers of and in furtherance of the performance of the duties of the Commission. The bill requires the grant applicant to specify the records for which protection is sought before submitting them to the Commission. The bill

contains a corresponding meeting exemption for the Commission when discussing the excluded records.

*Patron - Kilgore*

**[P]HB1077 Lieutenant Governor; membership on certain boards, councils and commissions.** Adds the Lieutenant Governor to the membership of the board of directors of the Virginia Economic Development Partnership Authority, the board of directors of the Virginia Tourism Authority, and the Council on Virginia's Future. Removes the Lieutenant Governor from the membership of the board of trustees of the Virginia Museum of Fine Arts and the Disability Commission.

*Patron - Cox, M.K.*

**[P]HB1107 Surplus property; proceeds from sale or lease of State Police communication towers or sites.** Provides that the proceeds and any in-kind goods or services received from sales or leases of any interest in State Police communication towers or sites, above the costs of the transaction, shall be deposited in a special account of the Department of State Police to be used to acquire, construct, maintain, repair or replace communication towers or sites.

*Patron - Brink*

**[P]HB1226 Wars recognized on Veterans Day and in local monuments and memorials.** Adds the Global War on Terror, Operation Enduring Freedom, and Operation Iraqi Freedom to the wars that are honored on Veterans Day and Memorial Day. The bill also adds the Global War on Terror and Operation Enduring Freedom to the wars or conflicts for which a locality may issue permits for the erection of monuments or memorials.

*Patron - Tyler*

**[P]HB1244 Governor's Development Opportunity Fund; authority to award grants.** Permits the Governor to exceed the caps for any individual qualifying projects of regional or statewide interest. The bill also authorizes the Virginia Economic Development Partnership to include in its guidelines a requirement for matching local funds. The bill incorporates HB 602 and HB 1371.

*Patron - Marshall, D.W.*

**[P]HB1305 Community Action Act; membership of community action boards.** Removes the authority of the appointing authority to limit the number of terms or the number of years that certain duly selected members of a community action board may serve. The bill contains technical amendments.

*Patron - Ware, O.*

**[P]HB1309 Virginia Public Procurement Act; procurement of certain professional services by the Commonwealth Transportation Commissioner.** Increases from \$2 million to \$5 million the amount of all projects in one contract term for environmental location, design, and inspection work regarding highways and bridges awarded by the Commonwealth Transportation Commissioner. Such contract may be renewable for two additional one-year terms at the option of the Commissioner.

*Patron - Scott, E.T.*

**[P]HB1337 Department of Veterans Services; duties of the Commissioner; Veterans Bill of Rights.** Requires the Commissioner, in conjunction with the Board of Veterans Services, to establish and implement a compact with Virginia's veterans, which shall have a goal of making Virginia America's most veteran-friendly state. The bill specifies the provisions to be contained in the compact, and requires the Commissioner to

include the status and progress of the compact in his annual report.

*Patron - Lingamfelter*

**[P]HB1372 Virginia Economic Development Partnership; Executive Director; change of title.** Changes the title of the Executive Director of the Virginia Economic Development Partnership to the Chief Executive Officer.

*Patron - Comstock*

**[P]HB1381 Major Employment and Investment Project Site Planning Grant Fund.** Establishes the Major Employment and Investment Project Site Planning Grant Fund to award grants to political subdivisions to assist in site development work for certain prospective projects. The bill provides that the Fund will sunset on July 1, 2014, if no appropriation has been made by the General Assembly, or no gifts, grants, or donations have been made from public or private sources to the Fund by that date.

*Patron - Armstrong*

**[P]HB1396 Governor's Development Opportunity Fund; economic development incentives.** Provides that the Governor's Development Opportunity fund may be used for the construction or build-out of privately owned buildings. The bill also reestablishes, effective July 1, 2010, the aggregate of economic development incentive grants payable in a fiscal year to an amount not to exceed \$6 million and a total aggregate amount of grants outstanding not to exceed \$30 million.

*Patron - Putney*

**[P]SB23 Aerospace Advisory Council.** Removes the sunset on the Aerospace Advisory Council and adds three nonlegislative citizen members to the Council. In addition to advising the Governor, the Council shall advise the Joint Commission on Technology and Science, and the Secretaries of Technology, Commerce and Trade, and Education, on policy and funding priorities with respect to aerospace development, workforce training, and educational programs and curriculum. Staffing for the Council is provided by the Department of Aviation, with the Division of Legislative Services providing additional staff support to legislative members serving on the Council. Non-legislative citizen members serve without compensation. This bill is identical to HB 676.

*Patron - Locke*

**[P]SB52 Virginia Public Procurement Act; exemptions; dogs trained for police work.** Provides that locality may sell any dog specially trained for police work to the handler who was last in control of such dog, at a price deemed by the locality to be appropriate. Such sale shall not be deemed a violation of the State and Local Government Conflict of Interests Act.

*Patron - Martin*

**[P]SB148 Community Integration Advisory Commission.** Extends the sunset for the Community Integration Advisory Commission from July 1, 2010, to July 1, 2014. The bill also changes the responsibility for staff support from the Virginia Board for People with Disabilities to the Department of Rehabilitative Services.

*Patron - Puller*

**[P]SB236 Information Technology governance in the Commonwealth; the Secretary of Technology; the Chief Information Officer; the Information Technology Investment Board; the Information Technology Advisory Council established.** Eliminates the Information Technology Investment Board (ITIB) and replaces it with the Information Tech-

nology Advisory Council (ITAC), which is established as a policy council under the Governor with the power and duty to advise the Chief Information Officer (CIO) and the Secretary of Technology. The ITAC is composed of 10 agency representatives from each Cabinet Secretary, the Secretary of Technology, the CIO, and no more than two citizens, all to be appointed by the Governor. The Secretary of Technology serves as chair and the CIO as vice chair. The bill requires the Secretary of Technology, in addition to existing duties, to develop criteria defining a "major information technology project" and, upon recommendation of the CIO, approve the procurement of such projects. The bill grants the Governor the power to appoint the Chief Information Officer (CIO), who shall serve as the head of the Virginia Information Technologies Agency (VITA). The CIO reports to the Secretary of Technology and is responsible, through his role as head of VITA, for planning, developing, and procuring enterprise applications and infrastructure services. The CIO is also responsible for planning, developing, and soliciting contracts for major information technology projects. The CIO may enter such contracts only upon approval of the Secretary of Technology. The CIO may suspend a major information technology project but such project may only be terminated by the Secretary of Technology. This bill contains additional substantive changes to information technology governance in the Commonwealth as well as numerous technical changes. This bill incorporates SB 390 and SB 480 and contains an emergency clause. This bill is also identical to HB 1034.

*Patron - Howell*

**[P]SB241 Open Education Curriculum Board; established.** Establishes the Open Education Curriculum Board. The purpose of the Board is to designate qualifying entities as Open Education Consortia and set the standards for submission of education materials and subsequent licensing of educational curriculum developed by the Consortia. Materials submitted to a Consortium may be edited in any manner and released under a Creative Commons license or licensed for use as a commercial product, subject to restrictions developed by the Board. Consortia may offer financial incentives to encourage individuals to submit educational materials to the Consortium.

*Patron - Watkins*

**[P]SB262 Department for the Aging; universal design and visitability features.** Requires the Department for the Aging to publicize guidelines on universal design and visitability features to make structures and dwellings accessible for older Virginians and people who develop mobility impairment. The guidelines are also required to be disseminated to the public and posted on the Department's website.

*Patron - Whipple*

**[P]SB272 Biodiesel and green diesel; procurement by state public bodies.** Requires the Department of General Services to establish the conditions under which state public bodies may procure diesel fuel containing, at a minimum, two percent, by volume, biodiesel fuel or green diesel fuel, for use in on-road internal combustion engines. The bill also permits any state public body to establish a pilot program to procure and use such biodiesel fuel or green diesel fuel.

*Patron - Whipple*

**[P]SB286 State Executive Council for Comprehensive Services for At-Risk Youth and Families; membership.** Adds a second parent representative to the State Executive Council for Comprehensive Services for At-Risk Youth and Families.

*Patron - Deeds*

**SB297 Veterans Services Fund.** Provides that moneys in the Veterans Services Fund shall be administered by the Veterans Services Foundation to provide funding for veterans services and programs in the Commonwealth.

*Patron - Miller, J.C.*

**SB346 Land conservation practices; information management.** Requires the Secretary of Natural Resources, with assistance from the Secretary of Agriculture and Forestry, to establish and maintain a database of the critical data attributes for onsite best management practices that limit the amount of nutrients and sediment entering state waters. The database is intended to document voluntary actions taken by the agricultural and silvicultural sectors and should enable the application of the collected data towards projections of progress towards Virginia's water quality goals. The bill declares that an emergency exists and that the bill is effective upon passage.

*Patron - Hanger*

**SB347 Center for Rural Virginia; expansion and promotion of agricultural opportunities.** Provides the Center for Rural Virginia with the additional authority to facilitate the development of incentives and to provide a forum for competing interests to allow for job creation and expanded economic opportunities for farm businesses and rural enterprises while ensuring the rights of localities to develop reasonable regulations of such farm businesses and rural enterprises to protect the health, safety and welfare of residents. The Center will also convene a task force comprised of representatives of local government and agricultural interests to examine and make recommendations on issues related to the expansion and promotion of farm businesses or rural enterprises over the upcoming year. This bill is identical to HB 582.

*Patron - Hanger*

**SB410 State aging services; blueprint for livable communities and long-term services and supports for older Virginians and people with disabilities.** Provides for the Secretary of Health and Human Resources to coordinate the development of a blueprint for livable communities and long-term services and supports for older Virginians and people with disabilities. In addition, the bill amends provisions relating to the development by the Department for the Aging of a four-year plan for aging services. The bill also repeals the authority for Campbell County to contract with the Area Agency on Aging designated to serve the County to provide certain services specified by federal law. This bill is identical to HB 514.

*Patron - Vogel*

**SB430 State and Local Government Conflict of Interests Act; disclosure of interest in real estate.** Clarifies that when state and local government officials disclose interest in real estate as required by the State and Local Government Conflict of Interests Act, they must list each real estate parcel individually. The bill also requires the same of General Assembly members under the General Assembly Conflict of Interests Act. Currently the disclosure form provides that individual listing is at the option of the filer.

*Patron - Herring*

**SB432 Freedom of Information Act; record exemption for the Statewide Agencies Radio System.** Provides an exemption from FOIA for documentation or other information that (i) describes the design, function, programming, operation, or access control features of the overall system, components, structures, individual networks, and subsystems of the Statewide Agencies Radio System (STARS) or any other similar local or regional public safety communications system (similar

communications system), and (ii) relates to radio frequencies assigned to or utilized by STARS or similar communications system, code plugs, circuit routing, addressing schemes, talk groups, fleet maps, encryption, programming maintained by or utilized by STARS or similar communications system; those portions of engineering and construction drawings and plans that reveal critical structural components, interconnectivity, security equipment and systems, network monitoring, network operation center, master sites, ventilation systems, fire protection equipment, mandatory building emergency equipment, electrical systems, and other utility equipment and systems related to STARS or similar communications system; and special event plans, operational plans, storm plans, or other pre-arranged programming, the disclosure of which would reveal surveillance techniques, personnel deployments, alarm or security systems or technologies, or operational and transportation plans or protocols, to the extent such disclosure would jeopardize the security of any governmental facility, building or structure or the safety of any person.

*Patron - Edwards*

**SB455 Permit fees; veterans exemption.** Exempts veterans from the handling fee charged by the Department of Business Assistance in connection with the establishment and operation of a small business.

*Patron - Hurt*

**SB456 Virginia Security for Public Deposits Act.** Establishes requirements for banks and savings institutions authorized by the Treasury Board to hold public deposits under the Virginia Security for Public Deposits Act. Qualified public depositories are required to secure deposits either by the pooled method or the dedicated method, and to deposit with a qualified escrow agent eligible collateral that equals or exceeds the required collateral. The measure establishes the procedure for the Treasury Board to recover funds to reimburse public depositories for uninsured public deposits when a qualified public depository is determined to be in default or insolvent. The measure also clarifies that public deposits secured under the Act shall be deposited in a qualified public depository, makes terminology consistent, and clarifies reporting requirements. HB 1036 is identical.

*Patron - McEachin*

**SB459 Government Data Collection and Dissemination Practices Act; workforce and education program evaluation and policy analysis.** Provides for certain agencies to share encrypted (de-identified) data to create one-time restricted-use data sets in order to evaluate postsecondary and career readiness programs, pursuant to specified requirements.

*Patron - McEachin*

**SB473 Center for Rural Virginia Board of Trustees; membership.** Adds the Lieutenant Governor and the Secretary of Commerce and Trade or their designees to the membership of the Board of Trustees of the Center for Rural Virginia.

*Patron - Watkins*

**SB475 Governor's Development Opportunity Fund; criteria for awarding grants and loans.** Provides that criteria to be used in awarding grants and loans from the Governor's Development Opportunity Fund shall include (i) job creation, (ii) private capital investment, and (iii) anticipated additional state tax revenue expected to accrue to the state and affected localities as a result of the capital investment and jobs created.

*Patron - Watkins*

**SB499 State and Local Government Conflict of Interests Act; employees of school boards.** Provides that certain relatives of a school board member may be considered for employment under certain conditions in the school division if the relative had been employed by any school division prior to the taking of office of the board member or prior to the inception of the relationship. The bill does not apply to Planning Districts 11, 12, and 13. Currently, such relatives may be considered for employment only if the prior employment has been in the same school division. HB 1038 is identical to this bill.

*Patron - Hurt*

**SB554 Governor's Development Opportunity Fund; authority to award grants.** Provides that the guidelines for the Governor's Development Opportunity Fund may require an affected locality or localities to provide matching funds, which may be cash or in-kind, at the discretion of the Governor. In addition, the Governor may waive the cap on the amount of money that may be provided to any individual project if the project for which the waiver is granted is of regional or statewide interest.

*Patron - Puckett*

**SB555 Virginia Freedom of Information Act; proprietary records of the Virginia Tobacco Indemnification and Community Revitalization Commission.** Excludes from the mandatory disclosure provisions of FOIA trade secrets and certain proprietary records disclosed to, provided to, or held by the Virginia Tobacco Indemnification and Community Revitalization Commission in support of or as may be required for an application for or the awarding of a grant. The exclusion provided by this subdivision shall apply to grants that are consistent with the powers of and in furtherance of the performance of the duties of the Commission. The bill requires the grant applicant to specify the records for which protection is sought before submitting them to the Commission. The bill contains a corresponding meeting exemption for the Commission when discussing the excluded records.

*Patron - Puckett*

**SB607 Assignment of certain general funds by the Comptroller.** Changes the description in the Comptroller's annual report of the allocation of certain surplus general fund balances for nonrecurring expenditures, and for the Transportation Trust Fund, from "designates" to "assigns." The bill also changes the description of such surplus funds from fund balance not otherwise "reserved or designated," to fund balance not otherwise "restricted, committed, or assigned."

*Patron - Stosch*

**SB621 Administrative Process Act; Virginia Defense Force; exemptions.** Clarifies that the Virginia Defense Force is exempt from the Administrative Process Act. Currently the Act exempts customary military, naval or police functions but does not specify militia functions.

*Patron - Miller, J.C.*

**SB730 Major Employment and Investment Project Site Planning Grant Fund.** Establishes the Major Employment and Investment Project Site Planning Grant Fund to award grants to political subdivisions to assist in site development work for certain prospective projects. The bill provides that the Fund will sunset on July 1, 2014, if no appropriation has been made by the General Assembly, or no gifts, grants, or donations have been made from public or private sources to the Fund by that date.

*Patron - Reynolds*

**SB739 Governor's Development Opportunity Fund.** Expands the use of moneys in the Fund to include grants for the construction or build-out of privately owned buildings. The bill would also cap the aggregate amount of grants outstanding on or after July 1, 2010, at \$30 million.

*Patron - Stosch*

**Failed**

**HB135 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 time frame allowed for the conducting of business in a regular session of the General Assembly, as such time frame is initially adopted by the General Assembly, then General Assembly members would no longer receive a per diem subsequent to such time frame in a regular or special session of the General Assembly held in the same calendar year, until such time as the General Assembly passes a general appropriation act.

*Patron - Pollard*

**HB398 Purchase of Virginia-grown food products by state agencies and institutions and local school divisions.** Provides for the Department of General Services to establish procurement procedures to facilitate the purchase of Virginia-grown food products by state agencies and institutions and local public school divisions to the maximum extent possible. The bill also provides local school divisions with an exemption from competitive sealed bidding under certain circumstances when procuring Virginia-grown food products for student consumption.

*Patron - Lohr*

**HB423 Food Standards for Agency Meals.** Directs the Secretary of Health and Human Resources to develop Food Standards for Agency Meals to consist of (i) nutritional standards for foods served by state agencies and institutions and (ii) recommendations for the use of Virginia-grown foods to the greatest extent possible, and to disseminate such standards to the heads of all state agencies that purchase, prepare, or serve meals. The bill also directs the Secretary to convene a Food Standards Task Force, to consist of the heads of all state agencies and institutions that purchase, prepare, or serve food, at least one person qualified by experience as a dietician or nutritionist, and such other persons as the Secretary may deem appropriate. The Task Force shall develop the Food Standards for Agency Meals and is directed to review and update them at least triennially to ensure that the standards remain current and science-based. The Division of Purchases and Supply of the Department of General Services is directed to adopt regulations to enforce the new standards.

*Patron - Hope*

**HB427 Governor's Advisory Council on Revenue Estimates.** Permits the Governor to add any member of the General Assembly to the membership of the Advisory Council on Revenue Estimates.

*Patron - Griffith*

**HB449 Freedom of Information Act; injunctive relief for public bodies under certain circumstances.** Provides that any public body may petition a court for injunctive



relief to restrain a requester from harassment or other abuse of the rights or privileges granted under FOIA.

*Patron - Ware, R.L.*

**[F]HB454 Virginia Human Rights Council; causes of action in employment discrimination.** Expands the protection for employees for discrimination by certain employers (those having more than five but less than 15 employees) for failure or refusal to hire or for otherwise discriminating against any individual with respect to his compensation, terms, conditions, or privileges of employment on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, including lactation, or of age if the employee is 40 years old or older. Currently, causes of action are limited to wrongful discharge.

*Patron - Herring*

**[F]HB460 Department of Minority Business Enterprise.** Changes the name of the Department of Minority Business Enterprise to the Department of Supplier Diversity and Procurement Advocacy and moves the Department to the responsibilities of the Secretary of Administration from the Secretary of Commerce and Trade. The bill contains numerous technical amendments.

*Patron - Herring*

**[F]HB469 War Memorial Foundation; inclusion in Virginia War Memorial.** Provides that in addition to the names and homes of record engraved on the Virginia War Memorial as of January 1, 2010, the names and homes of record of United States Army, United States Air Force, United States Coast Guard, United States Marine, United States Merchant Marine, United States Navy, Virginia National Guard, and Reserve service members from the Commonwealth of Virginia who died in a Department of Defense-designated combat area under honorable conditions, or who are "Missing In Action" and presumed dead shall be so engraved if (i) the death occurred since July 1, 1990, and (ii) the qualifying deceased service member listed Virginia as his home of record as defined by the Department of Defense or as his legal residence. The Foundation Board of Trustees may consider petitions to add the names and homes of record of service members killed in a Department of Defense-designated combat area to the Memorial starting with World War II. The decision of the Board of Trustees shall be final in all cases.

*Patron - Watts*

**[F]HB510 State Inspector General.** Establishes the Office of the State Inspector General to examine the management and operation of state agencies and nonstate agencies that receive state funds, conduct independent evaluations of the programs and activities of such agencies, and investigate complaints alleging fraud, waste, abuse, or corruption by state officers and state employees. A record exemption from the Freedom of Information Act is also provided for investigative notes, correspondence, and information furnished in confidence to the State Inspector General during the investigation of a complaint.

*Patron - Brink*

**[F]HB519 Virginia Public Procurement Act; Department of Minority Business Enterprise; implementation of remedial or enhancement measures for small, women-owned, and minority-owned businesses.** Includes women-owned and minority-owned businesses in considerations for procurement enhancements or remedies established consistent with prevailing law. The bill also authorizes the Department of Minority Business Enterprise to enforce the implementation of the appropriate enhancements or remedial measures.

*Patron - Morrissey*

**[F]HB542 Department of Minority Business Enterprise; certification of small, women-owned, or minority-owned businesses; inclusion of retired military personnel-owned businesses.** Includes retired military personnel-owned business in the procurement opportunities and certification process currently in place for small, women-owned, and minority-owned businesses.

*Patron - Marshall, D.W.*

**[F]HB594 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*

**[F]HB595 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*

**[F]HB602 Governor's Development Opportunity Fund; authority to award grants.** Authorizes the Governor to award grants up to \$2 million for projects located in a central city or urban core area. This bill was incorporated into HB 1244.

*Patron - O'Bannon*

**[F]HB609 Government Efficiency Review Commission; established.** 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. of the Code of Virginia) and makes some technical amendments.

*Patron - Purkey*

**[F]HB615 Virginia Public Procurement Act; small, women-owned, minority-owned, and service disabled veteran-owned business.** Provides that for the solicitation or awarding of contracts with small, women-owned, minority-owned, or service disabled veteran-owned businesses, all public bodies shall include in every such contract the following provision: "During the performance of this contract, the contractor agrees that no more than 20 percent of the contracted work will be subcontracted to any business that does not meet the definition of small, women-owned, minority-owned, or service disabled veteran-owned business, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of the contractor. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth these requirements." The bill provides that notices, advertisements, and solicitations placed in accordance with federal law, rule, or regulation shall be deemed sufficient posting. The bill contains technical amendments.

*Patron - Lohr*

**[F]HB640 Governor's Development Opportunity Fund; name change.** Changes the name of the Governor's



Development Opportunity Fund to the "Commonwealth Economic Development Fund."

*Patron - Armstrong*

**HB649 Governor's Development Opportunity Fund.** Lowers the minimum private investment to qualify for incentives from the Governor's Development Opportunity Fund for localities with a population of 100,000 or less with unemployment rates in excess of 150 percent of the state average.

*Patron - Armstrong*

**HB654 Administrative Process Act; review of agency decision.** Makes a final decision under the Administrative Process Act reviewable by a de novo appeal.

*Patron - Armstrong*

**HB679 Collection of social security numbers.** Clarifies that no state or local agency may collect a social security number from an individual unless (i) the collection is required by state or federal law or (ii) the collection is imperative for the performance of that agency's duties and responsibilities as prescribed by law. The bill also makes technical changes.

*Patron - May*

**HB689 Freedom of Information Act; proceedings for enforcement.** Clarifies that when an FOIA petition is filed, the party against whom the writ is brought must be served with a copy of the petition prior to filing. The bill contains a technical amendment. This bill was incorporated into HB 976.

*Patron - Miller, J.H.*

**HB693 Health insurance program for teachers; development of a proposed program.** Requires 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 - Miller, J.H.*

**HB716 Intellectual property created by state employees.** Adds new reporting requirements for agencies that seek patent protection or seek to license or transfer any interest in intellectual property developed by state employees. The bill also makes several technical changes to the requirements of the intellectual property policy developed by the Secretary of Administration. To accommodate the technical changes, the bill also extends the reporting deadline for the Secretary of Administration in developing a statewide policy and guidelines.

*Patron - Peace*

**HB767 Memorialization of fallen Virginians at the Virginia War Memorial.** Codifies the criteria for inclusion of Virginians who died while serving in the armed forces on the Shrine of Memory at the Virginia War Memorial, as was required by legislation adopted in 2009. The bill also directs the Virginia War Memorial Foundation Board of Trustees to develop plans and criteria for an additional memorial to all Virginians who died while serving in the armed forces, even if they do not meet the criteria for inclusion on the Shrine of Memory.

*Patron - Janis*

**HB836 Government Data Collection and Dissemination Practices Act; social security account numbers.** Clarifies that a government entity cannot require an individual to furnish his entire social security number or any portion thereof. The bill also clarifies that a social security number or any por-

tion thereof cannot be displayed on a student or government identification card.

*Patron - Carr*

**HB843 Medical emergency response plan and automated external defibrillators; required in certain buildings.** Requires the development of medical emergency response plans and the installation of automated external defibrillators in health spas and certain state and local buildings open to the public. The bill also establishes the Automated External Defibrillator Grant Fund to provide matching funds to localities to assist with the cost of compliance.

*Patron - Hope*

**HB858 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, 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. The bill contains technical amendments.

*Patron - Cline*

**HB906 Virginia Security for Public Deposits Act; definition of public deposit; student activity funds.** Includes in the definition of "public deposit" any funds derived from extracurricular public school activities, such as entertainment, athletic contest, cafeteria, club dues, etc., and from any and all activities of the school involving personnel, students, or property. This bill was incorporated into HB 1036.

*Patron - Bell, Robert B.*

**HB965 Office of the Attorney General; Department of Agriculture and Consumer Affairs; powers and duties relating to consumer protection laws.** Transfers investigative and consumer complaint and dispute resolution functions for certain consumer protection laws from the Office of Consumer Affairs within the Department of Agriculture and Consumer Affairs to the Division of Consumer Counsel within the Office of the Attorney General.

*Patron - Lohr*

**HB970 Designation of annual surplus to the Transportation Trust Fund.** Increases from two-thirds to 75 percent the amount of the general fund surplus designated to the Transportation Trust Fund within the Comptroller's annual report following the close of each fiscal year. The governor would include in his budget bill an amount for deposit into the Transportation Trust Fund equivalent to the amount designated by the Comptroller.

*Patron - Rust*

**HB977 Freedom of Information Act; record exclusion for visitor information systems in public schools.** Excludes from the mandatory disclosure requirements of FOIA software programs, data, or other records relating to electronic or automated security systems used to monitor or control access to public school buildings or other school property, the disclosure of which would jeopardize the operational or access control features of such system, or would reveal personal information of individuals seeking access to a school building or other school property. The bill defines personal information.

*Patron - Anderson*

**HB988 Governor's Development Opportunity fund; grants to localities to meet local matching fund**

**requirements for certain federal programs.** Provides that the Governor's Development Opportunity Fund may be used to provide grants to localities to meet local matching fund requirements for grants under the federal Economic Development Administration. Before approving a grant request, the Director of the Virginia Economic Development Partnership must certify that (i) providing the grant will enhance the competitiveness of the locality and the region and the economic development goals of the Commonwealth, and (ii) the project for which the grant is requested is consistent with the Comprehensive Economic Development strategic plan for the locality and the planning commission in which the locality is located.

*Patron - Nutter*

**[F]HB990 Department of General Services; powers and duties; web-based procurement program.** Requires the Department of General Services to establish a fee schedule limited to 0.5 percent of the total purchase order for all procurement contracts made with its web-based electronic procurement program commonly known as "eVA." The bill also eliminates any vendor registration fee to participate in the program.

*Patron - Nutter*

**[F]HB996 Secretary of Education; name change.** Changes the name of the Secretary of Education to the Secretary of Education and Workforce Development.

*Patron - James*

**[F]HB1021 State Asset Maximization Commission.** Creates the State Asset Maximization Commission and sets its membership and duties. The bill provides that the Commission will cease to exist on July 1, 2015.

*Patron - Hugo*

**[F]HB1032 Department of General Services; capital outlay review and approval process.** Provides that construction projects with a total cost less than \$750,000 shall be exempt from the capital outlay review and approval process under certain conditions.

*Patron - Pollard*

**[F]HB1035 Information Technology governance in the Commonwealth; the Chief Information Officer; the Information Technology Investment Board; the Department of Technology Management, established; the Information Technology Investment Council, established; and the Council on Technology Services, established.** Eliminates the Information Technology Investment Board (ITIB) and replaces it with the Information Technology Investment Council (ITIC), which is established as a policy council under the Governor with the power and duty to (i) approve the recommended technology investment projects report prepared by the Project Management Division; (ii) approve plans for the development, maintenance, and replacement of enterprise and multi-agency applications developed by the Council on Technology Services (COTS); and (iii) advise the Secretary of Technology on the termination of major information technology projects. The ITIC is comprised of each Cabinet Secretary, the Directors of the Senate Finance and House Appropriations Committees, and three nonlegislative citizen members, all of whom to be appointed by the Governor. The Governor's Chief of Staff serves on the ITIC as chairman. The bill grants the Governor the power to appoint the Chief Information Officer (CIO), who shall serve as the head of the Virginia Information Technologies Agency (VITA). The CIO reports to the Secretary of Technology and is responsible, through his role as head of VITA, for planning, developing, and procuring enterprise applications and infrastructure services. The bill establishes the Department of Technology (DTM) with the power and duty to (i)

develop regulations, standards, policies, and guidelines for management of information technology in the Commonwealth; (ii) oversee information technology security, procurements, projects, investments, planning, and budgeting; (iii) report on information technology status and trends in the Commonwealth; and (iv) in consultation with VITA, identify and plan for the information technology needs of the Commonwealth. The Department is led by a Director who is appointed by the Governor, confirmed by the General Assembly, and reports to the CIO. The Department includes the Project Management Division, the Virginia Geographic Information Network, and the Public Safety Communications Division, all of which were previously under the supervision and responsibility of VITA. The bill establishes the Council on Technology Services (COTS) as a policy council under the Governor with the power and duty to (i) advise the CIO on the application and infrastructure services provided by VITA; (ii) advise the Director of DTM on the development of information technology regulations, standards, policies, and guidelines the list of recommended technology investment projects and proposed uses of state funds resulting from agency budget reviews; and (iii) develop, for approval by the ITIC, plans for the development, maintenance, and replacement of enterprise and multiagency applications. COTS is comprised of agency representatives from each of the Cabinet Secretaries and the legislative and judicial branches of state government. The bill creates a new requirement that the Secretary of Technology develop a comprehensive statewide two-year strategic plan for information technology that addresses application and infrastructure needs, the use of information technology across state government, and information security issues. The Secretary is also responsible for the newly created DTM and shall coordinate and resolve any conflicts between DTM and VITA. The bill contains several enactment clauses, including the provision that no additional funds from the general appropriation act passed by the 2010 Session of the General Assembly shall be used to implement the provisions of this act. Any additional funding necessary to implement the provisions of this act shall be provided from internal service funds maintained by VITA. This bill contains other substantive provisions and includes numerous technical changes necessary to update obsolete references. This bill has been incorporated by HB 1034.

*Patron - Byron*

**[F]HB1086 Comprehensive services; local match rates.** Provides that local match rates for purchase of services, including public and private residential and nonresidential services, pursuant to the Comprehensive Services Act shall be consistent, regardless of the location or nature of the services purchased.

*Patron - Crockett-Stark*

**[F]HB1112 P-16 Education Council.** Makes the Governor's P-16 Education Council a permanent advisory council within the executive branch.

*Patron - Ebbin*

**[F]HB1116 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 veteran. 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*

**HB1130 Health insurance purchasing pool for small businesses.** Directs the Secretary of Administration, in cooperation with the Bureau of Insurance, to prepare a program design for a voluntary, public-private health insurance purchasing pool for businesses with 50 or fewer employees. The Secretary is directed to work with representatives of health insurers, insurance agents, health care providers, and small businesses in designing the program. The program design is required to be completed by January 1, 2012.

*Patron - Keam*

**HB1140 Virginia State and Local Government Ethics Advisory Council.** Establishes the Virginia Ethics Advisory Council to receive, investigate, and make findings and recommendations upon complaints alleging violations of the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.). The Council will also furnish advisory opinions or guidelines, publish educational materials, and conduct training seminars and educational programs on the requirements of the Act.

*Patron - Morgan*

**HB1228 Virginia Public Procurement Act; establishment of Historically Underutilized Business Zones (HUB Zones) in the state.** Requires the Department of General Services, in conjunction with the Department of Minority Business Enterprise, to develop a program that insures that at least 15 percent of state procurement contracts are awarded to small businesses located in historically underutilized business zones (HUB Zones). The bill defines HUB Zone.

*Patron - Dance*

**HB1251 Health insurance for state employees.** Requires any health insurance coverage plan established for state employees in Hampton Roads to include health insurance plan options available in the six months prior to the implementation of the COVA Connect pilot program instituted on July 1, 2009.

*Patron - Spruill*

**HB1264 Department of General Services; 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 LEED Silver or Green Globes two globe standards. The 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 (Energy Standard for Buildings Except Low-Rise Residential Buildings) by at least 15 percent for new construction and 10 percent for major renovation. In addition, water systems designed for such buildings shall 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 by the governing body of a locality or school board for local projects.

*Patron - Hope*

**HB1273 Restrictions on Governor's outside employment and activities.** Prohibits the Governor from (i) performing any work or activity for remuneration other than his official duties as Governor, and (ii) holding an official leadership position in a national political party, in addition to any

current prohibitions contained in the State and Local Conflict of Interests Act. This bill incorporates HB 1318.

*Patron - Purkey*

**HB1279 Virginia Public Procurement Act; small, women-owned, or minority-owned businesses.** Requires the Department of General Services, in conjunction with the Department of Minority Business Enterprise, to develop a program that insures that at least 15 percent of state procurement contracts are awarded to small, women-owned, and minority-owned businesses located in historically underutilized business zones (HUB Zone) that meet certain requirements. The bill defines HUB Zone.

*Patron - McClellan*

**HB1287 Virginia Human Rights Act; sexual orientation.** Adds sexual orientation to the definition of unlawful discriminatory practice in the Virginia Human Rights Act. The bill defines "sexual orientation."

*Patron - Plum*

**HB1315 Funds received from the federal government.** Provides that any department, agency, bureau, or institution of the Commonwealth receiving federal funds shall not be subject to a state audit for such federal funds.

*Patron - Pollard*

**HB1317 Governor's Development Opportunity Fund; small business loans.** Provides for the transfer of up to \$2 million from the Governor's Development Opportunity Fund to a qualified community development financial institution, for the purpose of making commercial loans and investments to start or expand small businesses, when the Fund balance is greater than \$12 million.

*Patron - Marshall, R.G.*

**HB1318 Restrictions on Governor's outside activities.** Prohibits the Governor from holding an official leadership position in a national political party. This bill was incorporated into HB 1273.

*Patron - Marshall, R.G.*

**HB1331 Council on Efficient Government; established.** Creates the Council on Efficient Government and sets out its memberships and duties. The bill provides the Council shall cease to exist on July 1, 2015. The bill also eliminates the Commonwealth Competition Council. The bill contains technical amendments.

*Patron - Cosgrove*

**HB1371 Governor's Development Opportunity Fund.** Provides an exception from the minimum private investment and the number of jobs to be created in order for a locality to obtain a grant or loan from the Governor's Development Opportunity Fund. As provided in the bill, if a project is to be located by a small business in an enterprise zone, the minimum private investment shall be adjusted to \$1 million and the minimum number of new jobs created shall be adjusted to 10 jobs for which the average wage, excluding fringe benefits, is no less than the prevailing average wage. The bill defines "small business." This bill was incorporated into HB 1244.

*Patron - Lewis*

**SB66 Nondiscrimination in state employment.** 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

Assistance 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 toward persons with whom sexual conduct would be illegal due to the age of the parties. The bill contains technical amendments.

*Patron - McEachin*

**SB109 Green Public Buildings Act.** Requires executive branch agencies and institutions 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 meet standards at least as stringent as the LEED or Green Globes standards. Exemptions from the requirement may be granted by the Director of the Department of General Services upon a finding of special circumstances that make construction or renovation to the standards impracticable.

*Patron - Petersen*

**SB160 Office of the Children's Ombudsman.** Creates the Office of the Children's Ombudsman to provide ombudsman services, including investigation of complaints, advocacy, and information for children, parents, and citizens involved with child-serving agencies.

*Patron - Edwards*

**SB225 Public Procurement Act; verification of legal presence.** Requires all public contractors and their subcontractors to register and participate in a federal Electronic Work Verification Program or similar electronic verification of work authorization program to determine that their employees and individual independent contractors are legally eligible for employment in the United States. Contractors and subcontractors are required to verify the employment status of their employees and independent contractors, and are prohibited from employing or contracting with an individual who is not determined to be legally eligible for employment in the United States as determined through the verification of the individual's status. Contractors who do not register and participate in the registration program are ineligible for prequalification.

*Patron - Barker*

**SB227 Irrigation systems; state-owned buildings and private property.** Requires the Division of Engineering and Buildings, in every state-owned building or facility designed, constructed, or substantially altered after July 1, 2010, that includes as part of such design, construction, or alteration the installation of an outdoor automatic sprinkler or irrigation system, to ensure that such system shall have furnished and installed technology that inhibits or interrupts operation of the landscape irrigation system during periods of sufficient moisture or rainfall. The technology shall be adjustable either by the end user or the professional practitioner of landscape irrigation services. The bill also provides that every outdoor automatic sprinkler or irrigation system installed after July 1, 2010, by a landscape irrigation contractor shall be equipped with technology that inhibits or interrupts operation of the landscape irrigation system during periods of sufficient moisture or rainfall. The technology shall be adjustable either by the end user or the professional practitioner of landscape irrigation services. The bill provides that this latter provision shall not apply to systems operating on golf courses or agricultural lands.

*Patron - Barker*

**SB242 Intellectual property created by state employees.** Adds new reporting requirements for agencies that seek patent protection or seek to license or transfer any interest

in intellectual property developed by state employees. The bill also makes several technical changes to the requirements of the intellectual property policy developed by the Secretary of Administration. To accommodate the technical changes, the bill also extends the reporting deadline for the Secretary of Administration in developing a statewide policy and guidelines.

*Patron - Watkins*

**SB288 Virginia Security for Public Deposits Act; school activity fund deposits.** Includes school activity funds in the definition of public deposits that are covered under the Virginia Security for Public Deposits Act.

*Patron - Deeds*

**SB323 Secretary of Education; name change.** Changes the name of the Secretary of Education to the Secretary of Education and Workforce Development.

*Patron - Ruff*

**SB330 Virginia Council on Military Base and Mission Support.** Creates the Virginia Council on Military Base and Mission Support to support and strengthen military installations located in the Commonwealth.

*Patron - Stuart*

**SB378 Virginia Public Procurement Act; establishment of Historically Underutilized Business Zones (HUB Zones) in the state.** Requires the Department of General Services, in conjunction with the Department of Minority Business Enterprise, to develop a program that insures that at least 15 percent of state procurement contracts are awarded to small, women-owned, and minority-owned businesses located in historically underutilized business zones (HUB Zones). The bill defines HUB Zone. This bill was incorporated into SB 658.

*Patron - Puckett*

**SB388 Office of the Attorney General; Department of Agriculture and Consumer Affairs; powers and duties relating to consumer protection laws.** Transfers investigative and consumer complaint and dispute resolution functions for certain consumer protection laws from the Office of Consumer Affairs within the Department of Agriculture and Consumer Affairs to the Division of Consumer Counsel within the Office of the Attorney General. This bill incorporates SB 485.

*Patron - Obenshain*

**SB390 Information Technology governance in the Commonwealth; Chief Information Officer and the Information Technology Investment Board; emergency.** Eliminates the Information Technology Investment Board. In its place, the Governor will appoint the Chief Information Officer of the Commonwealth, subject to confirmation by the General Assembly. The bill contains an emergency clause. This bill was incorporated into SB 236.

*Patron - McDougle*

**SB442 Joint Commission on Administrative Rules; authority to suspend a regulation with the concurrence of the Governor.** Allows for the Joint Commission on Administrative Rules to suspend a rule or regulation with the concurrence of the Governor whether or not the rule or regulation has become effective.

*Patron - Wagner*

**SB469 P-16 Education Council.** Makes the Governor's P-16 Education Council a permanent advisory council within the executive branch.

*Patron - Miller, J.C.*

**SB480 Information Technology governance in the Commonwealth; Chief Information Officer and the Information Technology Investment Board; emergency.** Eliminates the Information Technology Investment Board. In its place, the Governor will appoint the Chief Information Officer of the Commonwealth, subject to confirmation by the General Assembly. The bill contains an emergency clause.

*Patron - Howell*

**SB485 Enjoining violations of consumer laws.** Authorizes the Office of Consumer Affairs to refer matters involving illegal, fraudulent, deceptive, or dangerous practices to the Attorney General, and to request the Office of the Attorney General to investigate such matter. The measure further authorizes the Office of the Attorney General, upon receipt of such a referral from the Office of Consumer Affairs, to investigate the practice and to bring an action to enjoin a violation of law. This bill was incorporated into SB 388.

*Patron - Hurt*

**SB525 Cooperative Marketing Fund of the Virginia Tourism Authority; dedication of soft drink excise tax and litter tax revenues.** Dedicates the revenues from the Commonwealth's soft drink excise tax and litter tax to the Cooperative Marketing Fund administered by the Virginia Tourism Authority. The first priority for moneys in the Cooperative Marketing Fund shall be as a match for private funds to be used for the promotion, marketing, and advertising of the Commonwealth's tourist attractions and locations. Current law dedicates the revenues from the two taxes to the Litter Control and Recycling Fund.

*Patron - Norment*

**SB600 Designation of annual surplus to the Transportation Trust Fund.** Increases from two-thirds to 75 percent the amount of the general fund surplus designated to the Transportation Trust Fund within the Comptroller's annual report following the close of each fiscal year. The governor would include in his budget bill an amount for deposit into the Transportation Trust Fund equivalent to the amount designated by the Comptroller.

*Patron - Wagner*

**SB658 Virginia Public Procurement Act; establishment of Historically Underutilized Business Zones (HUB Zones) in the state.** Requires the Department of General Services and the Virginia Information Technologies Agency to develop procurement regulations for the utilization of small businesses located in historically underutilized business zones (HUB zones). The bill also authorizes public bodies to establish programs to facilitate the participation of small businesses in HUB zones. Such programs must be in writing and comply with any enhancement or remedial measures authorized by the Governor in the case of state agencies or the chief executive of a local governing body in the case of local agencies. This bill incorporates SB 378.

*Patron - Ruff*

**SB691 Department of Minority Business Enterprise; small, women-owned, and minority-owned businesses; enhancement or remedial measures.** Requires state contracts awarded pursuant to enhancement or remedial measures implemented to enhance participation by small, women-owned, and minority-owned businesses to include a requirement that no more than 60 percent of the work be subcontracted to another contractor except under certain circumstances. The bill authorizes the Department of Minority Business Enterprise to investigate complaints that the business has violated the contract provision and authorizes the Director

to revoke the business's certification as a small, women-owned, or minority-owned business for a period of one year upon determination that the contract provision has been violated. The bill also provides that any enhancement or remedial measure require the state agency to solicit bids from all qualified vendors and not be limited to bids submitted by small, women-owned, and minority-owned businesses. Under the bill, any enhancement or remedial measure cannot exceed three percent of the total value of all vendor contracts calculated against the costs of accepting the lowest competent and qualifying bids.

*Patron - Obenshain*

**SB694 Transportation Trust Fund; additional appropriations recommended by the Governor in cases of general fund revenue growth.** Authorizes the Governor, in submitting his biennial budget bill, to provide for additional appropriations to the Transportation Trust Fund from general fund revenues in cases in which general fund revenues for a fiscal year are projected to grow by at least three percent. Any such additional appropriation to the Transportation Trust Fund recommended by the Governor would be required to be in an amount not less than one percent of the projected growth in general fund revenues for the fiscal year.

*Patron - McWaters*

**SB695 Virginia Public Procurement Act; cooperative procurement.** Provides that in cases where the cooperative procurement agreement involves construction, the public body awarding the contract must comply with the provisions of the Public-Private Education Facilities and Infrastructure Act of 2002 requiring posting, public notice and access to certain procurement records.

*Patron - McWaters*

## Carried Over

**HB122 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.

*Patron - Purkey*

**HB123 Virginia Nanotechnology Authority; established.** Establishes the Virginia Nanotechnology Authority to promote development of nanotechnology in Virginia. The Authority will be responsible for administering a fund to be used to provide industry and institutions of higher education with discovery grants, collaboration grants, and prototype grants. The Authority will be governed by a board of directors and managed by a president at the direction of the Board. The president is responsible for creating a virtual Virginia Nanotechnology Users Network to facilitate research and development of nanotechnology at the Commonwealth's institutions of higher education.

*Patron - Purkey*

**HB246 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 bill, as introduced in 2009, contained a reenactment clause that requires it to be reenacted by the 2010 Session of the General Assembly.

*Patron - Merricks*

**HB464 Virginia Respite Care Registry.** Directs the Department for the Aging to establish and maintain the Respite

Care Registry to make information about adult day services providers, community respite care organizations, and other providers of respite care available to the public. The bill also establishes the Virginia Respite Care Fund, to consist of voluntary income tax contributions to support the Respite Care Registry. This bill incorporates HB 325.

*Patron - Herring*

**[C]HB524 Secretary of the Commonwealth; lobbyist disclosure.** Redesigns the Lobbyist's 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*

**[C]HB607 Technology, Nanotechnology and Biotechnology Investment Fund created.** Creates the Technology, Nanotechnology, and Biotechnology Investment Fund to attract technology or biotechnology companies to, or assist those companies located in, the Commonwealth. Moneys in the Fund shall only be applied to qualified research expenses and basic research payments (as defined by § 41 of the Internal Revenue Code) for research conducted in the Commonwealth. Qualified research expenses are defined as in-house expenses or contract research expenses, paid by a technology or biotechnology company. Basic research payments are defined as payments made to companies and nonprofit research institutions and organizations located in the Commonwealth for research in technology and biotechnology. No grant to a company from the Fund is to exceed \$500,000 per year. The Innovation and Entrepreneurship Investment Authority shall administer this fund.

*Patron - Purkey*

**[C]HB641 Freedom of Information Act; requests for records.** Provides that FOIA requests may be made by any citizen of the United States and not just citizens of the Commonwealth and extends the same privilege to representatives of newspapers and magazines. The bill provides that this privilege is limited to those states which give reciprocal rights to make FOIA requests to Virginia citizens. The bill also allows a public body to require prepayment before providing requested records when the amount for so producing is likely to exceed \$100.

*Patron - Armstrong*

**[C]HB665 Transportation Trust Fund; additional appropriations in Governor's Budget Bill in cases of general fund revenue growth.** Requires the Governor, in submitting his biennial budget bill, to provide for additional appropriations to the Transportation Trust Fund from general fund revenues in cases in which general fund revenues for a fiscal year are projected to grow by at least three percent. Any such additional appropriation to the Transportation Trust Fund recommended by the Governor would be required to be in an amount not less than one percent of the projected growth in general fund revenues for the fiscal year.

*Patron - May*

**[C]HB724 Open Education Curriculum Board; established.** Establishes the Open Education Curriculum Board. The

purpose of the Board is to designate qualifying entities as Open Education Consortiums and set the standards for submission of education materials and subsequent licensing of educational curriculum developed by the Consortiums. Materials submitted to a Consortium may be edited in any manner and released under a Creative Commons license or licensed for use as a commercial product, subject to restrictions developed by the Board. Consortiums may offer financial incentives to encourage individuals to submit educational materials to the Consortium.

*Patron - Peace*

**[C]HB782 Department of General Services; surplus real property; inventory state-owned land.** Provides for the Department of General Services to inventory all real property owned by the Commonwealth by October 30, 2010, and update the inventory at least annually thereafter. The bill also provides for the Department to submit an annual report to the Governor and the General Assembly containing the full inventory of real property owned by the Commonwealth and recommendations regarding property that may be disposed of as surplus property. The bill also changes the portion of the proceeds from sales or leases of, or from the conveyance of any interest in, surplus property by the Commonwealth from the Conservation Resources Fund to the Transportation Trust Fund.

*Patron - LeMunyon*

**[C]HB976 Freedom of Information Act; proceedings for enforcement.** Clarifies that before a FOIA petition is filed, the party against whom the writ is brought must receive a copy of the petition within a reasonable time prior to the petitioner filing the petition with the court. The bill contains a technical amendment and incorporates HB 689.

*Patron - Anderson*

**[C]HB1015 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, 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*

**[C]HB1019 Virginia Public Procurement Act; alternative dispute resolution.** Provides that contractual claims submitted under § 2.2-4363 related to a construction contract entered into by or on behalf of the Virginia Community College System for which the System has not made a final decision in the time period specified in § 2.2-4363, the provisions of the contract to the contrary notwithstanding, shall be submitted for arbitration, mediation, or other alternative dispute resolution procedures. The bill also provides that it does not limit the contractor's right to institute immediate legal action. The bill also provides that it is limited to contractual claims submitted to the Virginia Community College System prior to February 1, 2010.

*Patron - Hugo*

**HB1041 Virginia Workforce Council.** Replaces the Secretary of Education with the Secretary of Technology on the Virginia Workforce Council and reduces the number of gubernatorial citizen appointees from 15 to 14. The measure also provides that the Chancellor of the Virginia Community College System shall provide subordinate staff support to the Council. The Executive Committee of the Council is directed to review and make recommendations on grant proposals. The Council is required to prepare a report detailing reforms necessary to ensure that Council resources and services will aid in the achievement of measurable improvements in identified areas, the implementation of a Work Ready Community Certification program pilot project, and the initiatives to increase in the number of private and nonprofit training vendors. The Council is further directed to create a Military Transition Assistance Committee.

*Patron - Byron*

**HB1144 State employee telecommuting and alternative work schedule goals.** Increases the target for eligible state employee participation in telecommuting and alternative work schedules to 40 percent in each respective program by January 1, 2012.

*Patron - Scott, J.M.*

**SB102 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, 2011, through June 30, 2013.

*Patron - McDougale*

**SB103 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 Board. 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 - McDougale*

**SB147 Freedom of Information Act; proceedings for enforcement.** Clarifies that when an FOIA petition is filed, the party against whom the writ is brought must be served with a copy of the petition prior to filing. The bill contains a technical amendment.

*Patron - Puller*

**SB332 Virginia School for the Deaf and the Blind; VITA exemption.** Exempts the Virginia School for the Deaf and the Blind from provisions related to the Virginia Information Technologies Agency.

*Patron - Hanger*

**SB484 Local government investment pool.** Requires that no less than 10 percent of local government investment pool assets be invested in time, savings, or demand deposits at financial institutions qualified to accept public deposits under the Virginia Security for Public Deposits Act.

*Patron - Hurt*

**SB507 Secretary of the Commonwealth; lobbyist disclosure.** Redesigns the Lobbyist's Disclosure Statement to clarify information requested and increase compliance. Among other things, the redesigned form (i) requires a lobbyist to include a list of all House of Delegates or Senate bills and procurement transactions for which he has lobbied as well as the expenses related to such lobbying activity and (ii) 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 - Smith*

**SB672 Governor; compacts with federally recognized Virginia Indian tribes.** Authorizes the Governor, subject to the approval of the General Assembly, to enter into a compact with any Virginia Indian tribe that has been officially recognized by the Commonwealth and has also obtained official recognition by the United States government as a self-governing community.

*Patron - Deeds*

**SB700 Department of Human Resource Management; implementation of management-to-staff ratios.** Requires the Department of Human Resource Management to develop procedures for the implementation of the management-to-staff ratio schedule for state agencies in the executive branch. The schedule for implementation in the bill provides for state agencies employing more than 100 full-time employees to have a ratio of one full-time employee in a management position for every 11 full-time employees in nonmanagerial staff positions by July 1, 2012.

*Patron - Stosch*

**SB703 Public Procurement Act; preference for construction contractors hiring local residents.** Authorizes a locality to develop and implement a bidding system providing a preference to construction contractors that hire residents of the locality or the Commonwealth.

*Patron - Marsden*

**SB711 Freedom of Information Act; disclosure of criminal investigative records.** Limits the exemption for criminal investigative or prosecution records to those investigations or prosecutions that are ongoing. As a result, criminal investigative and prosecution records would be open to the public after the ongoing criminal investigation or prosecution has become final or has been otherwise terminated, unless there is jeopardy to any other criminal investigation or prosecution. The bill contains technical amendments.

*Patron - Edwards*

---

## Agriculture, Animal Care, and Food

---

### Passed

---

**HB281 Animal cruelty; penalty.** Increases the penalty for a second or subsequent violation of the animal care laws regarding an owner's failure to provide adequate food, adequate water, adequate shelter, and adequate veterinary care



from a Class 4 to a Class 2 misdemeanor. A second or subsequent violation related to adequate space, adequate exercise, and adequate care, treatment and transportation are increased from a Class 4 to a Class 3 misdemeanor. The civil penalty for failure to sterilize a dog or cat adopted from a releasing agency is increased from \$50 to \$250.

*Patron - Albo*

**HB322 Animal care; rabies vaccination.** Requires the Board of Health to provide, by regulation, an exemption to the requirement that an owner of a dog or cat must have his animal vaccinated for rabies if the veterinarian determines that the dog or cat has an underlying medical condition that is likely to result in a life-threatening condition in response to the vaccination.

*Patron - Plum*

**HB621 Rabies regulation and control; penalty.** Clarifies the procedures and responsibilities among the Department of Health, localities, and other entities to prevent and control rabies. This bill clarifies that all dogs and cats over the age of four months must be vaccinated, provides that rabies certificates shall be issued to the owner of the animal vaccinated and that the veterinarian shall keep a copy of the certificate in his own files, clarifies the authority to access rabies certificates maintained at veterinary hospitals, addresses recordkeeping standards for rabies clinics, and clarifies the authority of the local health director in regard to a rabies exposure. The bill requires the local health director and the governing body of the locality to adopt a plan to control and respond to the risk of rabies.

*Patron - Orrock*

**HB888 Peanut Board; commodity assessment.** Authorizes the Peanut Board to enter into an agreement with the Federal Commodity Credit Corporation and to increase the commodity assessment from \$0.15 per 100 pounds to \$0.30 per 100 pounds for a three-year period beginning July 1, 2010. The commodity assessment is paid by peanut growers. This bill is identical to SB 32.

*Patron - Barlow*

**HB904 Animal control officers; obstruction.** Clarifies the role of animal control officers in light of two changes made to criminal procedure statutes during the 2009 Session of the General Assembly. First, the provision in Title 3.2 is conformed with existing Title 18.2 to show that the heightened penalty for obstructing an animal control officer in the performance of his duties was increased from a Class 4 misdemeanor to a Class 1 misdemeanor. Second, Title 19.2 is amended to show that animal control officers may obtain a felony warrant from a magistrate, as stated in § 3.2-6555, although a law-enforcement officer must execute such warrant.

*Patron - Bell, Robert B.*

**HB1088 Coyote control.** Requires the Commissioner of Agriculture and Consumer Services to join in a cooperative agreement with the federal government to reestablish the Virginia Cooperative Coyote Damage Control Program to control coyotes that pose a danger to agricultural animals.

*Patron - Crockett-Stark*

**HB1322 Waste kitchen grease; transportation; fees; penalty.** Requires any person who transports waste kitchen grease to register with the Virginia Department of Agriculture and Consumer Services unless he qualifies for an individual exemption. Registrants must pay annual fees of \$100 for registration and \$100 per vehicle used to transport waste kitchen grease. Commercial transporters of waste kitchen grease must show proof of personal injury and property

damage liability insurance in an amount not less than \$1 million. All registered transporters must conspicuously mark vehicles used for transportation and maintain records showing the source and quantity of kitchen grease obtained and the renderer who processes such grease into usable products. The Department may assess a civil penalty of not more than \$5,000 for any violation of a provision of this chapter, including the prohibition that no person shall take possession of more than 55 gallons of waste kitchen grease from an unregistered transporter unless the recipient maintains, for two years, documentation of the (i) name and address of the person delivering the waste kitchen grease, (ii) date of receipt of the waste kitchen grease, (iii) delivering vehicle's license plate number and state of registration, and (iv) quantity delivered, which shall be made available for inspection by the Department.

*Patron - Sherwood*

**HB1332 Cotton Board; notice of referendum.** Requires the Commissioner of Agriculture and Consumer Services, at least 60 days prior to the holding of any referendum for cotton producers, to send a notice of the referendum to a newspaper of general circulation in each locality where cotton is produced or by mail to all cotton producers listed with the Department during the fiscal year preceding the referendum. Currently, the Commissioner must send a notice of the referendum to a newspaper of general circulation in each locality where cotton is produced and to a newspaper of general circulation in Richmond.

*Patron - Barlow*

**SB32 Peanut Board; commodity assessment.** Authorizes the Peanut Board to enter into an agreement with the Federal Commodity Credit Corporation and to increase the commodity assessment from \$0.15 per 100 pounds to \$0.30 per 100 pounds for a three-year period beginning July 1, 2010. The commodity assessment is paid by peanut growers. This bill is identical to HB 888.

*Patron - Lucas*

## Failed

**HB60 Private homes; food safety preparation inspections.** Exempts private homes from food safety inspections where the resident processes and prepares pickles, relishes, and salsas for sale to individuals at the home or at farmers markets and labeled "NOT FOR RESALE - PROCESSED AND PREPARED WITHOUT STATE INSPECTION." Private homes are already exempt from inspection where candies, jams, jellies, and baked goods are prepared and distributed accordingly.

*Patron - Toscano*

**HB140 Cruelty to animals.** Narrows the exemption to animal cruelty penalties available to the owner of a dog or cat when his dog or cat is attacked on his property by a dog. Currently, that exemption allows the owner of the injured dog or cat to use all reasonable and necessary force against the attacking dog. The amendment clarifies that "attack" shall only be construed to mean an actual injury or death has occurred to an owner's dog or cat, and not the mere threat thereof.

*Patron - Pollard*

**HB366 Rabies certificates.** Requires veterinarians to forward copies of rabies vaccination certificates to the treasurer of the locality where the animal resides on a standardized form developed by the State Veterinarian. Currently, veterinarians are not required to use a standard form and transmit the

information to the treasurer of the locality where the vaccination occurs.

*Patron - Ware, O.*

**[F]HB429 Animal welfare; disposition of animals in county or city pounds.** Prohibits city or county pounds from euthanizing, or prohibiting the adoption of, any dog based solely on breed.

*Patron - Griffith*

**[F]HB551 Animal care; transport; regulations.** Requires the adoption of regulations that permit the non-commercial, intrastate transportation of animals by law-enforcement officers, animal control officers, and releasing agencies by vehicles that are not enclosed, provided that (i) the primary enclosure is affixed to the vehicle; (ii) the primary enclosure is compliant with specifications set out in the federal Animal Welfare regulations; (iii) the duration of transport does not exceed two hours; and (iv) the animal is protected from the elements during transport.

*Patron - Marshall, D.W.*

**[F]HB884 Animal welfare laws; special deputies.** Authorizes sheriffs and police chiefs to designate and utilize volunteer deputies for the enforcement of this chapter, all ordinances enacted pursuant to this chapter, and all laws for the protection of domestic animals.

*Patron - Athey*

**[F]SB251 Dangerous and vicious dogs.** Expands the definition of a dangerous dog to include a dog that has, without provocation, attempted to bite, attack, or inflict injury, or reasonably induce fear in the mind of the person that an attempt to bite, attack, or inflict injury on such person is imminent.

*Patron - Reynolds*

**[F]SB261 Weights and measures fee.** Imposes a fee of one-tenth of one cent on fuels subject to Virginia's fuels taxes with the proceeds to be used solely to test petroleum dispensing pumps.

*Patron - Whipple*

**[F]SB274 Animal control records.** Exempts from release to the public the name and address of the owner of an animal that has been taken into custody by animal control officers, law-enforcement officers, humane investigators, or any pound or shelter.

*Patron - Whipple*

**[F]SB570 Ownership of primates; penalty.** Prohibits any person from acquiring a non-human primate, which includes gorillas, apes, chimpanzees, orangutans, and monkeys. The ownership of primates by zoos, nature centers, museums, registered exhibitors and laboratories, parks, and research facilities is exempted from the prohibition. Persons who currently own primates must register with animal control. An initial violation of the provision is a Class 3 misdemeanor and any subsequent violation is a Class 1 misdemeanor.

*Patron - Ticer*

**[F]SB641 Rabies vaccination certificates; responsibilities of treasurer.** Removes the responsibility of the local treasurer for transmitting dog license applications to residents of the locality who have vaccinated their dog for rabies but failed to apply for a dog license.

*Patron - Reynolds*

**[F]SB648 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 - Vogel*

**[F]SB698 Privatization of State Veterinarian's record-keeping and inspection responsibilities; penalty.** Privatizes certain recordkeeping and inspection responsibilities of the State Veterinarian for companion animals. The State Veterinarian will award a five-year renewable contract to a private entity under the guidelines of the Public Procurement Act. The private entity will be act as a deputy for the State Veterinarian and public records held by the private entity will be subject to the Virginia Freedom of Information Act. The private entity will have the responsibility to investigate companion animal facilities for violations of animal welfare laws. Compensation for the private entity shall be derived solely from the Animal Welfare Fund, which will receive the proceeds of civil penalties for violations of animal welfare laws. Interference with the right of the State Veterinarian or his deputy to inspect companion animal facilities shall result in a civil penalty of up to \$1,000.

*Patron - Vogel*

## Carried Over

**[C]HB1056 Animal control officers.** Clarifies the duties and responsibilities of animal control officers, who shall be sworn law-enforcement officers with jurisdiction over animal control and protection laws. All sheriffs, police officers, conservation police officers, or other peace officers of the Commonwealth shall be ex officio animal control officers. When in uniform or upon displaying a badge or other credentials of office, animal control officers and deputy animal control officers shall have the power to issue a summons or obtain and execute a search warrant or a felony warrant as necessary. Currently, felony warrants must be executed by police officers. Localities must notify the State Veterinarian within 30 days of any change in the employment and training status of the animal control officers employed by the locality. Such reporting does not currently need to be done within a specific timeframe.

*Patron - Armstrong*

**[C]HB1143 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.*

**[C]SB249 Animal care; transport; regulations.** Requires the adoption of regulations that permit the non-commercial, intrastate transportation of animals by law-enforcement officers, animal control officers, and releasing agencies by vehicles that are not enclosed, provided that (i) the primary enclosure is affixed to the vehicle; (ii) the primary enclosure is compliant with specifications set out in the federal Animal

Welfare regulations; (iii) the duration of transport does not exceed two hours; and (iv) the animal is protected from the elements during transport.

*Patron - Reynolds*

**[C]SB582 Labeling fertilizer products.** Requires that specialty fertilizers include a label with directions for proper fertilizer use and precautionary statements to educate users. Specialty fertilizer means a fertilizer distributed for nonfarm use, including home gardens, lawns, shrubbery, flowers, golf courses, and nurseries.

*Patron - Marsden*

## Alcoholic Beverage Control Act

### Passed

**[P]HB588 Alcoholic beverage control; wine liter tax.** Requires the portion of the wine liter tax collected from the sale of wine produced by farm wineries to be deposited in the Virginia Wine Promotion Fund for use by the Wine Board. This bill is identical to SB 237.

*Patron - Landes*

**[P]HB620 Alcoholic beverage control; agents of the Alcoholic Beverage Control Board.** Designates as agents of the ABC Board any licensed distiller who blends alcoholic beverages and who operates a museum on the licensed premises that is located on the premises or grounds of a local historic building or site.

*Patron - Orrock*

**[P]HB630 Alcoholic beverage control; third party shipment of wine and beer.** Creates a fulfillment warehouse license, which authorizes an agricultural cooperative association with a place of business in the Commonwealth and under the direction and control of a Virginia wine or beer shipper licensee to (i) solicit and receive orders for wine or beer, (ii) pack and ship wine or beer in accordance with a license or other approval by the Commonwealth or the state where located, and (iii) take other action as permitted by the Board. The bill creates a marketing portal license, which allows an authorized agricultural cooperative association to solicit and receive orders for wine or beer through the use of the Internet from persons in Virginia of behalf of holders of wine or beer shipper's licenses. The bill also prohibits licensed wholesalers or any person under common control of such licensee from obtaining the fulfillment warehouse license. The bill sets the annual license taxes for these two new licenses. This bill incorporates HB 279 and is identical to SB 483.

*Patron - Scott, E.T.*

**[P]HB753 Alcoholic beverage control; possession without a license; exemptions.** Adds a license exemption for any dining areas or private rooms of residents in a licensed assisted living facility that will allow the assisted living facility to provide alcoholic beverages to the residents at the facility. Under current law, no alcoholic beverages shall be kept or allowed to be kept upon any premises of any place where food or refreshments of any kind are furnished for compensation.

*Patron - Greason*

**[P]HB952 Alcoholic beverage control; tasting events at government stores.** Authorizes distilled spirits and farm winery wine tasting events to be conducted at government stores under certain circumstances.

*Patron - Jones*

**[P]HB1293 Alcoholic beverage control; exemptions from licensure; consumption by underaged persons.** Clarifies that a person in his residence may serve or give to his guests or family members lawfully acquired alcoholic beverages when (i) such guests are 21 years of age or older or are accompanied by a parent, guardian, or spouse who is 21 years of age or older, (ii) the consumption or possession of such alcoholic beverages by family members or such guests occurs only in such residence where the alcoholic beverages are allowed to be served or given, and (iii) such service or gift is in no way a shift or device to evade ABC laws. Currently, the law requires only that (i) such guests are 21 years of age or older or are accompanied by a parent, guardian, or spouse who is 21 years of age or older and (ii) such service or gift is in no way a shift or device to evade ABC laws.

*Patron - Cleveland*

**[P]HB1353 Possessing or consuming alcoholic beverages while operating a school bus; penalty.** Provides that any person who possesses or consumes an alcoholic beverage while operating a school bus transporting children is guilty of a Class 1 misdemeanor.

*Patron - Cline*

**[P]SB26 Alcoholic beverage control; tasting events at government stores.** Authorizes distilled spirits and farm winery wine tasting events to be conducted at government stores under certain circumstances.

*Patron - Puller*

**[P]SB237 Alcoholic beverage control; wine liter tax.** Requires the portion of the wine liter tax collected from the sale of wine produced by farm wineries to be deposited in the Virginia Wine Promotion Fund for use by the Wine Board. This bill is identical to HB 588.

*Patron - Watkins*

**[P]SB483 Alcoholic beverage control; third party shipment of wine and beer.** Creates a fulfillment warehouse license, which authorizes an agricultural cooperative association with a place of business in the Commonwealth and under the direction and control of a Virginia wine or beer shipper licensee to (i) solicit and receive orders for wine or beer, (ii) pack and ship wine or beer in accordance with a license or other approval by the Commonwealth or the state where located, and (iii) take other action as permitted by the Board. The bill creates a marketing portal license, which allows an authorized agricultural cooperative association to solicit and receive orders for wine or beer through the use of the Internet from persons in Virginia of behalf of holders of wine or beer shipper's licenses. The bill also prohibits licensed wholesalers or any person under common control of such licensee from obtaining the fulfillment warehouse license. The bill sets the annual license taxes for these two new licenses. This bill incorporates SB 590.

*Patron - Hurt*

**[P]SB628 Alcoholic beverage control; mixed beverage licensees; flavored distilled spirits.** Requires the Alcoholic Beverage Control Board to adopt regulations prescribing the terms and conditions under which mixed beverage licensees may infuse, store, and sell flavored distilled spirits.

*Patron - Wagner*

### Failed

**[F]HB279 Alcoholic beverage control; third party shipment of wine and beer.** Authorizes a third party located off the licensed premises and under the direction and control of

the Virginia wine or beer shipper licensee to (i) solicit and receive orders for wine or beer, (ii) pack and ship wine or beer in accordance with a license or other approval by the Commonwealth or the state where located, and (iii) take other action as permitted by the Board. This bill was incorporated by HB 630.

*Patron - Albo*

**[F]HB342 Alcoholic beverage control (ABC); privatization of ABC stores.** Provides for the issuance of a "package store" license to authorize the retail sale of alcoholic beverages for off-premises consumption. The bill also requires the ABC Board to sell at auction all real estate used as ABC stores, and to terminate leased property upon which the ABC Board has operated a government store. The bill requires the ABC Board to complete an implementation study by December 31, 2010, on how it will privatize government stores. The bill has a delayed effective date of January 1, 2011, to achieve full retail privatization of government stores. The bill provides that any monetary savings realized by the ABC Board from the implementation of the bill shall be applied to the Transportation Trust Fund. The bill contains numerous technical amendments.

*Patron - Marshall, R.G.*

**[F]HB354 Alcoholic beverage control; hotel manager's reception license.** Creates a new hotel manager's reception license and sets out the privileges of the license as well as the license taxes.

*Patron - Englin*

**[F]HB509 Alcoholic beverage control; disposition of net profits.** Codifies language in the appropriation act regarding disposition of net profits of the ABC Board as follows: (i) two-thirds shall be transferred to the Alcohol Abuse Treatment and Prevention Fund and (ii) one-third shall be transferred to the Law-Enforcement Expenditure Fund. The bill also creates the special funds to receive the money. The bill contains technical amendments.

*Patron - Brink*

**[F]HB1324 Alcoholic beverage control; conduct not prohibited; consumption of lawfully acquired wine at certain licensed establishments.** Provides that any restaurant licensed by the ABC Board may permit the consumption of lawfully acquired wine by bona fide customers on the premises in all areas and locations covered by the license. The bill provides that a licensee may charge a corking fee to such customer for the wine so consumed; however, the licensee may not charge any other fee to such customer.

*Patron - Loupassi*

**[F]HB1325 Alcoholic beverage control; collection of taxes, etc.; markup on spirits.** Requires the ABC Board, before implementing any increase in the markup of spirits, to conduct a study that assesses the economic impact of any such increase on its sales and profits and issue a written report detailing its findings. The bill requires the economic impact analysis to include (i) the impact of any increase on manufacturers of spirits sold by the ABC Board, on mixed beverage licensees, and on consumers; and (ii) comparisons of spirits pricing by the Board with wholesale and retail outlets in border states and on military installations located in the Commonwealth. The bill requires the ABC Board to provide interested parties, including manufacturers, mixed beverage licensees, and consumers, an opportunity to comment on the economic impact analysis before the ABC Board issues a final report. The bill requires the ABC Board to prepare and forward to the Governor and the General Assembly a copy of its final report.

*Patron - Albo*

**[F]SB443 Alcoholic beverage control; 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 utilized 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 licenses by the Board would be through regional auctions beginning July 1, 2011, 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*

**[F]SB590 Alcoholic beverage control; third party shipment of wine and beer.** Authorizes a third party located off the licensed premises and under the direction and control of the Virginia wine or beer shipper licensee to (i) solicit and receive orders for wine or beer, (ii) pack and ship wine or beer in accordance with a license or other approval by the Commonwealth or the state where located, and (iii) take other action as permitted by the Board. This bill has been incorporated into HB 483.

*Patron - Marsden*

## Banking and Finance

### Passed

**[P]HB482 Credit unions and banks; mergers and consolidations.** Establishes a procedure by which a state credit union may convert to a state mutual savings institution. Conversion requires approval of two-thirds of the eligible and voting members of the credit union, unless the articles of incorporation allow a greater or lesser vote (which shall in no event be less than a majority). SB 440 is identical.

*Patron - Sickles*

**[P]HB547 Mortgage lenders and mortgage brokers; Nationwide Mortgage Licensing System and Registry.** Requires all mortgage lenders and mortgage brokers whose employees are required to be licensed as mortgage loan originators to register with the Nationwide Mortgage Licensing System and Registry. The Registry has been developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators. The State Corporation Commission may enter into agreements with the Registry setting conditions for the collection of information and fees. This is a recommendation of the Virginia Housing Commission. SB 240 is identical.

*Patron - Marshall, D.W.*

**[P]SB240 Mortgage lenders and mortgage brokers; Nationwide Mortgage Licensing System and Registry.** Requires all mortgage lenders and mortgage brokers whose employees are required to be licensed as mortgage loan originators to register with the Nationwide Mortgage Licensing System and Registry. The Registry has been developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators.

The State Corporation Commission may enter into agreements with the Registry setting conditions for the collection of information and fees. This is a recommendation of the Virginia Housing Commission. HB 547 is identical.

*Patron - Watkins*

**SB294 Mortgage Lender and Broker Act; definition of principal.** Provides that a principal, for purposes of the Mortgage Lender and Broker Act, means a person who, directly or indirectly, owns or controls a 10 percent or greater interest in a corporation, partnership, association, cooperative, limited liability company, trust, joint venture, or other legal or commercial entity. Currently, a principal is a person who, directly or indirectly, owns or controls a 10 percent or greater interest in a stock corporation, nonstock corporation, or limited liability company.

*Patron - McDougle*

**SB295 Revision of Title 6.1.** Creates proposed Title 6.2 (Financial Institutions and Services) as a revision of existing Title 6.1 (Banking and Finance). Proposed Title 6.2 consists of 22 chapters divided into four subtitles: Subtitle I (General Provisions); Subtitle II (Depository Institutions and Trust Organizations); Subtitle III (Other Regulated Providers of Financial Services); and Subtitle IV (Other Financial Activities). Subtitle I includes title-wide definitions and chapters addressing money and currency, interest and usury, lending practices generally including credit card laws currently in Title 11, and equal credit opportunity laws that are currently in Title 59.1. Subtitle II addresses deposits and accounts at financial institutions, as well as provisions applicable to specific types of depository institutions, including financial institution holding companies, banks, savings institutions, credit unions, and entities conducting trust business. Subtitle III sets out provisions relating to providers of financial services that are subject to licensure or registration with the State Corporation Commission, including industrial loan associations, consumer finance companies, mortgage lenders and brokers, mortgage loan originators, payday lenders, money order sellers and money transmitters, agencies providing debt management plans, and check cashers. Subtitle IV includes provisions regulating the conduct of other financial activities, including refund anticipation loans, safe deposit boxes, and securitization transactions. The Wet Settlement Act and provisions regarding real estate settlement agents are relocated to Title 55.

*Patron - McDougle*

**SB440 Credit unions and banks; mergers and consolidations.** Establishes a procedure by which a state credit union may convert to a state mutual savings institution. Conversion requires approval of two-thirds of the eligible and voting members of the credit union, unless the articles of incorporation allow a greater or lesser vote (which shall in no event be less than a majority). HB 482 is identical.

*Patron - Saslaw*

**SB606 Motor vehicle title loans; penalties.** Establishes requirements for motor vehicle title loans, which are nonpurchase money term loans secured by an interest in a motor vehicle. Under this measure, interest shall not exceed 22 percent per month on the portion of the outstanding balance of the loan that does not exceed \$700; 18 percent per month on the portion between \$700 and \$1,400; and 15 percent per month on the portion that exceeds \$1,400. Loans may not be for more than 50 percent of the motor vehicle's value as stated in a recognized pricing guide, if listed in such a guide. Principal and interest are required to be repaid in substantially equal monthly payments over the term of the loan, which shall be between 120 days and one year. Interest does not accrue on a loan after the motor vehicle securing the loan has been repos-

sessed or after 60 days following the failure to make a payment unless the borrower is concealing the vehicle. Lenders are barred from seeking a deficiency judgment against a borrower following repossession or sale of the motor vehicle, absent misconduct by the borrower. A lender that does not give the borrower 10 days written notice before repossessing a motor vehicle is barred from collecting the costs of repossession and sale from the borrower. A lender may not charge the borrower for storage fees after the motor vehicle is repossessed or surrendered. Motor vehicle equity lenders are required to be licensed by the State Corporation Commission and are required to post a bond, or equivalent instrument approved by the Commission, of \$50,000 per location and \$500,000 in the aggregate. An applicant for a license is not required to produce certain records and documents regarding open-end loans made prior to October 1, 2007, and the matters involving loans secured by motor vehicles will not bar an applicant from licensure if they have been reviewed and resolved. A violation of the measure is a prohibited practice under the Consumer Protection Act. Violations are subject to civil and criminal penalties. The measure becomes effective on October 1, 2010. This bill incorporates SB 375.

*Patron - Saslaw*

## Failed

**HB187 Open-end lending; car title loans.** Provides that 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. The measure also authorizes such loans to be made by Consumer Finance Act licensees, who are prohibited from charging interest on such loans at a rate that exceeds 36 percent annually.

*Patron - Morrissey*

**HB188 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.

*Patron - Morrissey*

**HB235 Criminal punishment for false statements regarding soundness of banking institutions.** Repeals statutes providing for criminal punishment for certain derogatory statements regarding the financial condition of banks, trust companies, savings institutions, and credit unions.

*Patron - Janis*

**HB412 Local regulation of the number of open-end credit lenders and payday lenders.** Authorizes the governing body of any locality to adopt a resolution or ordinance that reasonably limits the number of payday lenders and of lenders engaged in the business of making secured or unsecured open-end loans that may operate within the locality. With respect to payday lenders, the State Corporation Commission is prohibited from issuing licenses for new establishments after the limit is met. With respect to open-end credit lenders, the locality is prohibited from issuing a local business license for new establishments after the limit is met.

*Patron - Oder*

**HB413 Land use regulations; lending activities.** Authorizes a locality to adopt an ordinance requiring that a special exception or a special use permit be obtained before a payday lender makes a payday loan from a location within the locality. The measure also allows a locality to adopt such an

ordinance applicable to persons, other than certain licensed lenders and sellers, making certain unregulated revolving loans, including title loans. These authorizations shall not limit any existing authority of a locality.

*Patron - Oder*

**[F]HB414 Motor vehicle equity loans; penalties.** Establishes requirements for motor vehicle equity loans, which are non-purchase money closed-end loans secured by an interest in a motor vehicle. The interest rate that currently may be charged on such loans is unlimited if the loan is structured as an open-end loan and the borrower does not pay the balance in full within a 25-day grace period. Under this measure, the maximum amount of a motor vehicle equity loan is 50 percent of the vehicle's value, not to exceed \$2,500. Interest may not exceed a monthly rate of 10 percent for the first two months and three percent per month thereafter. The maximum term of a loan is one year. Motor vehicle equity lenders are required to be licensed by the State Corporation Commission. A violation of the measure is a prohibited practice under the Consumer Protection Act. Violations are subject to civil and criminal penalties.

*Patron - Oder*

**[F]HB1093 Open-end motor vehicle credit agreements; reporting requirements.** Requires unlicensed lenders making revolving loans secured by a nonpurchase money lien on a motor vehicle, as a condition to making such loans, to provide the State Corporation Commission with information annually commencing March 1, 2011, regarding the lenders and such loans. The Commission is required to prepare reports summarizing the information and to submit the reports annually to the Governor and the General Assembly.

*Patron - Sickles*

**[F]HB1363 Title loans.** Establishes a system for regulating title loans, which are non-purchase money loans secured by a lien on a motor vehicle's title. The interest rate that currently may be charged on such loans is uncapped if the loan is structured as an open-end loan and the borrower does not pay the balance in full within a 25-day grace period. Under this measure, interest may not exceed rate of 22% per month on the portion of the principal that does not exceed \$1,000, 20% per month on the portion of the principal exceeding \$1,000 but not exceeding \$2,000, and 18% per month on the portion of the principal in excess of \$2,000. The original term of a title loan agreement shall be one month. Loans may be renewed and on or before the maturity date of each loan or renewal period, the borrower must pay an amount sufficient to both satisfy any interest due and to reduce the outstanding principal balance by at least 7% of the original loan amount. If the borrower fails to make a required principal payment, interest will stop accruing on the unpaid amount so that the amount of principal accruing interest during any renewal period is less, by at least 7% of the original loan amount, than the amount of principal accruing interest in the previous period. The lender may allow the borrower to defer repayment of any non-interest bearing principal to a later date. Title lenders are required to be licensed by the State Corporation Commission. If a borrower defaults under a title loan agreement, the lender may repossess the motor vehicle and dispose of it in accordance with the Uniform Commercial Code. Violations are subject to civil and criminal penalties.

*Patron - Miller, J.H.*

**[F]SB20 Car title loans; finance charges.** Caps the finance charges that a lender may charge on an open-end credit plan that is secured by a nonpurchase-money security interest in a motor vehicle at an annual rate of 36 percent.

*Patron - Locke*

**[F]SB21 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.

*Patron - Locke*

**[F]SB138 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 was incorporated into SB 250.

*Patron - Miller, J.C.*

**[F]SB167 Open-end loan plans; finance charges.** Caps the finance charges and other charges and fees that may be charged on extension of credit under certain open-end credit plans at an annual rate of 36 percent if the maximum amount that may be advanced under the plan does not exceed \$2,500. If the maximum amount that may be advanced exceeds \$2,500, the lender may impose finance charges and other charges and fees at such rates and in such amounts as the parties may agree.

*Patron - Edwards*

**[F]SB375 Title loans.** Establishes a system for regulating title loans, which are non-purchase money loans secured by a lien on a motor vehicle's title. The interest rate that currently may be charged on such loans is uncapped if the loan is structured as an open-end loan and the borrower does not pay the balance in full within a 25-day grace period. Under this measure, interest may not exceed rate of 22% per month on the portion of the principal that does not exceed \$1,000, 20% per month on the portion of the principal exceeding \$1,000 but not exceeding \$2,000, and 18% per month on the portion of the principal in excess of \$2,000. The original term of a title loan agreement shall be one month. Loans may be renewed and on or before the maturity date of each loan or renewal period, the borrower must pay an amount sufficient to both satisfy any interest due and to reduce the outstanding principal balance by at least 7% of the original loan amount. If the borrower fails to make a required principal payment, interest will stop accruing on the unpaid amount so that the amount of principal accruing interest during any renewal period is less, by at least 7% of the original loan amount, than the amount of principal accruing interest in the previous period. The lender may allow the borrower to defer repayment of any non-interest bearing principal to a later date. Title lenders are required to be licensed by the State Corporation Commission. If a borrower defaults under a title loan agreement, the lender may repossess the motor vehicle and dispose of it in accordance with the Uniform Commercial Code. Violations are subject to civil and criminal penalties. This bill was incorporated into SB 606.

*Patron - Puckett*

**[F]SB424 Motor vehicle equity loans; penalties.** Establishes requirements for motor vehicle equity loans, which are nonpurchase-money closed-end loans secured by an interest in a motor vehicle. Interest may not exceed a monthly rate of three percent. The maximum amount of a motor vehicle equity loan is 50 percent of the vehicle's value, not to exceed \$2,500. The maximum term of a loan is one year. Motor vehicle equity lenders are required to be licensed by the State Corporation Commission. A violation of the measure is a prohibited practice under the Consumer Protection Act. Violations are subject to civil and criminal penalties.

*Patron - Herring*

**[F]SB425 Open-end credit plans; loans secured by motor vehicle title.** Prohibits a person extending credit under an open-end or similar plan from charging interest at a rate that exceeds 36 percent per year, unless the loan is secured by a bona fide purchase money security interest in goods sold by such person.

*Patron - Herring*

## Carried Over

**[C]HB958 Check cashers; customer identification; penalty.** Requires persons conducting business as check cashers to make copies of the item cashed and a valid identification document of the customer 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*

**[C]SB250 Open-end credit plan loans; penalties.** Establishes requirements for open-end credit plan loans that track many of the provisions of the Payday Loan Act. Currently, lenders and sellers making open-end loans are not required to be licensed and may charge interest at any rate agreed to by the borrower if the balance is not repaid in full within a 25-day grace period. Under this measure, the maximum amount of an open-end credit plan loan is \$500. Interest may not exceed an annual rate of 36 percent, plus a loan fee of 20 percent of the initial advance and a \$5 verification fee. The maximum term of a revolving loan agreement is 24 months. Open-end credit plan lenders are required to be licensed by the State Corporation Commission. A violation of the measure is a prohibited practice under the Consumer Protection Act. Violations are subject to civil and criminal penalties. This bill incorporates SB 138.

*Patron - Reynolds*

## Behavioral Health and Developmental Services

### Passed

**[P]HB150 Dispensing of medications by community services boards, behavioral health authorities, and crisis stabilization units.** Authorizes community services boards, behavioral health authorities, and clinics established by the Virginia Department of Health or local health departments to receive, store, retain, and repackage prescription drug orders dispensed to a patient for the purpose of assisting a client with self-administration of the drug. This bill also authorizes community services boards and behavioral health authorities to establish crisis stabilization units to provide residential crisis stabilization services and provides that the Board of Pharmacy may register crisis stabilization units licensed by the Department of Behavioral Health and Developmental Services to maintain stocks of Schedule VI drugs necessary for immediate treatment of patients admitted to the unit. This bill has an emergency clause.

*Patron - O'Bannon*

**[P]HB195 Community services boards; terms.** Reduces the period of time a person must wait before being reappointed to a community services board from three years to one year from the end of the last three-year term for which the member was eligible to serve.

*Patron - Cosgrove*

**[P]HB247 Involuntary commitment, certification, and mandatory outpatient treatment orders; appeals.** Reduces from 30 to 10 days the length of time for a person to appeal to circuit court an order for involuntarily commitment, mandatory outpatient treatment, or certification for admission to a training center. The bill also provides that an appeal does not operate to suspend any such order unless so ordered by a judge or special justice. The bill further provides that an order of the circuit court shall not extend the duration of involuntary admission or mandatory outpatient treatment set forth in the order appealed from. The bill also clarifies that the appeal shall be heard in accordance with the same provisions applicable to the original order, except that the court in its discretion may rely upon the evaluation report in the commitment hearing from which the appeal is taken instead of requiring a new evaluation. This bill is identical to SB 63.

*Patron - Kilgore*

**[P]HB248 Psychiatric treatment of minors.** Revises the Psychiatric Inpatient Treatment of Minors Act in order to create a stand alone juvenile commitment act that will be titled the Psychiatric Treatment of Minors Act and to eliminate various cross references to the adult commitment statutes in Title 37.2. The bill incorporates various provisions from the adult commitment statutes, including provisions regarding the transportation of persons in the commitment process, the preparation of preadmission screening reports, and the process for emergency custody and temporary detention orders, into the Act. The bill also revises the appeals process, reducing the time to note an appeal from 30 to 10 days, which is consistent with other appeals from the juvenile and domestic relations district court. This bill is identical to SB 65.

*Patron - Kilgore*

**[P]HB729 Mandatory outpatient treatment following inpatient treatment.** Allows a court to enter an order for mandatory outpatient treatment following involuntary inpatient treatment, which orders a person to involuntary inpatient treatment and authorizes the person's treating physician to discharge the patient from inpatient treatment subject to mandatory outpatient treatment. To be eligible for such an order, the person must meet the criteria for involuntary inpatient treatment as well as demonstrate (i) a lack of compliance with treatment for mental illness, (ii) the need for outpatient treatment to prevent a relapse or deterioration that would likely result in his meeting the criteria for inpatient treatment, (iii) that the person is not likely to obtain outpatient treatment unless the court enters the order, and (iv) that the person is likely to benefit from outpatient treatment. 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 inpatient treatment will be enforced, reviewed, continued, and rescinded. This bill is identical to SB 360.

*Patron - Albo*

**[P]HB1099 Employment for individuals with autism; program goals.** Requires the Department of Behavioral Health and Developmental Services, in coordination with the Department of Rehabilitative Services and local community services boards and behavioral health authorities, to establish specific goals for programs to assist individuals with Autism Spectrum Disorders to obtain and sustain employment.

*Patron - Sickles*

**[P]SB63 Involuntary commitment, certification, and mandatory outpatient treatment orders; appeals.** Reduces from 30 to 10 days the length of time for a person to appeal to



circuit court an order for involuntarily commitment, mandatory outpatient treatment, or certification for admission to a training center. The bill also provides that an appeal does not operate to suspend any such order unless so ordered by a judge or special justice. The bill further provides that an order of the circuit court shall not extend the duration of involuntary admission or mandatory outpatient treatment set forth in the order appealed from. The bill also clarifies that the appeal shall be heard in accordance with the same provisions applicable to the original order, except that the court in its discretion may rely upon the evaluation report in the commitment hearing from which the appeal is taken instead of requiring a new evaluation. This bill is identical to HB 247.

*Patron - Lucas*

**[P]SB65 Psychiatric treatment of minors.** Revises the Psychiatric Inpatient Treatment of Minors Act in order to create a stand alone juvenile commitment act that will be titled the Psychiatric Treatment of Minors Act and to eliminate various cross references to the adult commitment statutes in Title 37.2. The bill incorporates various provisions from the adult commitment statutes, including provisions regarding the transportation of persons in the commitment process, the preparation of preadmission screening reports, and the process for emergency custody and temporary detention orders, into the Act. The bill also revises the appeals process, reducing the time to note an appeal from 30 to 10 days, which is consistent with other appeals from the juvenile and domestic relations district court. This bill is identical to HB 248.

*Patron - Lucas*

**[P]SB360 Mandatory outpatient treatment following inpatient treatment.** Allows a court to enter an order for mandatory outpatient treatment following involuntary inpatient treatment, which orders a person to involuntary inpatient treatment and authorizes the person's treating physician to discharge the patient from inpatient treatment subject to mandatory outpatient treatment. To be eligible for such an order, the person must meet the criteria for involuntary inpatient treatment as well as demonstrate (i) a lack of compliance with treatment for mental illness, (ii) the need for outpatient treatment to prevent a relapse or deterioration that would likely result in his meeting the criteria for inpatient treatment, (iii) that the person is not likely to obtain outpatient treatment unless the court enters the order, and (iv) that the person is likely to benefit from outpatient treatment. 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 inpatient treatment will be enforced, reviewed, continued, and rescinded. This bill is identical to HB 729.

*Patron - Barker*

**[P]SB529 Civil commitment of sexually violent predators; screening.** Provides that a licensed mental health professional certified by the Board of Psychology as a sex offender treatment provider may perform a screening for an initial determination of whether a prisoner meets the definition of a sexually violent predator when there is no specific scientifically validated instrument to measure the risk assessment of a prisoner.

*Patron - Puller*

## Failed

**[F]HB169 Intellectual disability services system restructuring.** Expands system restructuring planning requirements applicable to the closure or conversion of a state mental

health hospital to apply to the closure, conversion, or downsizing of any state mental health hospital or training center, and defines "downsizing" to include the reduction of capacity of any state mental health hospital or training facility by 10 or more beds in any single 12-month period.

*Patron - Pogge*

**[F]SB260 Mental health and substance abuse providers; background checks.** Allows private providers licensed by the Department of Behavioral Health and Developmental Services to hire as a direct care employee in adult substance abuse or mental health treatment programs a person who has been convicted of a misdemeanor violation relating to assault and battery against a family or household member as long as such offense was substantially related to substance abuse or mental illness and the applicant has been rehabilitated. Alternatively, the bill authorizes private providers to hire as a direct care employee persons who have been convicted of not more than one misdemeanor violation relating to assault and battery against a family or household member if 10 years have elapsed since the conviction, unless the person committed the offense while employed in a direct consumer care position. The bill also makes a technical change that clarifies the existing law that (i) community service boards and private providers may hire as a direct care employee persons who have been convicted of not more than one misdemeanor violation relating to assault and battery and (ii) community service boards may hire as a direct care employee persons who have been convicted of not more than one misdemeanor violation relating to assault and battery of a family or household member, provided, however, that in the case of any conviction referenced in clause (i) or (ii), 10 years have elapsed since the conviction, and the person did not commit the offense while employed in a direct consumer care position.

*Patron - Lucas*

## Carried Over

**[C]HB305 Voluntary admission for mental health treatment prior to involuntary commitment hearing.** Provides that a person may be voluntarily admitted to a facility for mental health treatment after issuance of a temporary detention order but before a hearing for involuntary commitment by the person's attending or consulting physician where the physician finds that the person is willing and able to volunteer for treatment and after the person is informed that they will be required to provide 48 hours' notice prior to leaving the facility to which they are voluntarily admitted and will be prohibited from owning, possessing, or transporting a firearm.

*Patron - O'Bannon*

**[C]HB867 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 operated by a community services board.

*Patron - Cline*

**[C]SB80 Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act.** Establishes a mechanism for resolving multistate jurisdictional disputes regarding adult guardianships and conservatorships. Procedures are provided for determining which jurisdiction is the "home state" having primary jurisdiction, transferring a guardianship or conservatorship to another state, registering orders, and addressing

emergency situations. The Act has been adopted in 12 states and the District of Columbia.

*Patron - Howell*

**[C]SB84 Voluntary admission for mental health treatment.** Provides that a person may be voluntarily admitted to a facility for mental health treatment after issuance of a temporary detention order but before a hearing for involuntary commitment by the person's attending or consulting physician where the physician finds that the person is willing and able to volunteer for treatment and after the person is informed that they will be required to provide 48 hours' notice prior to leaving the facility to which they are voluntarily admitted and will be prohibited from owning, possessing, or transporting a firearm. This bill also provides that a hearing for involuntary commitment shall be held no less than 24 hours but no more than 72 hours after execution of a temporary detention order.

*Patron - Howell*

**[C]SB86 Voluntary admission for mental health treatment prior to involuntary commitment hearing.** Provides that a person may be voluntarily admitted to a facility for mental health treatment after issuance of a temporary detention order but before a hearing for involuntary commitment by the person's attending or consulting physician where the physician finds that the person is willing and able to volunteer for treatment and after the person is informed that they will be required to provide 48 hours' notice prior to leaving the facility to which they are voluntarily admitted and will be prohibited from owning, possessing, or transporting a firearm.

*Patron - Howell*

**[C]SB336 Community services boards; access to medication assisted treatment.** Requires every community services board to provide access to medication assisted treatment for substance abuse to all persons for whom such treatment is appropriate by (i) employing a person authorized to provide medication assisted treatment or (ii) entering into a written agreement for the provision of medication assisted treatment for clients of the community services board with a health care practitioner authorized to provide medication assisted treatment. This bill provides that a community services board may pay all or part of the cost of medication assisted treatment for clients of the board but shall not be required to do so.

*Patron - Hanger*

**[C]SB337 Community services boards; providing information about substance abuse services.** Requires all community services boards to provide information about the full range of substance abuse treatment services, including medication assisted treatment, that are available through the community services board or other service providers in the community, and that are appropriate for the person seeking substance abuse treatment services, to such person.

*Patron - Hanger*

## Civil Remedies and Procedure

### Passed

**[P]HB21 Space flight liability and immunity; sunset.** Repeals the July 1, 2013, expiration date on the act establishing space flight liability and immunity. This bill is identical to SB 189.

*Patron - Kilgore*

**[P]HB105 Security for appeal; modification.** Provides that a court may impose additional requirements to security posted for an appeal in addition to altering the amount of the security. Any changes may be made to such security by a court for good cause shown. The bill also clarifies that motions for and objections to any modification of security may be made either to the appellate court or the court whose decision is being appealed until such time as the appellate court acts. The bill also provides that individual judges of the Supreme Court, instead of a panel, may make determinations on issues regarding security for appeal. Currently, only individual judges of the Court of Appeals are permitted to make such determinations. As introduced, this bill was a recommendation of the Boyd-Graves Conference.

*Patron - Loupassi*

**[P]HB203 Writ of actual innocence; available after parole or pardon.** Provides that the statutory guidelines employed by the General Assembly for determining compensation of persons who have been wrongfully incarcerated also apply to a person granted a writ of actual innocence based on nonbiological evidence and a person who has been granted an absolute pardon for the commission of a crime that he did not commit.

*Patron - Alexander*

**[P]HB376 Service by publication.** Validates orders of publication processed by a clerk prior to July 1, 2010, for service in certain actions.

*Patron - Lewis*

**[P]HB458 Attorney-issued summons; protective orders.** Eliminates the prohibition on attorney-issued summonses in cases involving the issuance of protective orders. This bill is identical to SB 721.

*Patron - Herring*

**[P]HB559 Compensation for wrongful incarceration for a felony conviction.** Clarifies that individuals granted an absolute pardon by the Governor may be considered under the wrongful incarceration compensation statute. The bill also provides that the amount of compensation provided under the statute be adjusted for inflation. In addition, the bill specifies that any person awarded compensation who is subsequently incarcerated upon the revocation of parole or probation resulting from the commission of an act that constitutes a crime shall, during the period of such incarceration, forfeit any payment under an annuity purchased. Any forfeited amounts under the annuity shall become the property of the Commonwealth and shall be deposited into the general fund of the state treasury.

*Patron - Tata*

**[P]HB1065 Electronic filing of cases in circuit courts.** Establishes electronic filing of cases in circuit courts by providing for acceptance of electronic images as original documents for filing and recording, and for the attachment of electronic seals or stamps for original signatures and notarizations in civil cases. The circuit court clerk may require each person whom the clerk authorizes to file documents electronically to enter into an agreement specifying the electronic filing procedures to be followed for transmitting signed or notarized documents. However, the bill does not allow for electronic filing in certain classes of cases where particular forms are specified by statute (e.g., creation and execution of wills, codicils, testamentary trusts, premarital agreements, and negotiable instruments). As introduced, this bill was a recommendation of the Judicial Council. This bill is identical to SB 220.

*Patron - Athey*

**HB1106 Disclosure of insurance policy limits; wrongful death action.** Allows the personal representative of the estate of a decedent who died as a result of a motor vehicle accident, or his attorney, to request the disclosure of the liability limits of an insurance policy prior to filing a civil action for wrongful death resulting from a motor vehicle accident. The party requesting this information shall provide the insurer with (i) the date of the accident, (ii) the name and last known address of the alleged tortfeasor, (iii) a copy of the accident report, if any, (iv) the claim number, if available, and (v) the decedent's death certificate; the certificate of qualification of the personal representative of the decedent's estate; the names and relationship of the statutory beneficiaries of the decedent; medical bills, if any; and a description of the source, amount, and payment history of the claimed income loss for each beneficiary. The bill also provides that disclosure of a policy's limits shall not constitute an admission that the alleged injury is subject to the policy.

*Patron - Joannou*

**HB1147 Civil damages for computer trespass.** Expands the availability to institute a suit for civil damages resulting from computer trespass to include computer trespass by installing or causing to be installed, or collecting information through, computer software that records all or a majority of the keystrokes made on the computer of another.

*Patron - Scott, J.M.*

**HB1193 Actions or suits involving fiduciaries; style of the case; amendment of pleading.** Provides that in any action or suit required to be prosecuted or defended by or in the name of a fiduciary, the style of the case in regard to the fiduciary must be substantially in the following form: "(Name of fiduciary), (type of fiduciary relationship), (Name of the subject of the fiduciary relationship)." Pleadings that are not in the proper form shall be amended on the motion of any party or on the court's own motion, and such amendment relates back to the date of the original pleading. The provisions of the bill apply to any action or suit pending as of the effective date of the bill.

*Patron - Griffith*

**HB1306 Jurors to provide photo identification.** Provides that at the time of assembly for the purpose of juror selection, the clerk of court shall ensure that the identity of each member of the jury venire is verified as provided in this section. Prior to being selected from the jury venire, a potential juror shall verify his identity by presenting to the clerk of court upon request any of the following forms of identification: his Commonwealth of Virginia voter registration card; his social security card; his valid Virginia driver's license or any other identification card issued by a government agency of the Commonwealth, one of its political subdivisions, or the United States; or any valid employee identification card containing a photograph of the juror and issued by an employer of the juror in the ordinary course of the employer's business. If the juror is unable to present one of these forms of identification, he shall sign a statement affirming, under penalty of perjury, that he is the named juror.

*Patron - LeMunyon*

**SB154 Increasing various costs, fees, penalties, etc.** Increases the amounts of various costs, potential attorney fee awards, potential damages, jurisdictional amounts, and other dollar-based provisions in the Virginia Code to account for the effect of inflation. As introduced, this bill was a recommendation of the Boyd-Graves Conference.

*Patron - Edwards*

**SB189 Space flight liability and immunity; sunset.** Repeals the July 1, 2013, expiration date on the act establishing space flight liability and immunity. This bill is identical to HB 21.

*Patron - Northam*

**SB191 Privileged communications of certain committees and entities.** Provides that the exchange of privileged, health care-related information between committees, boards, groups, commissions, or other entities that function primarily to review, evaluate, or make recommendations regarding health care shall not constitute a waiver of privilege.

*Patron - Northam*

**SB220 Electronic filing of cases in circuit courts.** Establishes electronic filing of cases in circuit courts by providing for acceptance of electronic images as original documents for filing and recording, and for the attachment of electronic seals or stamps for original signatures and notarizations in civil cases. The circuit court clerk may require each person whom the clerk authorizes to file documents electronically to enter into an agreement specifying the electronic filing procedures to be followed for transmitting signed or notarized documents. However, the bill does not allow for electronic filing in certain classes of cases where particular forms are specified by statute (e.g., creation and execution of wills, codicils, testamentary trusts, premarital agreements, and negotiable instruments). As introduced, this bill was a recommendation of the Judicial Council. This bill is identical to HB 1065.

*Patron - Howell*

**SB382 Jury panel; disclosure to counsel.** Changes from 48 hours to five full business days the time period when a copy of the jury panel shall be made available to all counsel of record in the case. As introduced, this bill was a recommendation of Boyd-Graves Conference.

*Patron - Obenshain*

**SB384 Attorney-client privilege; work product protection; limitations on waivers.** Provides that when the disclosure of a communication or information covered by attorney-client privilege or work product protection made in a proceeding or to any public body operates as a waiver of the privilege or protection, such waiver only extends to undisclosed communications or information if (i) the waiver was intentional, and (ii) the disclosed and undisclosed communications or information concern the same subject matter and ought in fairness be considered together. Inadvertent disclosures do not operate as a waiver if reasonable steps were taken to prevent disclosure and to rectify the error. The bill also provides that an agreement between parties as to the effect of a disclosure is only binding upon the parties to the agreement unless it has been incorporated into a court order. The bill does not limit any otherwise applicable waiver of attorney-client privilege or work product protection by an inmate who files an action challenging his conviction or sentence. As introduced, this bill was a recommendation of the Boyd-Graves Conference.

*Patron - Obenshain*

**SB427 Disclosure of insurance policy limits; wrongful death action.** Allows the personal representative of the estate of a decedent who died as a result of a motor vehicle accident, or his attorney, to request the disclosure of the liability limits of an insurance policy prior to filing a civil action for wrongful death resulting from a motor vehicle accident. The party requesting this information shall provide the insurer with (i) the date of the accident, (ii) the name and last known address of the alleged tortfeasor, (iii) a copy of the accident report, if any, (iv) the claim number, if available, and (v) the

decedent's death certificate; the certificate of qualification of the personal representative of the decedent's estate; the names and relationship of the statutory beneficiaries of the decedent; medical bills, if any; and a description of the source, amount, and payment history of the claimed income loss for each beneficiary. The bill also provides that disclosure of a policy's limits shall not constitute an admission that the alleged injury is subject to the policy. This bill incorporates SB 638.

*Patron - Herring*

**SB445 Notice of lien on financial institutions.** Provides that any judgment creditor serving a notice of lien on a financial institution shall, within five business days of such service, mail to the judgment debtor at his last known address a copy of the notice of lien along with a notice of exemptions and claim for exemption form. The judgment creditor or attorney for the judgment creditor shall file a certification with the court affirming that he has mailed the judgment debtor these notices. In the event that the judgment creditor fails to comply, he shall be liable to the judgment debtor for no more than \$100 in damages, unless he proves by a preponderance of the evidence that the failure was not willful.

*Patron - Quayle*

**SB721 Attorney-issued summons; protective orders.** Eliminates the prohibition on attorney-issued summonses in cases involving the issuance of protective orders. This bill is identical to HB 458.

*Patron - Marsden*

## Failed

**HB14 Domestic relations; self-incrimination; adverse inference.** Provides that in actions filed on or after July 1, 2010, for spousal support, custody, or visitation under Title 16.1 or for divorce or separate maintenance filed under Title 20, the court may draw an adverse inference against any party or witness who refuses to answer a question regarding conduct constituting adultery, sodomy, or buggery outside of marriage, or fornication on the ground that the testimony might be self-incriminating. This bill incorporates HB 67.

*Patron - Marshall, R.G.*

**HB67 Domestic relations; self-incrimination; adverse inference.** Provides that in actions filed on or after July 1, 2010, for spousal support, custody, or visitation under Title 16.1 or for divorce or separate maintenance filed under Title 20, the court may draw an adverse inference against any party or witness who refuses to answer a question regarding conduct constituting adultery, sodomy, or buggery outside of marriage, or fornication on the ground that the testimony might be self-incriminating. This bill has been incorporated into HB 14.

*Patron - Toscano*

**HB379 Credit line deeds of trust; maturity date.** Puts credit line deeds of trust under the same 20-year statute of limitations as other deeds of trust and mortgages. Currently, credit lines without a specific maturity date are unenforceable after 40 years from date of maturity.

*Patron - Lewis*

**HB465 Jury verdict; excess damages; amendment of pleadings.** Allows a court, in the event a jury returns a verdict for damages in excess of the amount requested, to amend the pleadings to conform them to the amount awarded and enter a judgment for such damages.

*Patron - Herring*

**HB711 Jurisdiction of court to enforce lien of judgment.** Provides that a circuit court may decree the sale of real estate used as the owner's primary residence to enforce a judgment lien encumbering it only if (i) the value of that real estate is more than the median assessed value of single-family dwellings in the jurisdiction where the real estate is situated; (ii) the owner of that real estate has an annual household gross income that exceeds the greater of \$50,000 or the income limits based upon family size for the respective metropolitan statistical area; and (iii) the judgment upon which the lien is based did not arise out of an intentional tort or act of fraud committed by the owner of the real estate.

*Patron - Peace*

**HB738 Direct notification to certain claimants.** Provides that any person or entity represented by counsel, and any insurer whether or not represented by counsel, making or delivering a payment of \$5,000 or more on a claim or judgment based on contract, tort, or otherwise to an attorney representing the claimant shall provide to the claimant a copy of the check or other form of payment, along with a written statement that indicates only that the payment has been sent to the claimant's attorney in connection with the claim or judgment, and that any questions should be directed to the claimant's attorney.

*Patron - Albo*

**HB827 Electronic recording of court proceedings.** Authorizes the circuit and district court clerks to set up an electronic recording system in their courtrooms.

*Patron - Surovell*

**HB1127 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 - Keam*

**SB53 Registered voters; disqualified jurors; report.** Requires court clerks who receive notice that a juror is no longer qualified to serve as a juror in the locality where he is summoned, due to his no longer being a resident of the locality or of the Commonwealth, to furnish a list of such jurors to the State Board of Elections. The State Board will utilize this information as part of its voter list maintenance program to determine if such jurors should be placed on inactive voter status.

*Patron - Martin*

**SB363 Civil remedies; depositions as basis for motion of summary judgment or to strike evidence.** Allows depositions to be the basis for a motion for summary judgment or to strike evidence.

*Patron - Blevins*

**SB366 Offers of judgment; costs.** Provides that a party defending a claim may serve upon an adverse party not less than 10 days before trial an offer to allow judgment to be taken against him on specified terms, including the costs then accrued. An offer of judgment may also be made by a party whose liability to another has been determined, but where the extent of his liability is to be determined in a subsequent proceeding. If the offer is accepted, the court shall enter the judgment. If the offer is not accepted, and the adverse party does not obtain a judgment more favorable than the offer, the

adverse party shall pay all costs incurred from the time of the offer.

*Patron - Blevins*

**[F]SB638 Civil procedure; disclosure of insurance liability limits.** Allows an attorney of the personal representative of a deceased person to request the disclosure of the liability limits of an insurance policy prior to filing a civil action for wrongful death resulting from a motor vehicle accident. The party requesting this information shall provide the insurer with (i) the date of the accident, (ii) the name and last-known address of the alleged tortfeasor, (iii) a copy of the accident report, if any, (iv) the claim number, if available, and (v) the deceased person's medical records, medical bills, and death certificate. The insurer has to disclose the liability limits if death occurred. The bill also provides that disclosure of a policy's limits shall not constitute an admission that the alleged wrongful death is subject to the policy. This bill was incorporated into SB 427.

*Patron - McEachin*

## Carried Over

**[C]HB219 Adverse possession; abolition.** Abolishes adverse possession as a cause of action or a defense if arising on or after July 1, 2010.

*Patron - McClellan*

**[C]HB282 Court approval of newspapers used for legal notices and publications.** Provides that a newspaper may petition the circuit court for the jurisdiction in which the newspaper is located or circulated for the authority to publish ordinances, resolutions, notices, or advertisements.

*Patron - Albo*

**[C]HB306 Disclosure of adverse medical outcomes; pilot program.** Creates a pilot program to assess the creation of disclosure programs in health care facilities designed to facilitate disclosures of adverse medical outcomes between health care providers and patients. The Department of Health shall adopt guidelines concerning the standards for such disclosure programs. Participating health care facilities are required to assess any such program and make reports to the Department of Health. The pilot program sunsets on December 31, 2015.

*Patron - O'Bannon*

**[C]HB309 Summary judgment; documents that can serve as basis for motion.** Allows motions for summary judgment to be based, in whole or in part, upon pleadings, depositions, answers to interrogatories, answers to requests for admissions, or affidavits filed in the suit or action.

*Patron - O'Bannon*

**[C]HB310 Offers of judgment; costs.** Provides that a party defending a claim may serve upon an adverse party not less than 10 days before trial an offer to allow judgment to be taken against him on specified terms, including the costs then accrued. An offer of judgment may also be made by a party whose liability to another has been determined, but where the extent of his liability is to be determined in a subsequent proceeding. If the offer is accepted, the court shall enter the judgment. If the offer is not accepted, and the adverse party does not obtain a judgment more favorable than the offer, the adverse party shall pay all costs incurred from the time of the offer.

*Patron - O'Bannon*

**[C]HB372 Name change; minors.** Provides that a name change for a minor shall be presumed to be in the minor's best interest if the change creates a hyphenated last name combining the surnames of the minor's parents in order to help the minor identify with both parents.

*Patron - Shuler*

**[C]SB67 Adverse possession; abolition.** Abolishes adverse possession as a cause of action or a defense if arising on or after July 1, 2010.

*Patron - McEachin*

**[C]SB155 Commonwealth's lien for payment of medical services; limitations.** Provides that a lien granted to the Commonwealth against any recovery from a third party obtained by an injured person whose medical costs were paid pursuant to the Virginia Medical Assistance Program shall only attach to the portion of the claim representing compensation for medical expenses incurred by the injured person. In the course of determining the amount of the Commonwealth's lien, a court may determine the fairness of any allocation of the proceeds from a claim for medical expenses. The bill is intended to bring Virginia law in conformity with the United States Supreme Court's decision in *Arkansas Dep't of Health & Human Servs. v. Ahlborn*, 547 U.S. 268, 126 S.Ct. 1752, 164 L.Ed.2d 459 (2006). This bill is a recommendation of the Boyd-Graves Conference.

*Patron - Edwards*

**[C]SB156 Uniform Arbitration Act; vacating arbitration award.** Clarifies that a party may seek to vacate an award made pursuant to an arbitration proceeding where there was no agreement to arbitrate and the party raised an objection to the arbitration, regardless of whether an arbitration agreement had previously been found to exist. This bill is a recommendation of the Boyd-Graves Conference.

*Patron - Edwards*

## Commercial Code / Negotiable Instruments

### Passed

**[P]HB386 Deposits; limitations period.** Removes the stated maturity date of a deposit as an event that triggers the start of the limitations period on actions to enforce the obligations of a financial institution to pay a deposit account or certificate of deposit. Under existing law, such an action is time barred if not brought within six years after the earliest of such maturity date or the due date of the deposit as set forth in the bank's last written notice of renewal, the date of the last written communication from the bank recognizing the bank's obligation with respect to the deposit, or the last day of the taxable year for which the owner of the deposit last reported interest income earned on the deposit on a federal or state income tax return. This measure also provides that the limitations period trigger relating to the reporting of interest income for federal or state income tax purposes relates to a report made by either the depositor or the bank. Currently, it is triggered only by the depositor's report of interest income on the deposit.

*Patron - Janis*

## Commercial Code / Sales

### Passed

**SB27 Warranty registration cards.** Prohibits a seller from conditioning the coverage or performance of a warranty, in connection with the sale of personal, family, or household goods, upon the purchaser's returning a warranty registration card, or from providing that the duration of a warranty is dependent upon the return of a warranty registration card. These prohibitions do not apply if the requirement that the purchaser return a warranty registration card is conspicuously disclosed in any advertising and marketing materials that reference the goods' warranty. A seller may use warranty registration cards as a suggested method of proof of the date the goods were purchased. A violation constitutes a prohibited practice under the Virginia Consumer Protection Act.

*Patron - Puller*

### Carried Over

**HB699 Uniform Commercial Code; sales; consequential damages.** Prohibits the inclusion in a sales agreement of a provision that would limit or exclude, as consequential damages, the buyer's ability to recover the costs of repairing or completing work necessitated by defective materials or workmanship.

*Patron - Bulova*

## Commonwealth Public Safety

### Passed

**HB144 Last drink inquiry protocol.** Provides that the Department of Criminal Justice Services has the power and duty to establish, publish and disseminate a model policy for law-enforcement personnel to use in questioning individuals suspected of driving while intoxicated concerning the physical location of the individual's last consumption of an alcoholic beverage and for communicating that information to the Alcoholic Beverage Control Board.

*Patron - O'Bannon*

**HB239 Animal control officers; county manager form of government.** Requires that the division of police in localities using the county manager form of government, currently only Henrico County, have an animal protection police officer and at least one deputy animal protection police officer. These officers shall have all of the powers vested in law-enforcement officers as defined in § 9.1-101, provided they have met the minimum qualifications and have been certified under §§ 15.2-1705 and 15.2-1706.

*Patron - Janis*

**HB368 Department of Criminal Justice Services; Regional Criminal Justice Academy Training Fund.** Allows a locality to add a surcharge on traffic summonses, misdemeanors and felonies to support its independent criminal justice academy if such academy was certified by the Department of Criminal Justice Services as of July 1, 2010. Currently, to be able to add a surcharge, an independent academy had to be certified as of January 1, 2003.

*Patron - Ware, O.*

**HB857 Line of Duty Act; access to records of investigation.** Provides that evidence and documents obtained by or created by, and the report of investigation prepared by, the Department of State Police in carrying out the provisions of this chapter shall (i) be deemed confidential, (ii) be exempt from disclosure under the Freedom of Information Act (§ 2.2-3700 et seq.), and (iii) not be released in whole or in part by any person to any person except as provided in the Line of Duty Act.

*Patron - Carrico*

**HB912 Sex offender registry; residence.** Provides that if a person required to register as a sex offender does not have a legal residence, the person must designate a location that can be located with reasonable specificity where he resides or habitually locates himself. The designated location will be considered his residence for the purposes of sex offender registration requirements.

*Patron - Bell, Robert B.*

**HB1198 Sex offenders; registration requirements.** Provides that prior to entering judgment of conviction of an offense for which registration is required if the victim of the offense was a minor, physically helpless, or mentally incapacitated, the court shall determine by agreement of the parties or by a preponderance of the evidence, whether the victim of the offense was a minor, physically helpless or mentally incapacitated. Upon such a determination the court shall advise the defendant of its determination and of the defendant's right to withdraw a plea of guilty or nolo contendere. If the defendant chooses to withdraw his plea of guilty or of nolo contendere, his case shall be heard by another judge, unless the parties agree otherwise. The bill requires verification of the residency of offenders who have been civilly committed to the Department of Behavioral Health and Developmental Services and are under supervision. The bill also provides that the Department of Behavioral Health and Developmental Services shall give notice to a committed sex offender, prior to his release, of his obligation to register as a sex offender. The custodian of a person required to register as a sex offender is required to notify the State Police immediately upon discovering the person's escape from custody.

*Patron - Iaquinto*

**SB68 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 witness cannot participate or represent the employee and the witness cannot be involved in the investigation.

*Patron - McEachin*

**SB95 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 the first six months and, pursuant to a certification by the Superintendent of State Police, based on a medical evaluation, that the officer is likely to return to service within another six months 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*

## Failed

**[F]HB71 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*

**[F]HB152 Electronic security employees; carrying concealed handguns.** Allows licensed electronic security employees who have a valid concealed handgun permit and who may lawfully carry a handgun to carry a concealed handgun for personal protection during business hours, so long as the employee does not represent that he is carrying the handgun in the course of his employment.

*Patron - O'Bannon*

**[F]HB272 Law-Enforcement Officers Procedural Guarantee Act; definition of law-enforcement officer.** Includes certain employees of a sheriff's department under the coverage of the Law-Enforcement Officers Procedural Guarantee Act, so long as the employees would not be considered exempt employees for purposes of the federal Fair Labor Standards Act.

*Patron - Englin*

**[F]HB712 Overtime compensation rate; law-enforcement employees.** Removes the restriction that the overtime compensation rate only applies to law-enforcement agencies of 100 or more.

*Patron - Peace*

**[F]HB776 Department of Criminal Justice Services; regulation of locksmiths.** Repeals the 2008 law (Chapter 638 of the 2008 Acts of Assembly) that requires the regulation of locksmiths.

*Patron - Cleaveland*

**[F]HB855 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*

**[F]HB973 Line of Duty Act; definitions; funding for the 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 funding through a five-cent surcharge for E-911 service.

*Patron - Rust*

**[F]HB992 Law-enforcement employees; overtime compensation.** Requires employers of more than 10 law-enforcement employees to pay overtime compensation at a rate of one and one-half times an employee's regular rate of pay.

Current law requires this of employers of more than 100 law-enforcement employees.

*Patron - Nutter*

**[F]HB1080 Police chaplains; certification.** Requires the Department of Criminal Justice Services to develop a voluntary training and certification program for police chaplains. Such program shall include, but not be limited to, training regarding stress management, death notification, substance abuse, ethics, and crisis response. The bill also requires each state and local law-enforcement agency to develop policies and procedures regarding police chaplains in the agency, using model policies to be published by the Department of Criminal Justice Services.

*Patron - Crockett-Stark*

**[F]HB1328 Written notice to sex offenders of applicable laws.** Requires that a copy of all laws applicable to the requirements placed upon persons required to register or reregister with the Sex Offender and Crimes Against Minors Registry be provided to such persons once per year upon registration or upon reregistration. The Attorney General is responsible for approving the list of laws to be provided, and such list shall be printed from the Department of State Police website and given directly to the person along with his receipt of registry.

*Patron - Pogge*

**[F]SB97 Line of Duty Act; definitions; funding for the 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 funding through a five-cent surcharge for E-911 service.

*Patron - Quayle*

**[F]SB279 Line of Duty Death and Health Benefits Fund.** Establishes the Line of Duty Death and Health Benefits Fund to pay the death and health insurance premium benefits to individuals covered by the Line of Duty Act (§ 9.1-400 et seq.) and the death benefit provided to state and local government employees who have been killed in action after being called to active duty services under Title 10 of the United States Code. The Fund is funded through a \$0.18 surcharge for E-911 service.

*Patron - Quayle*

**[F]SB635 Sex Offender and Crimes Against Minors Registry; name of offender's employer not to be published.** Provides that the name or company title of the employer of an offender included in the Registry shall not be made available on the database publicly available through the Internet.

*Patron - Marsden*

## Carried Over

**[C]HB661 Line of Duty Death and Health Benefits Fund.** Establishes the Line of Duty Death and Health Benefits Fund to pay the death and health insurance premium benefits to individuals covered by the Line of Duty Act (§ 9.1-400 et seq.) and the death benefit provided to state and local government employees who have been killed in action after being called to active duty services under Title 10 of the United States Code. The Fund is funded through a \$0.18 surcharge for E-911 service.

*Patron - Englin*

**[C]HB1361 Computer and digital forensic services; exempt from regulation as a private security service business.** Exempts from regulation as a private security service business any individual engaged in (i) computer or digital



forensic services or in the acquisition, review, or analysis of digital or computer-based information, whether for purposes of obtaining or furnishing information for evidentiary or other purposes or for providing expert testimony before a court or (ii) network or system vulnerability testing, including network scans and risk assessment and analysis of computers connected to a network.

*Patron - Keam*

**[C]SB287 Law-Enforcement Officers Procedural Guarantee Act; definition of law-enforcement officer.** Includes certain employees of a sheriff's department under the coverage of the Law-Enforcement Officers Procedural Guarantee Act, so long as the employees would not be considered exempt employees for purposes of the federal Fair Labor Standards Act.

*Patron - Deeds*

## Conservation

### Passed

**[P]HB326 Mercury thermostats recycling program.** Requires the Virginia Waste Management Board to adopt regulations to encourage the recycling of thermostats containing mercury. The bill also authorizes localities to prohibit the disposal of mercury thermostats in any privately operated landfill within its jurisdiction, so long as the locality has implemented a recycling program that is capable of handling all of the mercury thermostats within the jurisdiction. Currently, a similar program exists for the recycling of cathode ray tubes.

*Patron - Plum*

**[P]HB438 Dam safety.** Requires the Soil and Water Conservation Board to establish an incremental damage analysis procedure that provides for a new standard for the spillway design requirement. The bill requires the Board to adopt regulations that consider the impact of downstream limited-use or private roadways with low traffic volume and low public safety risk in the determination of the hazard potential classification of an impounding structure. The bill also allows an owner of a dam who has received a report from the Board containing recommendations for the correction of deficiencies in the dam to submit his own plan for such corrections. One of the two criteria for designating a dam as unsafe is changed. Currently, if there are serious deficiencies in the design or construction of the dam that, if left unaddressed, could result in a failure that may result in loss of life or damage to downstream property, the dam is cited as being unsafe. The new criterion would be that such deficiencies may result in the loss of life or "significant" damage to downstream property.

*Patron - Toscano*

**[P]HB501 Scenic river.** Designates a seven-mile portion of the Jordan River as a component of the Virginia Scenic Rivers System.

*Patron - Gilbert*

**[P]HB503 Scenic river.** Designates a 10-mile portion of the Hughes River as a component of the Virginia Scenic Rivers System.

*Patron - Gilbert*

**[P]HB619 Erosion and sediment control; penalty.** Removes the specific authority of a locality to impose a \$1,000 civil penalty on a person who engages in a land-disturbing activity without having an approved plan. Instead, any viola-

tion of any erosion and sediment control regulation or order of the Virginia Soil and Water Conservation Board, any provision of a local program, or any condition of a permit will be subject to a civil penalty of \$100 to \$1,000.

*Patron - Orrock*

**[P]HB627 Directory of cultural heritage sites.** Authorizes the Director of the Department of Conservation and Recreation to establish a state directory of cultural heritage sites that would be composed of commemorative and historic facilities and sites that interpret significant aspects of national, state, or regional history. The sites included in the directory would be those owned or operated by entities other than state agencies. The Director would have the responsibility of evaluating whether the facility or site qualifies for inclusion in the directory and then presenting his findings to the Board of Conservation and Recreation, which makes its recommendations. The recommendations would be sent to the Governor for written consent.

*Patron - Kilgore*

**[P]HB717 Civil War Site Preservation Fund established.** Establishes the Civil War Site Preservation Fund for the purpose of awarding grants to private nonprofit organizations to preserve endangered Virginia Civil War historic sites. The grants would be awarded for the fee simple purchase of, or the purchase of protective interests in, Civil War historic sites listed in the "Report on the Nation's Civil War Battlefields." The bill sets out eligibility criteria for receiving a matching grant from the fund. The Director of the Department of Historic Resources is responsible for administering the fund. This bill is identical to SB 614.

*Patron - Peace*

**[P]HB774 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, until July 1, 2011. The bill provides that the Virginia Recreational Facilities Authority and Roanoke County shall work with other stakeholders to develop an alternate plan for the appropriate utilization and management of the property. The plan shall be consistent with the mission of the Explore Park and shall include conservation, outdoor recreation, environmental awareness, and public access and utilization of the property. The plan shall also provide ways for the park to become financially independent. The plan shall be completed and transmitted to the Governor and the General Assembly by December 31, 2010. This bill is identical to SB 502.

*Patron - Cleaveland*

**[P]HB951 Scenic river.** Designates a 56-mile portion of the Blackwater River as a component of the Virginia Scenic Rivers System. This bill incorporates HB 136 and HB 890. This bill is identical to SB 17.

*Patron - Jones*

**[P]HB1100 Stormwater management facilities; liability.** Provides that a common interest community shall enjoy limited liability protection relating to a stormwater management facility located on property owned by that community if: (i) the common interest community cedes the responsibility for the maintenance, repair, and replacement of a stormwater management facility to the Commonwealth or a political subdivision thereof, (ii) the action has been memorialized by contract or other instrument executed by both parties, and (iii) the Commonwealth or the governing body of the political subdivision accepted the responsibility ceded by the common interest community in writing or by resolution. Maintenance, repair, and replacement responsibilities may include the cleaning of the

facility, maintenance of adjacent grounds which are part of the facility, maintenance and replacement of fencing where the facility is fenced, and posting of signage indicating the identity of the governmental entity which maintains the facility. The immunity granted by this provision does not extend to actions or omissions by the landowner constituting intentional or willful misconduct or gross negligence.

*Patron - Sickles*

**[HB1180 Russell Fork Scenic River.** Designates a nine-mile segment of the Russell Fork River in Dickenson County as a component of the State Scenic Rivers System. The designation is not to be used (i) to preclude the land along the river from being mined or (ii) to be a criterion for imposing water quality standards.

*Patron - Phillips*

**[HB1213 Department of Historic Resources; historic preservation grants.** Clarifies and makes several technical and procedural changes to the authority of the Department of Historic Resources to supervise state moneys appropriated to organizations, including localities and private entities, and related to historic preservation.

*Patron - Kory*

**[HB1220 Stormwater management regulations; effective date.** Delays the regulation that establishes local program criteria and delegation procedures and the water quality and water quantity criteria. The regulation, however, shall be adopted within 280 days after the establishment of the U.S. Environmental Protection Agency's Chesapeake Bay-wide Total Maximum Daily Load, but no later than December 1, 2011. The bill also directs the Virginia Soil and Water Conservation Board to establish an advisory panel to review the regulation and make recommendations on possible revisions to the regulation. This bill incorporates HB 1311 and HB 155. This bill is identical to SB 395.

*Patron - Hugo*

**[HB1300 Air Pollution Control Board; regulations under the Clean Air Interstate Rule.** Retains the authority of the Air Pollution Control Board to provide for participation in the EPA-administered cap and trade system for NO<sub>x</sub> and SO<sub>2</sub> to the fullest extent permitted by federal law, but prohibits the Board from requiring that electric generating facilities located in a nonattainment area meet NO<sub>x</sub> and SO<sub>2</sub> compliance obligations without the purchase of allowances from in-state or out-of-state facilities unless such nonattainment area was designated as such prior to January 1, 2010.

*Patron - Kilgore*

**[HB1320 Dam safety.** Authorizes the Director of the Department of Conservation and Recreation, with the approval of the Virginia Soil and Water Conservation Board, to award grants from the Dam Safety, Flood Prevention and Protection Assistance Fund to local governments and private entities for dam break analysis, the mapping and digitization of dam break inundation zones, and incremental damage analysis. Currently, only local governments are eligible to receive grants. The bill also establishes the Dam Safety Administrative Fund, which is capitalized with moneys from the dam application permit fees. The moneys in the fund are to be used for administration of the dam safety program.

*Patron - Sherwood*

**[SB17 Scenic river.** Designates a 56-mile portion of the Blackwater River as a component of the Virginia Scenic Rivers System. This bill incorporates SB 94 and is identical to HB 951.

*Patron - Lucas*

**[SB128 Air Pollution Control Board; regulations under the Clean Air Interstate Rule.** Retains the authority of the Air Pollution Control Board to provide for participation in the EPA-administered cap and trade system for NO<sub>x</sub> and SO<sub>2</sub> to the fullest extent permitted by federal law, but prohibits the Board from requiring that electric generating facilities located in a nonattainment area meet NO<sub>x</sub> and SO<sub>2</sub> compliance obligations without the purchase of allowances from in-state or out-of-state facilities unless such nonattainment area was designated as such prior to January 1, 2010.

*Patron - McDougale*

**[SB244 Dam Safety Act; low traffic roadways.** Requires the Virginia Soil and Water Conservation Board to adopt regulations that consider the impact of downstream limited-use or private roadways with low traffic volume and low public safety risk on the determination of the hazard potential classification of an impounding structure.

*Patron - Watkins*

**[SB276 Dam safety.** Requires that the Virginia Soil and Water Conservation Board's Impounding Structure Regulations not require any dam in existence or under construction prior to July 1, 2010, that is classified as a high hazard, or is subsequently reclassified as a high hazard dam, to upgrade its spillway to pass a rainfall event that is greater than the maximum rainfall event recorded in Virginia. In addition, a dam would be in compliance with the spillway requirement of the regulations if the dam passes two-thirds of the maximum rainfall event and the dam's owner annually certifies that the dam meets certain conditions.

*Patron - Houck*

**[SB395 Stormwater management regulations; effective date.** Delays the regulation that establishes local program criteria and delegation procedures and the water quality and water quantity criteria. The regulation, however, shall be adopted within 280 days after the establishment of the U.S. Environmental Protection Agency's Chesapeake Bay-wide Total Maximum Daily Load, but no later than December 1, 2011. The bill also directs the Virginia Soil and Water Conservation Board to establish an advisory panel to review the regulation and make recommendations on possible revisions to the regulation. This bill incorporates SB 677, SB 245, and SB 681. This bill is identical to HB 1220.

*Patron - Wagner*

**[SB502 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, until July 1, 2011. The bill provides that the Virginia Recreational Facilities Authority and Roanoke County shall work with other stakeholders to develop an alternate plan for the appropriate utilization and management of the property. The plan shall be consistent with the mission of the Explore Park and shall include conservation, outdoor recreation, environmental awareness, and public access and utilization of the property. The plan shall also provide ways for the park to become financially independent. The plan shall be completed and transmitted to the Governor and the General Assembly by December 31, 2010. This bill is identical to HB 774.

*Patron - Smith*

**[SB614 Civil War Site Preservation Fund established.** Establishes the Civil War Site Preservation Fund for the purpose of awarding grants to private nonprofit organizations to preserve endangered Virginia Civil War historic sites. The grants would be awarded for the fee simple purchase of, or pur-

chase of protective interests in, Civil War historic sites listed in the "Report on the Nation's Civil War Battlefields." The bill sets out eligibility criteria for receiving a matching grant from the fund. The Director of the Department of Historic Resources is responsible for administering the fund. This bill is identical to HB 717.

*Patron - Houck*

**SB627 Nutrient reduction credits.** Clarifies who receives credit for the nutrient reductions associated with a stormwater nonpoint nutrient offset. Offsets are used to achieve compliance with construction site stormwater nutrient discharge requirements. The nonpoint nutrient offsets system works very similar to wetland banks. These offsets are only available when capturing all nutrients is too difficult on a development site. If the land disturbing activity using a nonpoint nutrient offset discharges to an MS4, the locality receives credit toward its nutrient allocation. If the discharge is not to a MS4 then the reductions are applied toward compliance with the nutrient allocation applicable to that area.

*Patron - Wagner*

**SB659 Outer Continental Shelf; air pollution control regulations.** Requires the State Air Pollution Control Board, by January 1, 2011, to adopt any regulations necessary to implement and enforce the requirements of § 328 of the Clean Air Act relating to requirements to control air pollution from Outer Continental Shelf sources. The regulations shall not differ materially from the regulations promulgated by the U.S. Environmental Protection Agency in implementing such provision of the Act. The measure also directs the Department of Environmental Quality to request the Administrator of the U.S. Environmental Protection Agency to delegate to the Commonwealth any authority the Administrator has under the Clean Air Act to implement and enforce § 328 of the Clean Air Act.

*Patron - Wagner*

**SB686 Uniform environmental covenants.** Authorizes the Department of Environmental Quality to enter into environmental covenants with interest holders in real property that restrict the use of the real property. The covenants are intended to survive transfers of ownership interests in the land or operations of law that may otherwise terminate the covenant. The bill spells out the recordation process and notice to subsequent holders of interest. Prior held interests are not affected by the covenant. The bill authorizes the Department of Environmental Quality to establish fees to be paid by the fee simple owner of the real estate subject to the covenant in order to fund the program.

*Patron - Reynolds*

## Failed

**HB3 State parks; Disabled Veteran's Passport.** Expands the Disabled Veteran's Passport program to all U.S. veterans with a service-connected disability. Currently, a veteran must be 100 percent disabled to be eligible for the program, which provides free entry into state parks and a 50 percent discount on camping and swimming fees, picnic shelter rentals, and other Department-provided equipment rentals.

*Patron - Wright*

**HB129 Erosion and sediment control.** Exempts certain activities from the Erosion and Sediment Control Law (E&S) as land-disturbing activities if certain practices are followed. Under the bill the harvesting of forest crops would not be considered a land-disturbing activity and therefore would not be regulated under the E&S law if the area on which the

harvesting occurs is: (i) reforested artificially or naturally in accordance with a forest management plan developed by a professional forester or (ii) converted to agricultural or improved pasture use by following a conservation plan approved by the soil and water conservation district. Currently, such harvested areas can be exempted from the E&S law if other types of restoration procedures are implemented.

*Patron - Pollard*

**HB136 Scenic river.** Designates a portion of the Blackwater River as a component of the Virginia Scenic Rivers System. This bill was incorporated into HB 951.

*Patron - Tyler*

**HB155 Stormwater management regulations.** Delays for two years the Department of Conservation and Recreation's regulations governing the stormwater management program that were to be implemented on July 1, 2010. This bill was incorporated into HB 1220.

*Patron - Dance*

**HB375 Removal of mercury switches from scrap and recycled vehicles.** Requires manufactures to submit mercury minimization plans to the Department of Environmental Quality that include information on mercury switch removal from motor vehicles. Vehicle manufacturers are required to pay specified costs associated with mercury switch removal. Recyclers must remove all switches before transferring ownership of a vehicle to a scrap processing facility and within 180 days after the receipt of a vehicle.

*Patron - Cosgrove*

**HB521 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*

**HB537 Department of Conservation and Recreation; Virginia Golden Age Card Program.** Provides for the Department of Conservation and Recreation to establish a Virginia Golden Age Card authorizing citizens of the Commonwealth who are 60 years of age or older to enter the camping facilities of Virginia's state parks at a 50% discount for a maximum of 14 days in any calendar year.

*Patron - Marshall, D.W.*

**HB890 Scenic river.** Designates a portion of the Blackwater River as a component of the Virginia Scenic Rivers System. This bill was incorporated into HB 951.

*Patron - Barlow*

**HB1311 Stormwater regulations.** Delays the effective date of regulation that establishes local program criteria and delegation procedures and the water quality and water quantity criteria for stormwater to no later than September 1, 2011. The bill also requires the Virginia Soil and Water Conservation Board to conform the regulation to be consistent with this effective date. This bill was incorporated into HB 1220.

*Patron - Bulova*

**SB94 Scenic river.** Designates a portion of the Blackwater River as a component of the Virginia Scenic Rivers System. This bill was incorporated into SB 17.

*Patron - Quayle*

**SB234 Hazardous waste permit fees.** Authorizes the Virginia Waste Management Board to collect fees from any person operating or proposing to operate a hazardous waste

facility, or transporting hazardous waste. The fees collected would be in an amount that ensures that general funds are not required to cover the direct costs related to the issuance and reissuance of permits.

*Patron - Watkins*

**[F]SB235 Solid waste management fees.** Requires the Waste Management Board to periodically review the permit fees and the annual fees paid by sanitary landfills or other facilities that dispose, treat, or store nonhazardous solid waste. This review is to be done to ensure that the fees collected are sufficient to cover at least 75 percent, but no more than 100 percent of the direct costs of processing an application, performing inspections, and taking enforcement actions.

*Patron - Watkins*

**[F]SB245 Stormwater management programs.** Delays the effective date of regulations that establish local program criteria and delegation procedures and the water quality and water quantity criteria for stormwater management from July 1, 2010, to July 1, 2011. Any regulation adopted prior to this date shall be considered outside the scope of authority granted by the General Assembly. This bill was incorporated into SB 395.

*Patron - Watkins*

**[F]SB583 Application of pesticides and fertilizers; civil penalty.** Prohibits commercial providers of lawn care and landscaping services from broadly applying pesticides and fertilizers onto impervious surfaces such as streets and driveways.

*Patron - Marsden*

**[F]SB677 Stormwater regulations.** Delays the effective date of stormwater regulations establishing local program criteria and delegation procedures and the water quality and water quantity criteria until July 1, 2011. The bill also requires the Department of Conservation and Recreation, in consultation with the Department of Environmental Quality, to determine the effect the total maximum daily load (TMDL) allocation for the Chesapeake Bay may have on these regulations. If the agency finds that the TMDL implementation plan approved by the Environmental Protection Agency requires a change in the criteria, the Virginia Soil and Water Conservation Board is to adopt a new regulation that is consistent with the source allocations made in the approved TMDL plan. This bill was incorporated into SB 395.

*Patron - Hanger*

**[F]SB681 Stormwater regulations.** Delays the effective date of regulation that establishes local program criteria and delegation procedures and the water quality and water quantity criteria for stormwater to no later than September 1, 2011. The bill also requires the Virginia Soil and Water Conservation Board to conform the regulation to be consistent with this effective date. This bill was incorporated into SB 395.

*Patron - Whipple*

## Carried Over

**[C]HB329 Lawn fertilizers; penalty.** Prohibits the application of fertilizers that contain phosphorus for use on lawns, golf courses, parks, and cemeteries. The prohibition does not apply to fertilizer products primarily intended for gardening, trees, shrubs, or indoor plants. The bill prohibits the application of fertilizer that contains phosphorus when the ground is frozen. Any fertilizer that runs onto impervious surfaces has to be immediately contained and collected. New lawns or lawns that have had soil tests in the last three years showing phosphorus levels are deficit based upon Department of Conservation

and Recreation's nutrient management standards and criteria can use fertilizers that contain phosphorus. Beginning January 1, 2011, no person can display for sale lawn fertilizer that is labeled as containing phosphorus; however, such products can be stored off the sales floor and may be sold upon request. Also beginning on this date, a business selling fertilizers has to provide signage that informs the public of the new law and noting the effects of phosphorus on state waters. Any person who violates provisions of the new law may be assessed a civil penalty by the Department of Conservation and Recreation of up to \$250. The moneys collected will be deposited in the Water Quality Improvement Fund.

*Patron - Plum*

**[C]HB1281 Appomattox State Scenic River.** Increases the length of the portion of the Appomattox River that has been designated as a scenic river from 6.2 to 19.2 miles.

*Patron - Ingram*

**[C]HB1319 Air pollution emissions.** Defers to the U.S. Environmental Protection Agency (USEPA) the enforcement of any carbon dioxide standards or cap and trade provisions that are included in the federal Clean Air Act. The bill requires the Governor, in consultation with the Attorney General, to examine these provisions and determine whether Congress has the authority to enact mandates upon the states. The Governor is to report his findings to the General Assembly. The bill authorizes the Attorney General to bring an action against the USEPA if he finds that the mandated standards are based on a finding that is not scientifically demonstrated.

*Patron - Marshall, R.G.*

**[C]HB1357 Department of Environmental Quality; carbon dioxide.** Prohibits the Air Pollution Control Board and the Department of Environmental Quality from taking any action to restrict the emission of carbon dioxide. Any federal law or regulation that purports to prohibit, limit, or control in any way the emission of carbon dioxide shall be without authority, void, and of no force within the boundaries of the Commonwealth.

*Patron - Morefield*

## Contracts

### Failed

**[F]HB1258 Indemnification provisions in construction contracts.** Declares that a provision in a construction contract that requires the contractor to provide insurance coverage, or to name a party to the contract as an additional insured on a policy of insurance, for the purpose of providing an indemnity that is prohibited under current law, is void and unenforceable. The measure also provides that a provision in a construction contract by which the contractor purports to indemnify or hold harmless another party against liability for damage caused by independent contractors of the other party is void and unenforceable.

*Patron - Albo*

# Corporations

## Passed

**HB612 Corporations; payment of annual registration fees.** Requires that payments of annual registration fees assessed against a corporation be applied to the corporation's oldest unpaid annual registration fee assessment or penalty. The measure provides that annual registration fees shall be due in the anniversary month of the date when the corporation was incorporated, or authorized to transact business or conduct its affairs in the Commonwealth if it is a foreign corporation. The measure also clarifies the procedure by which a corporation's corporate existence or authority to transact business or conduct its affairs in the Commonwealth is automatically terminated if it fails to pay its annual registration fee by the last day of the fourth month following the fee's due date.

*Patron - Purkey*

**HB1040 Limited liability companies.** Authorizes the State Corporation Commission (SCC) to correct its records to eliminate the effects of clerical errors and filings made by a person without authority to act on behalf of a limited liability company. Similar provisions exist in the Code for stock and nonstock corporations. The measure also authorizes the SCC to assess limited liability companies with its annual registration fee in the month it was organized or qualified to transact business. Currently, all limited liability companies are assessed an annual registration fee on July 1, which is due by October 1 to avoid a penalty. The SCC is required to enter an order by August 1, 2010, regarding the schedule for implementing the change in assessment dates. The order may provide for the proration of an assessment or extension of the assessment date, due date, and automatic cancellation date.

*Patron - Byron*

**HB1105 Business entities; registered agents and offices.** Provides that a statement of change of a business entity's registered agent, registered office, or both, may be filed electronically with the office of the clerk of the State Corporation Commission. The measure also provides that a registered agent may mail a copy of a statement of change or a statement of resignation to the business entity on or before the business day following the day on which such statement is filed with the clerk's office. Currently, a statement of change or resignation is required to include a statement that it has been mailed to the business entity, which does not accommodate their electronic filing. The measure also eliminates variances in terminology in parallel sections that address changes of registered offices and registered agents of stock and nonstock corporations, limited liability companies, business trusts, limited partnerships, and registered limited liability partnerships.

*Patron - Joannou*

**HB1265 Professional corporations; board of directors.** Includes certified interior designers in the types of professional organizations managed by a board of directors. The bill allows nonlicensed employee-directors to serve on the board of directors of a professional organization, provided they do not make up more than one-third of all of the members of the board of directors.

*Patron - Carr*

**SB100 Virginia Stock Corporation Act.** Conforms provisions of the Virginia Stock Corporation Act to revisions to the Model Business Corporation Act prepared by the Business Law Section of the American Bar Association, and makes sev-

eral clarifying revisions. Elements of the measure include (i) expanding provisions governing the electronic transmission of notices and other communications; (ii) providing that notice to a shareholder that is sent by U.S. mail is effective upon deposit in the U.S. Mail; currently, such mailings to shareholders are effective five days after mailing; (iii) authorizing corporate officers to make equity compensation awards; (iv) confirming shareholders' authority to adopt proxy access and proxy expense reimbursement bylaws; (v) permitting a board of directors to establish separate record dates for determining shareholders entitled to notices of, and to vote at, meetings; (vi) allowing shareholders to participate remotely in shareholders meetings; (vii) addressing the authority of a circuit court to resolve disputes relating to a vote by shareholders; (viii) repealing the existing provision that limits the power of the board of directors to alter the board's size to an amount not greater than 30 percent of its existing size; (ix) confirming the authority of a board of directors to require the corporation to provide indemnity, including advancement and reimbursement; (x) authorizing a corporation to obligate itself to provide indemnification, and advance funds to pay for or reimburse expenses, in advance of the act or omission giving rise to a proceeding; (xi) requiring class voting by affected classes with respect to mergers, unless otherwise provided in the articles of incorporation; and (xii) requiring that the articles of merger in a parent-subsidiary merger recite the Code section under which the merger is being effected.

*Patron - Stosch*

**SB131 Virginia Nonstock Corporation Act.** Conforms provisions of the Virginia Nonstock Corporation Act to revisions to the Model Business Corporation Act prepared by the Business Law Section of the American Bar Association, and makes several technical or clarifying revisions. Provisions (i) expand the governing of electronic transmission of notices and other communications; (ii) provide that notice to a member that is sent by U.S. mail is effective upon deposit in the U.S. mail; currently, such mailings to members are effective five days after mailing; (iii) require words in communications to be in the English language, unless otherwise agreed; (iv) permit a board of directors to establish separate record dates for determining members entitled to notices of, and to vote at, meetings; (v) allow members to participate remotely in members' meetings; (vi) repeal the existing provision that limits the power of the board of directors to alter the board's size to an amount not greater than 30 percent of its existing size; (vii) confirm the authority of a board of directors to require the corporation to provide indemnity, including advancement and reimbursement; (viii) authorize a corporation to obligate itself to provide indemnification, and advance funds to pay for or reimburse expenses, in advance of the act or omission giving rise to a proceeding; and (ix) correct cross-references.

*Patron - Stosch*

## Failed

**HB596 Filing fee moratorium for new business entities.** Directs the State Corporation Commission not to assess or collect a registration fee, filing fee, franchise tax, charter fee, or entrance fee, for which payment would be required, for any new for-profit corporation, limited liability company, or limited liability partnership. The measure expires July 1, 2011.

*Patron - Massie*

**HB629 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 effective date

and 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, 2010.

*Patron - Kilgore*

**[F]HB739 Foreign business entities; temporary certificates.** Establishes a mechanism for the State Corporation Commission to issue a temporary certificate of authority to transact business in the Commonwealth to a foreign stock or nonstock corporation that (i) has applied for a certificate of authority to transact business and paid the applicable fee and (ii) is in good standing in the state where it is incorporated. The temporary certificate shall be issued without additional charge and shall be valid for 30 days or until the Commission has issued the permanent certificate, whichever occurs first. A similar provision is established for foreign limited liability companies. This bill was incorporated into HB 792.

*Patron - Miller, J.H.*

**[F]HB819 Business entities; process.** Provides that "process," when referring to service of process on the registered agent of a corporation, limited liability company, or business trust, includes any subpoena, summons, order, or other notice requiring the appearance of a witness or production of documents that is issued in any civil or criminal proceeding.

*Patron - Surovell*

**[F]HB859 State Corporation Commission; formation of routine entities.** Requires the State Corporation Commission (SCC), upon the filing of routine articles of incorporation for a stock or nonstock corporation or articles of organization for a limited liability company, both to determine whether the document complies with the requirements of law and whether all required fees have been paid and, if so, to issue the certification of incorporation, within 48 hours following their receipt. This bill incorporates HB 966.

*Patron - Cline*

**[F]HB917 Business entity fees for veterans.** Reduces the fee for filing articles of organization of a domestic limited liability company and the charter fee for a domestic corporation to \$25 if each member and manager, or director and shareholder, as applicable, is a veteran. The annual registration fees for such entities are also reduced to \$25 for each entity's first two years of existence.

*Patron - Bell, Robert B.*

**[F]HB966 State Corporation Commission; formation of routine entities.** Requires the State Corporation Commission (SCC), upon the filing of routine articles of incorporation for a stock or nonstock corporation or articles of organization for a limited liability company, both to determine whether the document complies with the requirements of law and whether all required fees have been paid and, if so, to issue the certifica-

tion of incorporation, within 48 hours following their receipt. This bill was incorporated into HB 859.

*Patron - Pogge*

## Carried Over

**[C]HB261 Low-profit limited liability companies.** Provides for the designation of a type of limited liability company as low-profit limited liability company. A low-profit limited liability company is a limited liability company that significantly furthers the accomplishment of a charitable or educational purpose, would not have been formed but for the entity's relationship to the accomplishment of charitable or educational purposes, does not have as a significant purpose the production of income or the appreciation of property, and does not have a political or legislative purpose.

*Patron - McClellan*

**[C]HB484 Small water or sewer companies.** Requires any water or sewer company serving more than 25 customers, rather than 50 under current law, to incorporate as a public service company.

*Patron - Lingamfelter*

**[C]SB674 Automobile clubs; telematics systems.** Provides that the services that may be supplied by an automobile club shall not include services offered or provided through a telematics system. A telematics system is motor vehicle equipment that collects and delivers information or services to and from a motor vehicle through global positioning systems and wireless communications systems.

*Patron - Wampler*

## Counties, Cities and Towns

### Passed

**[P]HB27 Bristol Virginia Utilities Authority.** Creates an authority and converts Bristol Virginia Utilities into that authority, to be known as the BVU Authority. This bill is identical to SB 12.

*Patron - Johnson*

**[P]HB38 Authority to cut grass.** Adds Spotsylvania 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. Spotsylvania 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 - Orrock*

**[P]HB51 Comprehensive plan amendments.** Grants authority to a governing body to prepare an amendment to the comprehensive plan rather than directing the planning commission to do so. If a planning commission fails to make a recommendation on a proposed amendment within the designated time frame, the local governing body may proceed to submit the proposal to a public hearing.

*Patron - Cole*

**[P]HB82 Civil penalties for violation of sewage usage ordinances.** Allows any locality under an order of the Virginia

Department of Environmental Quality issued pursuant to the authority of subdivision (8a) of § 62.1-44.15 to adopt an ordinance establishing a uniform schedule of civil penalties for violations of ordinances governing the introduction of pollutants and wastes into the locality's public sewer system. Such civil penalties may not be more than \$100 for the initial summons and not more than \$150 for each additional summons.

*Patron - Knight*

**HB109 Certain firearms taxes; destruction of records.** Repeals local authority to impose a license tax of not more than \$25 on persons engaged in the business of selling pistols and revolvers. Also, a recordkeeping requirement for such persons is deleted and the clerk of the circuit court shall destroy any such existing records.

*Patron - Cole*

**HB200 Service districts annual tax.** Requires that the annual tax levied upon property in a service district shall only be levied upon the specific classification of real estate that the local governing body deems the governmental services to benefit.

*Patron - Alexander*

**HB263 Cutting of weeds and grass.** Adds Winchester to the list of localities that may order the cutting of grass and weeds on certain occupied property. The existing portion of the statute that includes all localities applies to vacant property only.

*Patron - Sherwood*

**HB297 Civil penalties for violations of noise ordinance.** Authorizes the governing body of a locality to adopt civil penalties for violations of noise ordinances. Civil fines will not exceed \$250 for the first offense and \$500 for each subsequent offense. This bill incorporates HB 159.

*Patron - Cosgrove*

**HB318 Manufacturing facility.** Expands the current definition, for bonding purposes, of manufacturing facility to include (i) any facility which is used in the creation or production of intangible property as described in § 197(d)(1)(C)(iii) of the Internal Revenue Code of 1986, as amended, to be any patent, copyright, formula, process, design, pattern, knowhow, format, or other similar item, or (ii) a facility which is functionally related and subordinate to a manufacturing facility if such facility is located on the same site as the manufacturing facility. This definition is being expanded so that Virginia Code is consistent with the Federal American Recovery and Reinvestment Act of 2009, Section 1301. This bill is identical to SB 252.

*Patron - Alexander*

**HB367 Checks; stop-payment; local ordinances.** Provides that a locality may charge up to \$35 if payment for revenue collection was refused because the drawer placed a stop-payment order on the check in bad faith. Currently, the law only allows for a fee if the payment for revenue collection was refused because of the uttering, publishing, or passing of any check or draft, that is subsequently returned for insufficient funds or because there is no account or the account has been closed.

*Patron - Ware, O.*

**HB374 Cash proffers; acceptance by localities.** Delays collection or acceptance of a cash proffer by a locality until the completion of the final inspection of the subject property and prior to the time of the issuance of any certificate of occupancy. This bill is identical to SB 632.

*Patron - Cosgrove*

**HB436 Donations by localities; energy efficiency.** Provides that a locality may make gifts and donations to any nonprofit organization that is engaged in providing energy efficiency services or promoting energy efficiency within or without the boundaries of the locality. This bill is identical to SB 291.

*Patron - Toscano*

**HB467 Hampton Federal Area Development Authority.** Expands the board from seven to nine members.

*Patron - Ward*

**HB507 Regulation of certain transportation services.** Provides that a local transportation service that operates as a nonprofit organization and that primarily serves senior citizens and disabled citizens shall be exempted from any local license tax imposed upon taxicab services and other for-hire transportation services.

*Patron - Gilbert*

**HB552 Vested rights to include right to replace failed septic system.** Includes the right to replace failed septic systems under vested rights protection. Also, if the local government has issued a permit, other than a building permit, that authorized construction of an improvement to real property and the improvement was thereafter constructed in accordance with such permit, the ordinance may provide that the improvements are nonconforming, but not illegal.

*Patron - Marshall, D.W.*

**HB553 Regulation of signage in highway rights of way.** Allows county employees and volunteers who are acting as agents of the Commonwealth Transportation Commissioner to remove and confiscate signs from the public right-of-way. If a sign is confiscated by an employee or volunteer, the sign owner shall have the right to reclaim the sign within 10 business days of the date of such confiscation. Finally, the legislation clarifies that a sign installed (on private property) that does not require use of tools or equipment does not trigger the requirement to call Miss Utility before installing the sign. This bill is identical to SB 64.

*Patron - Marshall, D.W.*

**HB600 Local government; criminal justice training academies.** Eliminates the statutory requirement that criminal justice training academies contain the word "training" in their name or title.

*Patron - Edmunds*

**HB635 Family subdivision.** Clarifies that for purposes of dividing a lot for sale or gift to a member of the immediate family, such family may include the family member's spouse.

*Patron - Scott, E.T.*

**HB672 Virginia Infrastructure Project Loan Fund.** Creates the Virginia Infrastructure Project Loan Fund. The Fund would be administered by the Virginia Resources Authority. Money in the Fund would be used exclusively for the financing of landfill gas energy projects and sewerage system or wastewater treatment projects undertaken by a local government. The measure also specifies that a landfill gas energy project constitutes a "project" under the Virginia Resources Authority Act.

*Patron - May*

**HB690 Public transit services; criminal background checks.** Authorizes certain transportation district com-



missions and their contractors and public service corporations or contractors that provide public transit services to a locality to require fingerprint checks of applicants and employees so that an FBI criminal background check can be conducted. This bill is identical to SB 28.

*Patron - Miller, J.H.*

**HB707 Lien for water and sewer charges.** Adds the Counties of Caroline and New Kent to those localities that may provide that charges imposed for water or sewers shall be a lien on the real estate served by such waterline or sewer. Where residential rental real estate is involved, no lien shall attach (i) unless the user of the water or sewer services is also the owner of the real estate or (ii) unless the owner of the real estate negotiated or executed the agreement by which such water or sewer services were provided to the property.

*Patron - Peace*

**HB785 Board of equalization; county manager plan of government.** Authorizes the board of supervisors of localities with a county manager plan of government to appoint a board of equalization of real estate assessments composed of no more than 11 members. The board of equalization may sit in panels of at least three members each, and each panel shall perform its duties independently of the others. This legislation also makes technical changes to the Code. This bill is identical to SB 449.

*Patron - Brink*

**HB796 City of Richmond tax amnesty program.** Establishes a program to be administered by the director of finance, and any person, individual, corporation, estate, trust, or partnership required to file a personal property or machinery and tools tax return or to pay any local personal property tax, machinery and tools tax or real property tax shall be eligible to participate, subject to the regulations set forth in the bill and guidelines established by the director of finance.

*Patron - McClellan*

**HB866 Mutual aid agreements.** Includes private police forces of institutions of higher learning in existing provisions that allow for mutual aid agreements for the joint use of police forces.

*Patron - Cline*

**HB877 Volunteer property maintenance and zoning inspectors.** Adds Newport News to those cities that may utilize volunteers to issue notices of noncompliance with certain ordinances related to property maintenance and zoning.

*Patron - BaCote*

**HB882 Transfer of development rights; density bonus.** Allows localities to establish a density bonus that would permit certain property owners to transfer more property rights than the existing density would otherwise allow.

*Patron - Athey*

**HB909 Disposal of unclaimed property in possession of sheriff or police; storage fee.** Restates that payment of a storage fee to the sheriff or other department storing unclaimed property is required unless the property is being reclaimed by that sheriff's office or other law enforcement agency for its use.

*Patron - Bell, Robert B.*

**HB967 Assisted living facilities; zoning.** Expands certain provisions that currently apply to the Counties of Arlington and York statewide. The existing provisions declare that zoning ordinances for all purposes shall consider a residential facility in which no more than eight elderly or disabled

persons reside with one or more resident counselors or other staff persons as residential occupancy by a single family. This bill is identical to SB 338.

*Patron - Peace*

**HB1002 New River Valley Emergency Communications Regional Authority.** Authorizes the Towns of Blacksburg and Christiansburg, the County of Montgomery, and Virginia Tech to create the New River Valley Emergency Communications Regional Authority. The purposes of such Authority shall be to develop a consolidated system for the receipt and response of 9-1-1 emergency calls and communications that will improve response time, quality of service, and coordination of available resources for the citizens of the effected localities. This bill is identical to SB 433.

*Patron - Nutter*

**HB1063 Appeal of board of zoning appeals decisions.** Provides that written notice of a zoning violation or a written order of the zoning administrator shall include the applicable appeal fee and a reference to where other information regarding the appeal process may be obtained. The fee for filing an appeal shall not exceed the costs of advertising the appeal for public hearing and reasonable costs to process the appeal. Additionally, in an appeal of a decision of the board of zoning appeals (BZA), the BZA shall not be named as a party to the proceedings. This bill incorporates HB 811 and HB 1064.

*Patron - Athey*

**HB1071 Urban development areas.** Sets certain densities in urban development areas according to the population of the locality that designated the urban development area. The bill also requires that, to the extent possible, certain federal funding and state water and sewer facility and public infrastructure funding be directed to urban development areas or other designated growth areas. The bill mandates that the Commission on Local Government report on localities' compliance with the statute requiring the designation of urban development areas. This bill is identical to SB 420.

*Patron - Athey*

**HB1076 Cutting of weeds and grass.** Adds Colonial Heights to the list of localities that may order the cutting of grass and weeds on certain occupied property. The existing portion of the statute that includes all localities applies to vacant property only. This bill is identical to SB 625.

*Patron - Cox, M.K.*

**HB1187 Southwest Virginia Health Authority; appointments; quorum.** Adds four additional appointments to the Authority's board of directors and deletes the requirement that a quorum include a majority of the representatives of the Authority's localities.

*Patron - Phillips*

**HB1188 Local board of social services; county board form of government.** Allows counties that have adopted the county board form of government to appoint five rather than three members to the local board of social services. This bill is identical to SB 370.

*Patron - Phillips*

**HB1206 Virginia Regional Industrial Facilities Act.** Provides a method by which a member locality of an authority created under such act may withdraw from the authority with approval from a majority of other members. This bill incorporates HB 358 and HB 1003.

*Patron - Crockett-Stark*

**HB1211 Aboveground liquid fertilizer storage tanks.** Authorizes localities to adopt an ordinance that makes it unlawful for any person to construct, maintain, or use any aboveground liquid fertilizer storage tank (ALFST) having a capacity of 100,000 gallons or more without obtaining a permit from the local fire official. The penalty for violating the ordinance is not to exceed a Class 1 misdemeanor. The Board of Housing and Community Development is directed to adopt regulations requiring that the inspection, repair, alteration, and reconstruction of ALFSTs comply with API 653 Standard. This bill incorporates HB 206.

*Patron - Spruill*

**HB1250 Vested rights.** Provides that the issuance of any written order, requirement, decision, or determination by the zoning administrator regarding the permissibility of a specific use or density of the landowner's property that is no longer subject to change, modification, or reversal shall be considered a significant affirmative governmental act for purposes of determining vested rights.

*Patron - Knight*

**HB1292 Photo-monitoring systems.** Provides that a summons executed for violation of a photo-monitoring ordinance shall provide to the person summoned at least 30, rather than 60, business days to inspect information collected in connection with the violation. Allows a private entity that operates a traffic light signal violation monitoring system to enter into an agreement with the Department of Motor Vehicles to obtain vehicle owner information regarding the registered owners of vehicles that fail to comply with a traffic light signal. Also allows a locality to access and use recorded images and associated information if the vehicle involved is owned, leased or rented by the locality, for employee disciplinary purposes.

*Patron - Tata*

**HB1297 Fort Monroe Authority Act.** Establishes the Fort Monroe Authority as a public body corporate and as a political subdivision of the Commonwealth to be governed by a Board of Trustees. As a result of decisions made by the federal Base Realignment and Closure Commission, Fort Monroe will cease to be an army base in 2011, and at that time most of the site will revert to the Commonwealth. Among other duties, the Authority shall have the power to oversee the preservation, conservation, protection, and maintenance of the Commonwealth's real property interests at Fort Monroe and the renewal of Fort Monroe as a vibrant and thriving community. The Authority may issue bonds under the bill. This bill is identical to SB 315.

*Patron - Gear*

**HB1307 Zoning provisions for temporary family healthcare structures.** Provides that zoning ordinances for all purposes shall consider temporary family healthcare structures (i) for use by a caregiver in providing care for a mentally or physically impaired person and (ii) on property owned or occupied by the caregiver at his residence as a permitted accessory use in any single-family residential zoning district. Such structures shall not require a special use permit or be subjected to any other local requirements beyond those imposed upon other authorized accessory structures. A caregiver shall be either related by blood, marriage, or adoption to or the legally appointed guardian of the mentally or physically impaired person for whom he is caring.

*Patron - Griffith*

**HB1348 Provisions of a subdivision ordinance.** Provides that with regard to approval by a locality of surety provided by a developer, "designated administrative agency"

means the planning commission of the locality or an agent designated by the governing body of the locality for such purpose.

*Patron - Lingamfelter*

**HB1379 Child-care facilities in certain counties and cities; local regulation of possession and storage of firearms, ammunition, or components or combination thereof.** Provides that certain Northern Virginia localities may adopt local ordinances that regulate the possession and storage of firearms, ammunition, or components or combination thereof at child-care facilities, so long as such regulation remains no more extensive in scope than comparable state regulations applicable to family day-care homes.

*Patron - Sickles*

**HB1383 Board of zoning appeals.** Clarifies what actions taken by a board of zoning appeals require a majority vote of those present and voting.

*Patron - Villanueva*

**SB12 Bristol Virginia Utilities Authority.** Creates an authority and converts Bristol Virginia Utilities into that authority, to be known as the BVU Authority. This bill is identical to HB 27.

*Patron - Wampler*

**SB28 Public transit services; criminal background checks.** Authorizes certain transportation district commissions and their contractors and public service corporations or contractors that provide public transit services to a locality to require fingerprint checks of certain applicants and employees so that an FBI criminal background check can be conducted. This bill is identical to HB 690.

*Patron - Puller*

**SB64 Local government authority to regulate signs.** Provides that a zoning ordinance may include provisions for the regulations of signs in the highway rights of way. Localities may also adopt an ordinance in order to control signs within any highway rights of way and to control local enforcement of such signage. If a locality enacts an ordinance to regulate signs and also authorizes volunteers to enforce the provisions of such an ordinance, the volunteer, and any local government employee, will be personally liable to the owner of the signs for any damage that may result from such enforcement. Additionally, the Commonwealth Transportation Commissioner may enter into agreements with any locality, instead of just Fairfax County, authorizing local law-enforcement agencies to act as agents of the Commissioner for purposes of this legislation. Finally, this legislation limits the definition of excavation to not include installation of a sign that is installed by pushing metal, plastic or wooden poles in the ground. This bill is identical to HB 553.

*Patron - Lucas*

**SB110 Clean energy financing.** Gives localities the authority to, in order to secure loans for the initial acquisition and installation of clean energy improvements, place liens equal in value to the loan against any property where such clean energy systems are being installed. Further allows the locality to bundle the loans for transfer to private lenders in such a manner that would allow the liens to remain in full force to secure the loans.

*Patron - Petersen*

**SB222 Department of Transportation land use review.** Exempts localities, public agencies, and citizens' groups from payment of certain Department fees for review of land use proposals.

*Patron - Puller*

**SB246 Civil penalties for violations of noise ordinance.** Authorizes the governing body of a locality to adopt civil penalties for violations of noise ordinances. The penalty for an initial violation shall not exceed \$250 and penalties for subsequent violations shall not exceed \$500. This bill incorporates SB 120.

*Patron - Watkins*

**SB252 Manufacturing facility.** Expands the current definition, for bonding purposes, of manufacturing facility to include (i) any facility which is used in the creation or production of intangible property as described in § 197(d)(1)(C)(iii) of the Internal Revenue Code of 1986, as amended, to be any patent, copyright, formula, process, design, pattern, knowhow, format, or other similar item, or (ii) a facility which is functionally related and subordinate to a manufacturing facility if such facility is located on the same site as the manufacturing facility. This definition is being expanded so that Virginia Code is consistent with the Federal American Recovery and Reinvestment Act of 2009, Section 1301. This bill is identical to HB 318.

*Patron - Reynolds*

**SB291 Donations by localities; energy efficiency.** Provides that a locality may make gifts and donations to any nonprofit tax-exempt organization that is engaged in providing energy efficiency services or promoting energy efficiency within or without the boundaries of the locality. This bill is identical to HB 436.

*Patron - Deeds*

**SB315 Fort Monroe Authority Act.** Establishes the Fort Monroe Authority as a public body corporate and as a political subdivision of the Commonwealth to be governed by a 11-member Board of Trustees. As a result of decisions made by the federal Base Realignment and Closure Commission, Fort Monroe will cease to be an army base in 2011, and at that time most of the site will revert to the Commonwealth. Among other duties, the Authority shall have the power to oversee the preservation, conservation, protection, and maintenance of the Commonwealth's real property interests at Fort Monroe and the renewal of Fort Monroe as a vibrant and thriving community. This bill is identical to HB 1297.

*Patron - Locke*

**SB318 Subdivision ordinance; dedication of public improvements.** Expands the manner by which a developer may provide financial assurances to a locality prior to a locality accepting the dedication of public improvements.

*Patron - Ruff*

**SB322 Clarksville-Boydton Airport Commission; name change.** Changes the name of The Clarksville-Boydton Airport Commission to the Lake Country Airport Commission, and adds to the Commission three members from Mecklenburg County.

*Patron - Ruff*

**SB338 Assisted living facilities; zoning.** Expands certain provisions that currently apply to the Counties of Arlington and York statewide. The existing provisions declare that zoning ordinances for all purposes shall consider a residential facility in which no more than eight elderly or disabled persons reside with one or more resident counselors or other staff persons as residential occupancy by a single family. This bill is identical to HB 967.

*Patron - Hanger*

**SB370 Local boards of social services; county board form of government.** Allows appointment of either

three or five members to a local board of social services in a county operating under the county board form of government. This bill is identical to HB 1188.

*Patron - Puckett*

**SB379 Southwest Regional Recreation Authority; civil penalties.** Grants localities within the Southwest Regional Recreation Area the authority to allocate civil penalties to the Southwest Regional Recreation Authority. This legislation also clarifies that the civil penalties paid by individuals who violate any of the rules adopted by the board are to be allocated to the Southwest Regional Recreational Authority.

*Patron - Puckett*

**SB383 Claims against counties; timing of decision; appeals.** Provides that when a claim is made against a county, the attorney representing the county shall notify the claimant of the date that the claim will be considered. The bill also provides that court action on a claim is not barred if the governing body fails to act on a claim within 90 days of the date it was received, provided that such time may be extended by mutual agreement of the claimant and the county. The bill further sets the amount of the bond for appeals of a claim that has been disallowed by the governing body at \$250. This bill is a recommendation of the Boyd-Graves Conference.

*Patron - Obenshain*

**SB420 Urban development areas.** Sets certain densities in urban development areas according to the population of the locality that designated the urban development area. The bill also requires that, to the extent possible, certain federal funding and state water and sewer facility and public infrastructure funding be directed to urban development areas or other designated growth areas. The bill mandates that the Commission on Local Government report on localities' compliance with the statute requiring the designation of urban development areas. This bill is identical to HB 1071.

*Patron - Vogel*

**SB433 New River Valley Emergency Communications Regional Authority.** Authorizes the Towns of Blacksburg and Christiansburg, the County of Montgomery, and Virginia Tech to create the New River Valley Emergency Communications Regional Authority. The purposes of such Authority shall be to develop a consolidated system for the receipt and response of 9-1-1 emergency calls and communications that will improve response time, quality of service, and coordination of available resources for the citizens of the affected localities. This bill incorporates SB 510 and is identical to HB 1002.

*Patron - Edwards*

**SB449 Board of equalization; County manager plan of government.** Authorizes the board of supervisors of localities with a county manager plan of government to appoint a board of equalization of Real Estate Assessments composed of no more than 11 members. The board of equalization may sit in panels of at least three members each, and each panel shall perform its duties independently of the others. This legislation also makes technical changes to the Code. This bill is identical to HB 785.

*Patron - Whipple*

**SB625 Cutting of weeds and grass.** Adds Colonial Heights to the list of localities that may order the cutting of grass and weeds on certain occupied property. The existing portion of the statute that includes all localities applies to vacant property only. This bill is identical to HB 1076.

*Patron - Martin*

**[P]SB632 Cash proffers; acceptance by localities.** Delays collection or acceptance of a cash proffer by a locality until the completion of the final inspection of the subject property and prior to the time of the issuance of any certificate of occupancy. This bill is identical to HB 374.

*Patron - Obenshain*

**[P]SB645 Undergrounding of electric transmission lines.** Prohibits the State Corporation Commission from approving an agreement between a local governing body and an electric utility for the underground installation of an electric transmission line of at least 150 kilovolts if a feasible overhead alternative exists, unless all localities in which the line passes request that the line be installed underground.

*Patron - Watkins*

## Failed

**[F]HB33 State and local debt; estimates of debt service costs required.** Requires that bond authorizations by the Commonwealth or by local governments that require voter approval shall include in the published notice estimates of the number of years to amortize the debt and the estimated total debt service to be paid on the principal amount of the bonds. Local governments will be required to provide the same information in public hearing notices for bonds that require a public hearing but not voter approval. In addition, the ballot question is required to include an estimate of the anticipated number of years over which the debt will be amortized and the total estimated debt service payable on the principal amount of the bonds until their retirement.

*Patron - Marshall, R.G.*

**[F]HB108 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.

*Patron - Cole*

**[F]HB120 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*

**[F]HB137 Disposal of solid waste fees; Isle of Wight and Southampton County.** Allows Isle of Wight County and Southampton County to levy fees upon each household for disposal of solid waste as long as said fee does not exceed the fees paid by the county to the Southeastern Public Service Authority of Virginia, or its successors or assigns, for disposal of solid waste. Further grants Isle of Wight County and Southampton County the same authority Accomack, Highland, and Wise Counties have regarding such fees.

*Patron - Tyler*

**[F]HB159 Civil penalties for violations of noise ordinance.** Authorizes the governing body of a locality to adopt civil penalties for violations of noise ordinances. This bill was incorporated into HB 297.

*Patron - Dance*

**[F]HB186 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 child under the age of 13 is present, punishable by a civil penalty of \$100.

*Patron - Morrissey*

**[F]HB206 Aboveground liquid fertilizer storage tanks.** Requires localities in which an aboveground liquid fertilizer storage tank (ALFST) with a capacity of 100,000 gallons or more is located to adopt an ordinance that regulates the installation, operation, retrofitting, maintenance, repair, abandonment, and removal of such tanks. The locality is authorized to establish a fee schedule for registration of these tanks. The ordinance would require the owner or operator of the tank to develop a discharge contingency plan that ensures a discharge from any regulated tank will be properly contained, mitigated, and cleaned up. While the bill provides a framework for the ordinance, it allows the locality to enact an ordinance that is more restrictive or more extensive in scope than is required by the Code. This bill was incorporated into HB 1211.

*Patron - Alexander*

**[F]HB232 Enforcement of violations; landlords; civil penalty.** Allows a locality to adopt an ordinance to impose civil penalties on a property owner of four or fewer rental units who allows tenants to create certain outlined nuisances, including disorderly conduct, indecent exposure, profane swearing and intoxication in public, and excessive noise, against the community within a 12-month period. This bill has been recommended by the Housing Commission.

*Patron - Dance*

**[F]HB236 Shooting firearms in certain areas.** Makes a locality no longer able to prohibit hunting generally within a half-mile radius of a subdivision, but a locality would still be able to prohibit hunting within a subdivision.

*Patron - Janis*

**[F]HB336 Cash proffers; alternate improvements.** Broadens a locality's ability to use cash proffers for capital projects other than those for which the cash was originally proffered under certain circumstances.

*Patron - Marshall, R.G.*

**[F]HB343 Community development authorities.** Permits community development authorities to request that the locality levy and collect a special tax on transient occupancy, food and beverages, and sales. The special rate of the transient occupancy tax and tax on food and beverages shall not be more than two percent above the tax authorized by charter or other laws of the Commonwealth. The special rate of the sales tax shall not be more than one percent above the tax authorized by charter or other laws of the Commonwealth. The proceeds of the special tax shall be kept in a separate account and shall only be used for the purposes of the community development authority. All localities are authorized, by enactment of this legislation, to collect said taxes. This legislation also contains technical amendments.

*Patron - Ware, O.*

**[F]HB351 Public schools; financing.** Creates the Virginia School Construction Revolving Fund for financing elementary, secondary, or vocational education school projects.

*Patron - Rust*

**[F]HB358 Virginia Regional Industrial Facilities Act.** Provides a method by which a member locality of an authority created under such act may withdraw from the authority with approval from a majority of other members. This bill was incorporated into HB 1206.

*Patron - Ware, O.*

**HB359 Community development authorities.** Permits community development authorities to request that the locality levy and collect a special tax on transient occupancy, food and beverages, and sales. The special rate of the transient occupancy tax and tax on food and beverages shall not be more than two percent above the tax authorized by charter or other laws of the Commonwealth, and must not exceed the limitations specified in Chapter 38 of Title 58.1. The special rate of the sales tax shall not be more than one percent above the tax authorized by charter or other laws of the Commonwealth and must not exceed the limitations specified in Chapter 6 of Title 58.1. The proceeds of the special tax shall be kept in a separate account and shall only be used for the purposes of the community development authority. This legislation also contains technical amendments.

*Patron - Ware, O.*

**HB363 Vacant building registration.** Increases the maximum registration fee required of an owner of a building that has been vacant for a continuous period of 12 months from \$25 to \$250.

*Patron - Ware, O.*

**HB396 Water and wastewater utilities; delinquent payment of rates and charges.** Removes the authority of localities and Water and Waste Authorities to hold a non-occupying owner of premises liable for delinquent rates or charges incurred by a tenant or lessee unless the owner is the same person contracting for the service.

*Patron - Lohr*

**HB401 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; (iv) using any automated voice or text alert systems used by the locality; or (v) posting at the local public library established pursuant to § 42.1-33, if any. 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 are likely to be informed of the existence and content of the proposed action. The bill contains technical amendments.

*Patron - Bell, Richard P.*

**HB461 Photo-monitoring systems.** Provides that the operator of a photo-monitoring system may enter into an agreement with the Department of Motor Vehicles (DMV) to obtain vehicle information on vehicles that fail to comply with a traffic light. Also, removes requirement that a locality must submit a list of potential intersections to DMV for final approval.

*Patron - Herring*

**HB478 Local database of citizen reported issues and requests.** Requires every locality to establish a database of citizen-reported issues and requests for information, and the

governmental responses to such citizen inquiries. Such database shall be maintained in a format that allows public access via the Internet.

*Patron - Carrico*

**HB579 Mufflers on motorcycles.** Provides that motorcycles shall use a muffler system in good working order that meets federal standards.

*Patron - Cole*

**HB583 Local restrictions on farm businesses.** Provides that local restriction upon activities and events at farm businesses to market and sell their products shall be reasonable and shall take into account the economic impact on the farm business of such restriction and whether such activities and events are usual and customary for farm businesses throughout the Commonwealth. The bill further provides that no local ordinance regulating noise, other than outdoor amplified music, arising from activities and events at farm businesses shall be more restrictive than that in the general noise ordinance.

*Patron - Landes*

**HB586 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; (iv) using any automated voice or text alert systems used by the locality; or (v) posting at the local public library established pursuant to § 42.1-33, if any. 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 are likely to be informed of the existence and content of the proposed action. The bill contains technical amendments.

*Patron - Landes*

**HB628 Undergrounding of electric transmission lines.** Amends existing provisions related to the undergrounding of certain electric transmission lines to provide that if there is a feasible overhead alternative for construction of a transmission line of 150 kilovolts or more, the State Corporation Commission shall not approve construction of such transmission line as an underground line, unless all the localities in which the line passes request construction of such line underground in accordance with existing procedures.

*Patron - Kilgore*

**HB694 Civil immunity for local government officers, etc.; notarial acts.** Provides that an officer, employee, or volunteer of a local government who is a commissioned notary public and is required to perform notarial acts, without compensation, as a condition of his service with the local government, shall not be liable for civil damages for acts or omissions resulting from the performance of such acts in the absence of

gross negligence or willful misconduct. This bill was incorporated into HB 494.

*Patron - Miller, J.H.*

**HB700 Local grievance procedures.** Allows the local government at its option to permit an observer for each party at the informal first step of the grievance process. The grievant and the local government at their option may also have an observer of their choice at each subsequent step of the process. These persons may observe only and may not participate, interrupt, or act as either party's representative until the final management step, unless otherwise permitted by the locality.

*Patron - Bulova*

**HB766 Legal notices by localities.** Provides that in any instance in which a locality is required to publish a notice in a newspaper having a general circulation in the locality, and the locality in good faith attempts to have such notice published, a failure by the publisher of the newspaper to properly publish such notice shall not invalidate any action of the locality if the locality has also published such on the locality's website for the period required by law.

*Patron - Lewis*

**HB811 Board of zoning appeals; review of decision.** Clarifies that a board of zoning appeals is not a party to any case in circuit court reviewing a decision by the board. The bill also provides that a writ of certiorari granted by a circuit court to review a board's decision shall be served on the secretary or chairman of the board instead of on the relator's attorney. The bill also provides that costs cannot be allowed against the board, but only against the locality. This bill was incorporated into HB 1063.

*Patron - Abbott*

**HB846 Southwest Regional Recreation Authority; civil penalties.** Creates the Southwest Regional Recreation Authority Fund. Civil penalties collected by the Southwest Regional Recreation Authority will be paid into this fund, to be used solely for the purposes of administration and enforcement of the rules promulgated by the board of the Authority. This bill further allows any locality within the Southwest Regional Recreation Area to allocate a specified portion of civil penalties paid for violations of local ordinances to the Southwest Regional Recreation Authority Fund.

*Patron - Morefield*

**HB851 Buchanan County Public Service Authority.** Provides that the board of the Buchanan County Public Service Authority shall consist of nine members. This legislation is retroactive to January 1, 1985, and ratifies all actions taken by the Buchanan County Public Service Authority Board since January 1, 1985.

*Patron - Morefield*

**HB852 Southwest Regional Recreation Authority.** Grants the board of the Southwest Regional Recreation Authority the power to establish a ranger police division and appoint rangers who may exercise the powers and duties conferred by law upon local police officers.

*Patron - Morefield*

**HB870 Concealed handgun permit applications; fingerprints.** Removes the option for a locality to require that an applicant for a concealed handgun permit submit fingerprints as part of the application.

*Patron - Cline*

**HB879 Control of firearms; libraries.** Provides that a locality may adopt an ordinance that prohibits firearms, ammunition, or components or combination thereof in libraries owned or operated by the locality.

*Patron - BaCote*

**HB880 Derelict Buildings.** Expands the definition of derelict buildings to include residential or nonresidential buildings or structures that have not been completed and approved for use or occupancy, and for which the construction permit has been revoked in accordance with the Uniform Statewide Building Code (§ 36-97 et seq.). This legislation also expands the definition of blighted property to include any structure for which a construction permit was not obtained or for which the construction permit has been revoked in accordance with the Uniform Statewide Building Code (§ 36-97 et seq.).

*Patron - BaCote*

**HB887 Land use adjacent to certain jet bases.** Removes localities that have auxiliary landing fields for a United States Navy Master Jet Base from existing provisions that require such localities to adopt zoning ordinances that require the governing body to follow Navy Air Installation Compatible Use Zone guidelines in deciding certain discretionary land use applications as well as undertake other actions related to land use in areas surrounding such jet base.

*Patron - Barlow*

**HB894 Disposal of solid waste fees; Isle of Wight and Southampton County.** Allows Isle of Wight County and Southampton County to levy fees upon each household for disposal of solid waste as long as said fee does not exceed the fees paid by the county to the Southeastern Public Service Authority of Virginia, or its successors or assigns, for disposal of solid waste. Further grants Isle of Wight County and Southampton County the same authority Accomack, Highland, and Wise Counties have regarding such fees.

*Patron - Barlow*

**HB914 Barking dog ordinances; mediation.** Provides that in any ordinance that regulates barking dogs, a locality may include provisions that require parties to use mediation or arbitration as an initial step in resolving a dispute.

*Patron - Bell, Robert B.*

**HB960 Local housing fund.** Provides that any locality may establish by resolution a housing fund, the purpose of which will be to assist for-profit or nonprofit housing developers or organizations to develop or preserve affordable housing for low and moderate income persons.

*Patron - Ingram*

**HB1003 Virginia Regional Industrial Facilities Act.** Provides a method by which a member locality of an authority created under such act may withdraw from the authority with approval from a majority of other members. This bill was incorporated into HB 1206.

*Patron - Nutter*

**HB1062 Decisions of zoning administrator.** Reduces the time in which a zoning administrator shall respond to a request for a decision or determination on zoning matters from 90 days to 60 days and provides that if the zoning administrator fails to respond within the 60-day period, the party seeking the decision or determination may file a writ of mandamus in circuit court to compel a response. The party filing the writ of mandamus shall be entitled to its cost, including reasonable attorney fees.

*Patron - Athey*

**HB1064 Board of zoning appeals; fee.** Provides that the fee for filing an appeal to the board of zoning appeals by a person aggrieved by any decision of the zoning administrator shall not exceed the costs of advertising the appeal for public hearing and shall be refunded to the appellant if the decision is overturned by the board of zoning appeals. This bill was incorporated into HB 1063.

*Patron - Athey*

**HB1098 Coordination of state and local transportation planning.** Provides for coordination of local transportation planning with not only the Virginia Department of Transportation, but the Virginia Department of Rail and Public Transportation as well. This bill was incorporated into HB 808.

*Patron - Sickles*

**HB1208 Fees for attorneys for the Commonwealth in criminal cases.** Increases from \$15 to \$40 the fee that an attorney for the Commonwealth may receive for a felony case, and from \$5 to \$15 the fee that an attorney for the Commonwealth may receive for a misdemeanor case.

*Patron - Albo*

**HB1303 Land use adjacent to certain jet bases.** Removes localities that have auxiliary landing fields for a United States Navy Master Jet Base from existing provisions that require such localities to adopt zoning ordinances that require the governing body to follow Navy Air Installation Compatible Use Zone guidelines in deciding certain discretionary land use applications as well as undertake other actions related to land use in areas surrounding such jet base.

*Patron - Tyler*

**HB1321 Statewide Fire Prevention Code; localities' regulation of open burning.** Clarifies the potential conflict currently found in the law of the Commonwealth by granting localities the authority to enforce the Fire Prevention Code.

*Patron - McQuinn*

**HB1327 Bristol Virginia Utilities Authority.** Creates an authority and converts Bristol Virginia Utilities into that authority, to be known as the BVU Authority.

*Patron - Kilgore*

**HB1351 Virginia Indoor Clean Air Act; smoking in public buildings prohibited; penalty.** Prohibits smoking in any building owned or leased by the Commonwealth or any agency thereof or any locality. The bill contains numerous technical amendments.

*Patron - Hope*

**SB19 Disposal of solid waste fees; Isle of Wight and Southampton County.** Allows Isle of Wight County and Southampton County to levy fees upon each household for disposal of solid waste as long as said fee does not exceed the fees paid by the county to the Southeastern Public Service Authority of Virginia, or its successors or assigns, for disposal of solid waste. Further grants Isle of Wight County and Southampton County the same authority Accomack, Highland, and Wise Counties have regarding such fees. This bill incorporates SB 278.

*Patron - Lucas*

**SB120 Civil penalties for violations of noise ordinance.** Authorizes the governing body of a locality to adopt civil penalties for violations of noise ordinances. This bill was incorporated into SB 246.

*Patron - Petersen*

**SB123 Single lot development; stormwater management.** Requires the developer of a single lot to provide stormwater management where substantial redevelopment of the lot is proposed. Defines "substantial redevelopment" as land-disturbing activities that occur on more than 15 percent of the square footage of any single lot.

*Patron - Petersen*

**SB198 Aboveground liquid fertilizer storage tanks.** Requires localities in which an aboveground liquid fertilizer storage tank (ALFST) with a capacity of 100,000 gallons or more is located to adopt an ordinance that regulates the installation, operation, retrofitting, maintenance, repair, abandonment, and removal of such tanks. The locality is authorized to establish a fee schedule for registration of these tanks. The ordinance would require the owner or operator of the tank to develop a discharge contingency plan that ensures a discharge from any regulated tank will be properly contained, mitigated, and cleaned up. While the bill provides a framework for the ordinance, it allows the locality to enact an ordinance that is more restrictive or more extensive in scope than is required by the Code.

*Patron - Blevins*

**SB268 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*

**SB271 Board of equalization; County manager plan of government.** Authorizes the board of supervisors of localities with a county manager plan of government to appoint a board of equalization of Real Estate Assessments composed of no more than 11 members. The board of equalization may sit in panels of at least three members each, and each panel shall perform its duties independently of the others. This legislation also makes technical changes to the Code.

*Patron - Whipple*

**SB278 Disposal of solid waste fees; Isle of Wight and Southampton County.** Allows Isle of Wight County and Southampton County to levy fees upon each household for disposal of solid waste as long as said fee does not exceed the fees paid by the county to the Southeastern Public Service Authority of Virginia, or its successors or assigns, for disposal of solid waste. Further grants Isle of Wight County and Southampton County the same authority Accomack, Highland, and Wise Counties have regarding such fees. This bill was incorporated into SB 19.

*Patron - Quayle*

**SB348 Local restrictions on farm businesses.** Provides that local restriction upon activities and events at farm businesses to market and sell their products shall be reasonable and shall take into account the economic impact on the farm business of such restriction and whether such activities and events are usual and customary for farm businesses throughout the Commonwealth. The bill further provides that no local ordinance regulating noise, other than outdoor amplified music, arising from activities and events at farm businesses shall be more restrictive than that in the general noise ordinance.

*Patron - Hanger*



**SB364 Public schools; financing.** Creates the Virginia School Construction Revolving Fund for financing elementary, secondary, or vocational education school projects.

*Patron - Barker*

**SB369 Buchanan County Public Service Authority.** Provides that the board of the Buchanan County Public Service Authority shall consist of nine members. This legislation is retroactive to January 1, 1985, and ratifies all actions taken by the Buchanan County Public Service Authority Board since January 1, 1985.

*Patron - Puckett*

**SB380 Southwest Regional Recreation Authority.** Grants the board of the Southwest Regional Recreation Authority the power to establish a ranger police division and appoint rangers who may exercise the powers and duties conferred by law upon local police officers.

*Patron - Puckett*

**SB402 Local governments; adoption of ordinances prohibiting delivery of unsolicited newspapers.** Authorizes any locality to adopt an ordinance making it unlawful to deliver unsolicited newspapers on private property if (i) such delivery poses a safety or health hazard to the residence and (ii) the owner of the private property has notified the publisher or distributor of the newspaper in writing to cease delivery.

*Patron - Petersen*

**SB451 Local government employee insurance programs.** Authorizes any locality to include in group life, accident, and health insurance programs offered to its officers and employees, and to employees of the locality's boards, commissions, agencies, and authorities, any person to whom coverage could be extended under the provision of the Code that sets out who may be covered under a private group accident and sickness insurance policy.

*Patron - Whipple*

**SB510 New River Valley Emergency Communications Regional Authority.** Authorizes the Towns of Blacksburg and Christiansburg, the County of Montgomery, and Virginia Tech to create the New River Valley Emergency Communications Regional Authority. The purposes of such Authority shall be to develop a consolidated system for the receipt and response of 9-1-1 emergency calls and communications that will improve response time, quality of service, and coordination of available resources for the citizens of the effected localities. This bill was incorporated into SB 433.

*Patron - Smith*

**SB531 Fees for attorneys for the Commonwealth in criminal cases.** Increases from \$15 to \$40 the fee that an attorney for the Commonwealth may receive for a felony case, and from \$5 to \$15 the fee that an attorney for the Commonwealth may receive for a misdemeanor case. The bill also increases court costs for certain persons convicted of misdemeanors or felonies.

*Patron - McDougale*

**SB636 Zoning; transfer of development rights.** Allows any county with the urban county executive form of government to provide in its zoning ordinances for the dedication of density or other rights to develop real property, as defined by the county, from one or more parcels of property located in the county that are not the subject of a development application to one or more parcels of property located elsewhere in the county that are the subject of a development appli-

cation. Currently, Fairfax County is the only county with the county manager plan of government.

*Patron - Ticer*

**SB640 Cash proffer guidelines.** Provides that no locality shall establish any rate policy or guideline regarding the amount and timing of the payment of cash proffers to such locality unless such rate policy or guideline is established by ordinance.

*Patron - Martin*

**SB699 Route 28 transportation improvement district.** Allows a county to initiate a change in zoning upon a property within such district in order to bring such property into conformance with the county's current comprehensive plan.

*Patron - Vogel*

## Carried Over

**HB494 Civil immunity for local government officers, etc.; notarial acts.** Provides that an officer, employee, or volunteer of a local government who is a commissioned notary public and is required to perform notarial acts for actions of the locality, without compensation, as a condition of his service with the local government, shall not be liable for civil damages for acts or omissions resulting from the performance of such act provided that such acts do not constitute gross negligence or willful misconduct. This bill incorporates HB 694.

*Patron - Lingamfelter*

**HB573 Public nuisances.** Provides that a locality may define public nuisance to include activity or conduct that causes annoyance, inconvenience, or interference with the comfort, health, or safety of the public.

*Patron - Cole*

**HB790 Removal of defacement from structures.** Expands the ability of localities to charge the owners of occupied property the actual cost of defacement removal when the locality, after notice, removes such defacement from a structure. Currently, such provisions apply to unoccupied property only.

*Patron - Villanueva*

**HB808 Coordination of state and local transportation planning.** Provides for coordination of local transportation planning with not only the Virginia Department of Transportation, but the Virginia Department of Rail and Public Transportation as well. This bill incorporates HB 1098.

*Patron - Watts*

**HB971 Transportation funding and administration.** Provides additional funding for transportation by (i) imposing a transportation infrastructure users fee on motor fuels sold by a distributor to a retail dealer at the rate of one percent, to be used for highway maintenance in the highway construction district in which the fuel is sold; (ii) increasing the state sales and tax in Northern Virginia by 0.5 percent for transportation projects in Northern Virginia; and (iii) imposing a regional congestion relief fee on the recordation of deeds in Northern Virginia at a rate of \$0.40 per \$100. Neither the fees nor the tax increase shall become effective until the unemployment rate in the Commonwealth is equal to or lower than it was in January 2008 for six consecutive months. The bill also requires a performance audit of the Commonwealth's transportation programs.

*Patron - Rust*

**HB987 Regulation of stormwater.** Amends current law by removing the requirement that waivers given to federal, state, or local government agencies that develop, redevelop or retrofit outfalls, discharges or property so that there is a permanent reduction in postdevelopment stormwater flow and pollutant loading be full waivers. The amount of the waiver to such agencies shall be equal to the product of the fee that would be charged to the agency multiplied by the percentage of the stormwater runoff captured by the agency's storm drainage or stormwater control facilities.

*Patron - Jones*

**HB1013 Virginia Infrastructure in Urban Development Areas Loan Fund.** Creates the Virginia Infrastructure in Urban Development Areas Loan Fund. The Fund would be administered by the Virginia Resources Authority. Money in the Fund would be used exclusively for the financing of transportation improvement projects, small water facility, and wastewater treatment facility projects located or to be located within an urban development area in the Commonwealth and undertaken by a local government. Priority for loans would be given to projects that will serve two or more local governments to encourage regional cooperation.

*Patron - Athey*

**HB1020 Loitering in public places.** Provides that any locality may by ordinance prohibit congregating or loitering in, upon or around any public place for the purposes of solicitation for work.

*Patron - Hugo*

**HB1177 Southwest Regional Recreation Authority.** Grants the board of the Southwest Regional Recreation Authority the power to establish a ranger police division and appoint rangers who may exercise the powers and duties conferred by law upon local police officers.

*Patron - Phillips*

**SB401 Urban county executive form of government; use of county tax revenue for secondary road improvements.** Provides that Fairfax County (described by optional form of county government) may by ordinance for any fiscal year choose to retain its portion of the retail sales and use tax that is otherwise remitted to the Commonwealth for transportation purposes. The director of finance shall have such funds held in escrow by the county for purposes of secondary road improvements.

*Patron - Petersen*

**SB418 Virginia Infrastructure in Urban Development Areas Loan Fund.** Creates the Virginia Infrastructure in Urban Development Areas Loan Fund. The Fund would be administered by the Virginia Resources Authority. Money in the Fund would be used exclusively for the financing of road, small water facility, and wastewater treatment facility projects located or to be located within an urban development area in the Commonwealth and undertaken by a local government. Priority for loans would be given to projects that will serve two or more local governments to encourage regional cooperation.

*Patron - Vogel*

**SB550 Coordination of state and local transportation planning.** Provides for coordination of local transportation planning with not only the Virginia Department of Transportation, but the Virginia Department of Rail and Public Transportation as well.

*Patron - Barker*

**SB551 Local rezoning actions.** Provides for more limited review by VDOT when a property being considered for rezoning has already been subject to a VDOT review in connection with development of a local comprehensive plan.

*Patron - Barker*

**SB571 Zoning; transfer of development rights.** Allows any county with the urban county executive form of government to provide in its zoning ordinances for the dedication of density or other rights to develop real property, as defined by the county, from one or more parcels of property located in the county that are not the subject of a development application to one or more parcels of property located elsewhere in the county that are the subject of a development application. Currently, Fairfax County is the only county with the urban county executive form of government.

*Patron - Ticer*

**SB609 Carbon monoxide detectors.** Authorizes any locality to enact an ordinance requiring the installation of carbon monoxide alarms in (i) any building containing one or more dwelling units; (ii) any hotel or motel regularly used, offered for, or intended to be used to provide overnight sleeping accommodations; and (iii) any rooming house regularly used, offered for, or intended to be used to provide overnight sleeping accommodations, provided such buildings contain dwelling units that have an attached garage or carport or are serviced by fuel-fired appliances.

*Patron - Edwards*

**SB650 Regulation of stormwater.** Amends current law by removing the requirement that waivers given to federal, state, or local government agencies that develop, redevelop or retrofit outfalls, discharges or property so that there is a permanent reduction in postdevelopment stormwater flow and pollutant loading be full waivers. The amount of the waiver to such agencies shall be equal to the product of the fee that would be charged to the agency multiplied by the percentage of the stormwater runoff captured by the agency's storm drainage or stormwater control facilities.

*Patron - Quayle*

## Courts Not of Record

### Passed

**P HB99 Appeal bonds; unlawful detainer; indigents.** Adds unlawful detainer cases against a former owner based upon a foreclosure against that owner to the list of actions for which an indigent must post an appeal bond. In cases of unlawful detainer against a former owner based upon a foreclosure against that owner, a person who has been determined to be indigent shall post an appeal bond within 30 days from the date of judgment.

*Patron - Loupassi*

**P HB107 Adult students under the jurisdiction of the juvenile and domestic relations district court; notification to schools.** Provides that the same notification that is given to the superintendents of school divisions for juveniles must be given when students who are 18 years of age or older are charged with certain crimes and are subject to the jurisdiction of the juvenile and domestic relations district court. The bill makes a similar change for providing notification when such

students are committed to a Department of Juvenile Justice facility.

*Patron - Cole*

**HB283 Electronic filing of civil actions.** Provides that the general district courts shall accept case data in an electronic format for any civil action filed. The use of the electronic transfer shall be at the option of the plaintiff or the plaintiff's attorney, and if electronic transfer is utilized, the plaintiff or the plaintiff's attorney shall comply with the security and data configuration standards established by the Office of the Executive Secretary of the Supreme Court.

*Patron - Albo*

**HB572 District court; acting chief judge.** Provides a procedure for the assumption of the duties of a chief judge of a district court and notification of other judges in the event the chief judge is unable to perform his duties. This bill is a recommendation of the Judicial Council. This bill is identical to SB146.

*Patron - Iaquinto*

**HB618 Constitutionality of local ordinances.** Permits a locality to obtain a determination by the circuit court as to the constitutionality of a local ordinance that has been held to be unconstitutional in a court not of record. Currently, only the Commonwealth is able to obtain such a determination. This bill is identical to SB 521.

*Patron - Pogge*

**HB862 Punishment of a juvenile for possession, etc., of alcohol.** Provides that a juvenile charged with possession, consumption, etc., of alcohol or public intoxication may be found delinquent of such a charge and punished, have his case deferred and upon completion of the terms and conditions of his probation, or have his case dismissed by the juvenile and domestic relations district court. Current law provides that the case shall be deferred and shall be dismissed upon completion of terms and conditions.

*Patron - Cline*

**HB863 Delinquent children; loss of driving privileges.** Eliminates the authority of the court to give a restricted driver's permit, for travel to and from home and school when school-provided transportation is available, to a child who has lost his driving privilege for certain offenses, including alcohol, firearm, and truancy offenses.

*Patron - Cline*

**HB908 Punishment for delinquent acts.** Provides that for a second or subsequent offense of underage possession of alcohol, public intoxication, or possession of a handgun or streetsweeper shotgun, the charges against a juvenile shall not be dismissed upon completion of terms and conditions, but must be disposed of according to § 16.1-278.8, which allows multiple dispositional options.

*Patron - Bell, Robert B.*

**HB918 Exception to confidentiality of juvenile records; fugitives and escapees.** Allows for the release of identifying information of a juvenile who is charged with or convicted of any misdemeanor or felony and is a fugitive from justice or an escapee. Currently, only juveniles charged with or convicted of certain serious offenses (e.g., murder, rape, robbery) may have identifying information released once they become a fugitive or escapee.

*Patron - Bell, Robert B.*

**HB930 Extension of protective orders.** Allows a petitioner who has obtained a protective order under § 16.1-

279.1 (cases of family abuse) or § 19.2-152.10 (stalking) to obtain an extension of such order for a period of no more than two years if the respondent continues to pose a threat to the health or safety of the petitioner and the petitioner's family and household members. There is no limit on the number of extensions that may be requested. This bill is identical to SB 468.

*Patron - Bell, Robert B.*

**HB931 Protective orders; coordination with other states.** Requires the Executive Secretary of the Supreme Court, on an annual basis, to consult with the appropriate judicial authorities of adjacent states, and allows the Executive Secretary to consult with the appropriate judicial authorities of any other state, concerning the forms used in connection with the issuance of protective orders under the laws of the Commonwealth and the other states. The Executive Secretary shall, to the extent feasible under the laws of the Commonwealth, coordinate the contents of such protective order forms with other states in order to facilitate the enforcement of foreign protective orders in the Commonwealth and the enforcement of Virginia protective orders in other states. This bill is identical to SB 467.

*Patron - Bell, Robert B.*

**HB1121 Juvenile records; gang information; exceptions to confidentiality.** Places an affirmative duty on the Department of Juvenile Justice to provide information to law-enforcement that may aid in initiating or furthering an investigation of a criminal street gang. The bill also requires, rather than allows, the Department or locally operated court services unit to release to law enforcement information on a juvenile's criminal street gang involvement and the criminal street gang-related activity of others. The Department is prohibited from releasing information on a juvenile who is not affiliated with a gang unless the information relates to a specific crime. The Department is required to provide information to the Organized Criminal Gang File maintained by the State Police. The bill incorporates HB 254 and HB 255. This bill is identical to SB 486.

*Patron - Gilbert*

**SB146 District court; acting chief judge.** Provides a procedure for the assumption of the duties of a chief judge of a district court and notification of other judges in the event the chief judge is unable to perform his duties. This bill is a recommendation of the Judicial Council. This bill is identical to HB 572.

*Patron - Puller*

**SB259 Detention of transferred or certified juveniles.** Provides that a juvenile whose criminal case has been transferred to circuit court or certified be placed in a juvenile secure facility unless the court determines that he is a threat to the security or safety of the other juveniles detained or the staff of the facility, in which case he may be moved to an adult facility.

*Patron - Lucas*

**SB467 Protective orders; coordination with other states.** Requires the Executive Secretary of the Supreme Court, on an annual basis, to consult with the appropriate judicial authorities of adjacent states, and allows the Executive Secretary to consult with the appropriate judicial authorities of any other state, concerning the forms used in connection with the issuance of protective orders under the laws of the Commonwealth and the other states. The Executive Secretary shall, to the extent feasible under the laws of the Commonwealth, coordinate the contents of such protective order forms with other states in order to facilitate the enforcement of foreign protective orders in the Commonwealth and the enforcement of Vir-

ginia protective orders in other states. This bill is identical to HB 931.

*Patron - Howell*

**[F]SB468 Extension of protective orders.** Allows a petitioner who has obtained a protective order under § 16.1-279.1 (cases of family abuse) or § 19.2-152.10 (stalking) to obtain an extension of such order for a period of two years. There is no limit on the number of extensions that may be requested. This bill is identical to HB 930.

*Patron - Howell*

**[F]SB486 Juvenile records; gang information; exceptions to confidentiality.** Places an affirmative duty on the Department of Juvenile Justice to provide information to law enforcement that may aid in initiating or furthering an investigation of a criminal street gang. The bill also requires, rather than allows, the Department or locally operated court services unit to release to law-enforcement information on a juvenile's criminal street gang involvement and the criminal street gang-related activity of others. The Department is prohibited from releasing information on a juvenile who is not affiliated with a gang unless the information relates to a specific crime. This bill is identical to HB 1121.

*Patron - Hurt*

**[F]SB521 Constitutionality of local ordinances.** Permits a locality to obtain a determination by the circuit court as to the constitutionality of a local ordinance that has been held to be unconstitutional in a court not of record. Currently, only the Commonwealth is able to obtain such a determination. This bill is identical to HB 618.

*Patron - Norment*

**[F]SB591 Detention of juveniles in secure facility; possession of certain firearms by juveniles.** Clarifies that a juvenile may be detained prior to final disposition in a secure facility if the juvenile is alleged to have violated § 18.2-308.7 (possession or transportation of a handgun or assault weapon by a person under the age of 18). Current law provides for such detention only when the juvenile is alleged to have committed an offense that would be a crime if he were an adult.

*Patron - Marsden*

**[F]SB620 Additional fee for Internet Crimes Against Children task forces.** Creates the Internet Crimes Against Children Fund to be funded by a \$10 additional fee on each felony and misdemeanor conviction and any appropriations, gifts and grants. Moneys in the Fund will be disbursed to designated entities to support the investigation and prosecution of Internet crimes against children.

*Patron - Deeds*

## Failed

**[F]HB254 Juvenile records; confidentiality.** Allows the Department of Juvenile Justice to share with law enforcement the information of a juvenile, without request, if it would aid in a criminal investigation involving a predicate criminal act or a criminal street gang. 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. This bill has been incorporated into HB 1121. This bill incorporates HB 255.

*Patron - Miller; P.J.*

**[F]HB569 Transfer of certain juvenile felonies.** Adds the specific felony offenses of "committing, conspiring, or aiding and abetting an act of terrorism in violation of § 18.2-46.5, or possession, manufacture, or distribution of a weapon of terrorism or hoax device in violation of § 18.2-46.6" to the provisions of the transfer statute requiring a preliminary hearing upon notice by the attorney for the Commonwealth and certification to the circuit court upon a finding of probable cause by the J&DR court, for purposes of the transfer of a juvenile age 14 or older to circuit court upon a felony charge. Current law allows for discretionary transfer by the J&DR court for these crimes on motion for transfer by the attorney for the Commonwealth because they are not specifically enumerated as crimes subject to the Commonwealth attorney notice provision.

*Patron - Iaquinto*

**[F]HB911 Transfers of juveniles to circuit court; ancillary charges.** Clarifies that if a case against a juvenile 14 years of age or older for an offense that would be a felony if committed by an adult is transferred from the juvenile and domestic relations district court to the circuit court, all ancillary charges to that offense, even though they may not be felonies, are likewise transferred.

*Patron - Bell, Robert B.*

**[F]HB1120 Offenses for which a juvenile is subject to transfer and trial as an adult.** Provides that a juvenile age 14 or older shall, without more, be subject to a preliminary hearing in juvenile court, and transfer to a circuit court for trial as an adult if he is charged with any offense defined an act of violence in § 19.2-297.1, and has been previously adjudicated delinquent for such an offense. The bill also provides that a juvenile court shall conduct a preliminary hearing upon notice by the attorney for the Commonwealth to the court and parties when a juvenile 14 years of age or older is charged with gang participation in violation of § 18.2-46.2. The bill also provides that a juvenile court shall conduct a preliminary hearing upon notice by the attorney for the Commonwealth to the court and parties whenever a juvenile 14 years of age or older is charged with manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give or distribute a controlled substance or an imitation controlled substance in violation of § 18.2-248, manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute methamphetamine in violation of § 18.2-248.03, felonious selling, giving, distributing or possessing with intent to distribute marijuana in violation of § 18.2-248.1, or possessing with intent to manufacture, sell, give, or distribute anabolic steroids in violation of § 18.2-248.5, if the juvenile has been previously adjudicated delinquent of any such offense.

*Patron - Gilbert*

**[F]SB98 Preliminary removal order hearings.** Provides that a court shall not accept any waiver by a parent, guardian, legal custodian, or other person standing in loco parentis of a child alleged to have been abused or neglected of his right to participate in a full evidentiary hearing or an adjudicatory hearing unless the court first ascertains, by oral examination, that such waiver is voluntary and intelligently made. If the court makes such ascertainment, it shall provide such parent, guardian, legal custodian, or other person with a statement to be executed by him in court and under oath to document his waiver. The statement shall be in a form designed and provided by the Supreme Court.

*Patron - Quayle*

**[F]SB157 Preliminary removal orders.** Requires preliminary removal orders to specify the frequency, location, and duration of the visitation allowed between the child and his

parents and to further state who is responsible for providing transportation of the child or parents, or both, to and from the visits.

*Patron - Edwards*

**[F]SB329 Court fees.** Increases the court fees in both district and circuit court from (i) \$27 to \$75 in a district court civil action and (ii) the current scale of \$60-\$160 to \$500-\$1,000 in civil actions in circuit court. The fee increases under this bill in district court are allocated to the sheriffs' departments, and the increases in circuit court are split between the sheriffs' (85%) and the commonwealth attorneys' (15%) offices to be used exclusively for achieving the current staffing standards of the two constitutional offices. The \$10 fee for the Courts Technology Fund is removed from civil cases. The Fund still receives fees applicable to other filings in the circuit and appellate courts.

*Patron - Stuart*

**[F]SB436 Appeals of emergency protective and removal orders.** Provides that a party shall file in circuit court, which shall hear and determine, any petition for a preliminary protective/removal order if (i) the party previously filed in juvenile and domestic relations district court a petition for an emergency protective/removal order; (ii) the juvenile and domestic relations district court issued such order for the emergency protection/removal of a child; (iii) a timely appeal of the order was filed by the parent, guardian, legal custodian, or other person standing in loco parentis of the child; (iv) the circuit court set a hearing on the appeal for a date certain or on a motions docket to be heard within five days of the entry of the emergency protective/removal order; and (v) the purpose for which the party seeks a petition for a preliminary protective/removal order is for the protection/removal of the same child. The juvenile and domestic relations district courts shall be divested of the right to enter any preliminary protective/removal order that involves the same child if all of the conditions set forth in clauses (i) through (v) exist.

*Patron - Edwards*

**[F]SB489 Juvenile court; interlocutory appeals by Commonwealth.** Allows the Commonwealth to appeal a juvenile court suppression ruling to circuit court and the Court of Appeals. Upon the motion of the Commonwealth the juvenile court must stay the proceedings and issue a written statement of its findings of law and relevant facts in support of its suppression ruling and submit the case to the circuit court for a de novo hearing. The hearing has priority on the circuit court's docket and if it upholds the suppression ruling, the Commonwealth may appeal to the Court of Appeals. The bill applies in preliminary hearings, transfer hearings and trials in juvenile court where the offense would be a felony if committed by an adult and to rulings prohibiting the use of certain evidence on the grounds that the evidence was obtained in violation of the provisions of the Fourth, Fifth or Sixth Amendments to the Constitution of the United States or Article I, Section 8, 10 or 11 of the Constitution of Virginia prohibiting illegal searches and seizures and protecting rights against self-incrimination. The bill also allows the time limitations on secure detention to be extended for the Commonwealth's appeal and provides that written court decisions of the Court of Appeals shall not contain the first or last name of the juvenile.

*Patron - Hurt*

**[F]SB579 Detention.** Allows a juvenile to be moved to a less restrictive placement when, in the judgment of the custodian, the move is warranted or earned by the juvenile unless the court has specifically ordered that no such transfer shall be allowed of that juvenile.

*Patron - Marsden*

**[F]SB586 Crimes by juveniles; notice given to schools.** Amends section that requires a juvenile intake officer to report to the superintendent of the school division where the juvenile attends school if a petition is filed alleging that a juvenile has committed certain offenses to make it clear which offenses require such notification.

*Patron - Marsden*

**[F]SB587 Retention of jurisdiction by juvenile and domestic relations district courts.** Provides that a juvenile and domestic relations district court retains jurisdiction over a juvenile even if the juvenile is in the custody of the Department of Juvenile Justice. Currently, the court does not retain jurisdiction over a juvenile in the custody of the Department.

*Patron - Marsden*

**[F]SB651 Courts not of record; jurisdiction of small claims court.** Increases from \$5,000 to \$10,000 the ceiling of the jurisdictional amount of a small claims court.

*Patron - Quayle*

**[F]SB719 Appeals from courts not of record in civil cases.** Provides that the minimum amount in controversy in a civil case for which there shall be an appeal of right to a court of record shall be annually adjusted by a percentage equal to the annual rate of inflation, as calculated by referring to the Consumer Price Index for all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor. Currently, there shall be an appeal of right to a court of record from any order entered or judgment rendered in a court not of record in a civil case in which the matter in controversy is of greater value than \$50.

*Patron - Norment*

## Carried Over

**[C]HB164 Protective orders; GPS devices.** Authorizes a judicial officer to require that a protective order respondent be subject to GPS monitoring.

*Patron - Pogge*

**[C]HB285 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.*

**[C]HB453 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 - Herring*

**[C]HB748 Termination of parental rights; juvenile court as court of record.** Provides that final orders involving the termination of parental rights and the approval of permanency plans with the goal of adoption entered by the juvenile and domestic relations district court are appealed directly to the Court of Appeals. The bill further establishes that the juvenile court functions as a court of record in such cases.

*Patron - Toscano*

**HB822 Petitions for child support, custody, or visitation.** Clarifies that issues of support, custody, and visitation for a child may be included in a single petition in juvenile and domestic relations district court, and that such issues may be included in a single petition involving two or more children if such children have the same parents or legal guardians.

*Patron - Surovell*

**HB1156 Protective orders; minor may petition.** Clarifies that a minor may petition for a protective order with or without the consent of a parent, legal guardian, or other person standing in loco parentis to the minor and who has care and control of the minor. The minor may participate in the court proceedings on his own behalf and a court shall appoint a guardian ad litem for the minor.

*Patron - Oder*

**HB1259 Criminal records maintained by the clerk of the court; social security numbers.** Provides that the clerk of each district court shall ensure that all nonconfidential court records regarding a person's conviction for a criminal offense or a traffic infraction shall contain the last four digits of the person's social security number. The clerk of each circuit court must also comply with the requirement for such records that are made available via remote access.

*Patron - Abbott*

**SB177 Juvenile court docket; family assault.** Requires cases of assault and battery against a family or household member to be advanced on the docket and heard within 30 days of arrest or service of a summons or as soon thereafter as practicable.

*Patron - McDougle*

**SB205 Courts not of record; circuit court hearing; termination of juvenile court jurisdiction; objections and appeals.** Provides in certain violent felony cases for a juvenile's right to appeal to the circuit court, the attorney for the Commonwealth's decision to certify that the juvenile's case be transferred to the circuit court for trial as an adult. If the juvenile appeals the decision to transfer, the circuit court will conduct a hearing on the merits, using factors currently used by the Juvenile and Domestic Relations District Court for transfer decisions.

*Patron - Edwards*

**SB389 Offenses for which a juvenile is subject to transfer and trial as an adult.** Provides that a juvenile age 14 or older shall, without more, be subject to a preliminary hearing in juvenile court, and transfer to a circuit court for trial as an adult if he is charged with any offense defined an act of violence in § 19.2-297.1, and has been previously adjudicated delinquent for such an offense. The bill also provides that a juvenile court shall conduct a preliminary hearing upon notice by the attorney for the Commonwealth to the court and parties when a juvenile 14 years of age or older is charged with gang participation in violation of § 18.2-46.2. The bill also provides that a juvenile court shall conduct a preliminary hearing upon notice by the attorney for the Commonwealth to the court and parties whenever a juvenile 14 years of age or older is charged with manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give or distribute a controlled substance or an imitation controlled substance in violation of § 18.2-248, manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute methamphetamine in violation of § 18.2-248.03, felonious selling, giving, distributing or possessing with intent to distribute marijuana in violation of § 18.2-248.1, or possessing with intent to manufacture, sell, give, or distribute anabolic steroids

in violation of § 18.2-248.5, if the juvenile has been previously adjudicated delinquent of any such offense.

*Patron - McDougle*

## Courts of Record

### Passed

**HB883 Declaration of judicial emergency.** Sets out a procedure for the Supreme Court to follow in entering an order declaring a judicial emergency when there is a disaster as defined in the Commonwealth's Emergency Services and Disaster Law. The judicial emergency order may suspend, toll, extend, or otherwise grant relief from time limits or filing requirements in any court affected by the order and allows designation of a neighboring jurisdiction as proper venue for civil and criminal proceedings. This bill is a recommendation of the Judicial Council. This bill is identical to SB 127.

*Patron - Athey*

**HB974 Technological efficiencies in circuit court clerks' offices; fees.** Makes technical changes in circuit court clerks' handling of electronic or digital filing and their maintenance and support of electronic filing. This bill incorporates HB 90 and HB 825.

*Patron - Kilgore*

**SB127 Declaration of judicial emergency.** Sets out a procedure for the Supreme Court to follow in entering an order declaring a judicial emergency when there is a disaster as defined in the Commonwealth's Emergency Services and Disaster Law. The judicial emergency order may suspend, toll, extend, or otherwise grant relief from time limits or filing requirements in any court affected by the order and allows designation of a neighboring jurisdiction as proper venue for civil and criminal proceedings. This bill is a recommendation of the Judicial Council. This bill is identical to HB 883.

*Patron - Marsh*

**SB409 Duties of the clerk of the circuit court.** Allows the court to order the immediate destruction, donation, or return of evidence where a defendant is found not guilty, and allows the clerk to do the same for cases concluded prior to July 1, 2005, without having to give specific notice, and requires the clerk to escheat all cash funds left over once forfeiture has concluded. The bill relieves the clerk of certifying local officers lists to the Secretary of the Commonwealth, by imposing that requirement on the locality itself, and of maintaining a list or book of local active volunteer fire fighters, by imposing that duty on the state Department of Fire Programs. The bill requires the clerk may reject any writing for recordation that is not specifically required by law to be recorded. The bill also repeals several small monetary forfeitures imposed on the clerk for failure to (i) record certificates of satisfaction as required, and (ii) perform any duty generally. The bill also reduces from \$100 to \$50 a monetary forfeiture imposed on the clerk for failure to provide the Department of Corrections with copies of orders.

*Patron - Vogel*

### Failed

**HB90 Electronic filing in civil or criminal actions.** Allows the clerks of the circuit courts within the Thirtieth Judicial Circuit to establish electronic filing in civil and criminal

actions maintained by a designated application service provider. This bill has been incorporated into HB 974.

*Patron - Kilgore*

**[F]HB240 Judicial Council; Committee on District Courts.** Repeals the statutory provisions establishing these two policy-making bodies within the judicial branch.

*Patron - Janis*

**[F]HB241 Retired judges under temporary recall.** Requires that the General Assembly approve retired judges for service under temporary recall.

*Patron - Janis*

**[F]HB293 Administration of the circuit court system; authority of circuit court judges.** Clarifies that the executive secretary's responsibility as administrator of the circuit court system does not supersede the authority of the circuit court judges over running the court itself (e.g., setting terms of court, dockets, control of the courtroom, etc.).

*Patron - Griffith*

**[F]HB825 Electronic filing in civil or criminal actions.** Allows circuit court clerks to establish electronic filing in civil or criminal actions under the auspices and procedures of the Uniform Electronic Transactions Act. The bill allows fees of up to \$50 for civil cases, up to \$25 for criminal cases, and an annual fee of up to \$100 per user for remote access to the system. The fees are retained locally to cover operational expenses of the system. This bill has been incorporated into HB 974.

*Patron - Surovell*

**[F]HB826 Additional assessment for electronic summons system.** Allows any locality to assess an additional \$3 as part of the costs in each criminal or traffic case in district or circuit court to be used for the implementation and maintenance of an electronic summons system.

*Patron - Surovell*

**[F]HB1196 Executive secretary as administrator of circuit court system.** Allows the Executive Secretary of the Supreme Court to employ staff from state funds specifically appropriated to him for that purpose.

*Patron - Griffith*

**[F]SB124 Electronic summons system; fees.** Allows cities and counties to assess a fee not to exceed \$3 as part of the costs in each criminal or traffic case to be used solely for an electronic summons system. The bill also allows counties and cities operating a combined courthouse that is not in compliance with safety and security guidelines and cannot feasibly be renovated to assess not more than \$3 in court costs for certain cases.

*Patron - Petersen*

**[F]SB190 Publication of notice of judicial retirement.** Requires the Supreme Court or the Committee on District Courts to publish notice of a judge's intention to retire upon receipt of that notice instead of upon certification of the vacancy.

*Patron - Northam*

**[F]SB396 Courthouse assessments.** Allows localities to raise the fee assessed for courthouse construction, renovation, or maintenance above the current authorized amount of \$2 once every two years based upon the percentage increase in the Consumer Price Index.

*Patron - Wagner*

## Carried Over

**[C]HB242 Judicial vacancies.** Removes the requirement that the Committee on District Courts and the Supreme Court certify vacancies in the judiciary prior to the legislature filling those vacancies.

*Patron - Janis*

**[C]HB292 Termination of parental rights; original jurisdiction; circuit court.** Provides that the circuit courts shall have original and general jurisdiction over all cases involving the termination of residual parental rights and eliminates the juvenile and domestic relations district courts' concurrent jurisdiction over such cases.

*Patron - Griffith*

**[C]SB199 Compensation and expenses of clerks of certain circuit courts; Virginia Beach.** Requires the City of Virginia Beach to assume the salaries and expenses of the circuit court clerk's office and allows the City to retain the funds the office collects.

*Patron - Blevins*

**[C]SB258 Funding of circuit court clerks' offices; fees.** Creates a local fee retention funding method for circuit court clerks' offices in which the clerk retains fees locally and pays 20 percent of gross fees to the state to be held by the Compensation Board in a trust fund beginning July 1, 2012. Currently, fees are paid to the state and apportioned by the Compensation Board back to localities. The trust fund created would be used to fund those offices that did not receive enough revenue in fees to maintain operations. The bill also gives the clerk discretion in docketing judgments in favor of the Commonwealth, and removes the prohibition against charging fees for orders of publication; entries on judgments and liens; filing appraisers', special receivers', and commissioners' reports; attested copies of final orders or decrees; and filing lumberman's mark. Finally, the bill requires that attorney fees for collection of moneys due the Commonwealth be paid over and above the moneys collected, not out of the moneys collected.

*Patron - Lucas*

## Crimes and Offenses Generally

### Passed

**[P]HB1 Unsolicited commercial electronic mail (spam); penalty.** Narrows the scope of the existing spam statute to cover only those emails that constitute unsolicited commercial electronic mail (spam). Commercial electronic mail is defined in the bill as electronic mail, the primary purpose of which is the advertisement or promotion of a commercial product or service. Spam is defined as a subset of commercial mail that is unsolicited. The definition of spam excludes emails that are transmitted by a sender to a person with whom the sender has an existing business or personal relationship. Any person who (i) falsifies or forges the transmission or routing information of spam or (ii) knowingly sells, gives, or distributes software designed to facilitate the transmission of spam is guilty of a Class 1 misdemeanor. The penalty for sending spam rises to a Class 6 felony if the person sends a certain volume of spam in a given time period or generates a certain amount of revenue from a spam transmission. This bill corrects a constitutional infirmity identified in the ruling of the Virginia Supreme Court in *Jaynes v. Commonwealth*, 276 Va. 443 (2008). In its opinion the Supreme Court held that Virginia Code § 18.2-152.3:1