

Virginia General Assembly



2010 Session Summary

Virginia General Assembly



2010 Session Summary

Published by the Division of Legislative Services

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Preface

This publication presents a summary of legislation considered by the Virginia General Assembly at the 2010 Session. Bill summaries are arranged by subject areas corresponding to the appropriate titles in the Code of Virginia. Noncodified bills of a substantive nature are also contained under their proper subject headings. Within each heading, the material is further separated into *Passed*, *Failed*, and *Carried Over* categories. (The General Assembly sometimes incorporates provisions from several bills in one substitute bill. Thus a bill may have failed, but all or some of its provisions have been "incorporated" in another bill. The summary for the bill will so note.) Bills affecting more than one title are printed under the dominant subject area of the legislation.

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

The major substantive provisions of each measure are summarized. The appropriate bill number and patron are also noted so that one can obtain further information, if needed. A researcher should refer to the enrolled bill, the appropriate chapter of the 2010 Acts of Assembly, or the Legislative Information System on the Internet (<http://leg1.state.va.us/lis.htm>) for detailed information on legislation.

These summaries reflect actions of the regular session of the 2010 General Assembly through adjournment *sine die* on March 14, 2010. Many of the measures are subject to gubernatorial review and veto. Therefore, some measures may be amended and some may not become law.

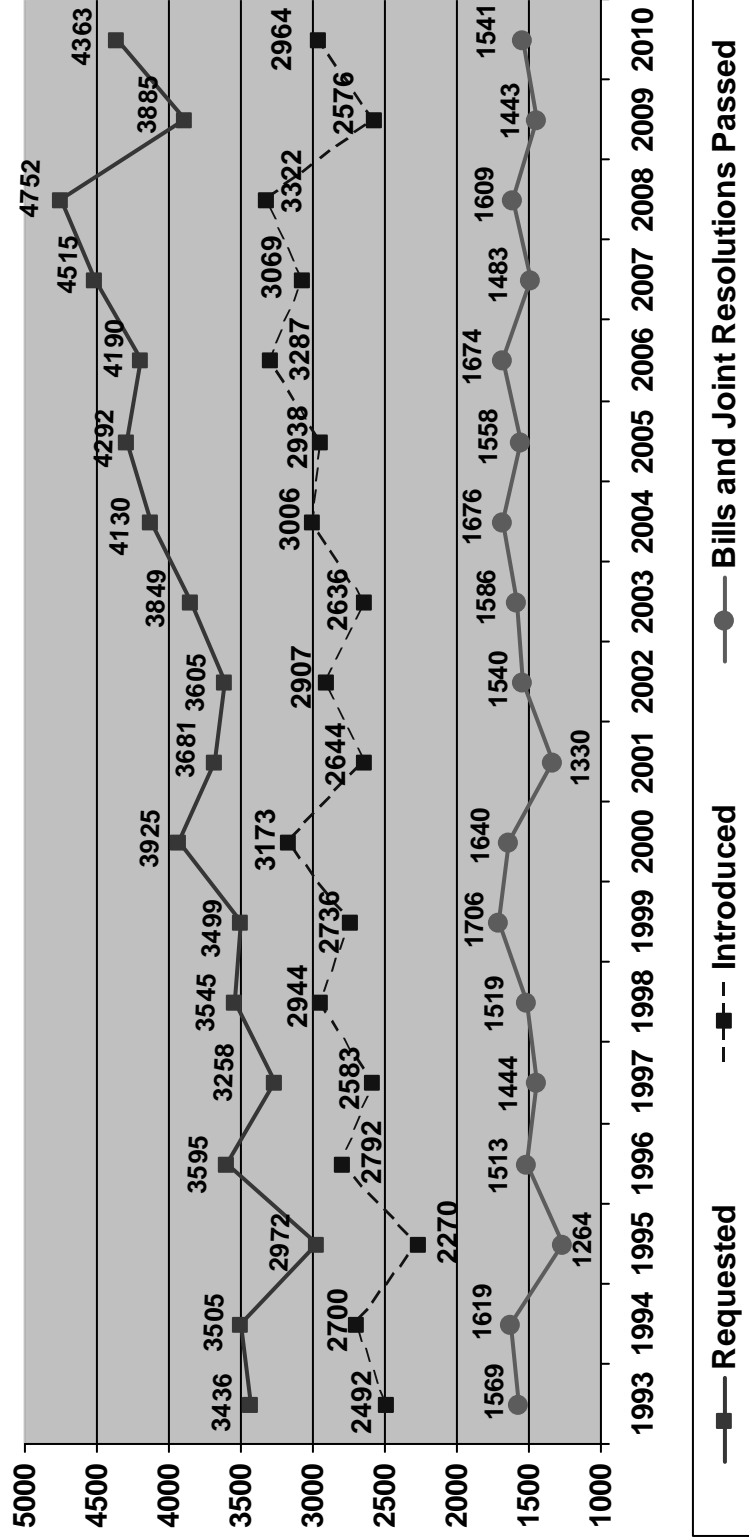
This document represents many hours of work and the concerted efforts of all Division of Legislative Services staff. Stephanie Kerns, Senior Staff Assistant, deserves specific mention for coordinating and producing the document. I hope you will join me in thanking the staff for its dedicated service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

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

2010 SESSION STATISTICS

	Introduced	Continued	Passed	Failed
House Bills	1396	165	543	688
House Joint Resolutions	495	2	428	65
House Resolutions	40	0	37	3
House Total	1931	167	1008	756
<hr/>				
Senate Bills	739	92	328	319
Senate Joint Resolutions	274	14	242	18
Senate Resolutions	20	0	20	0
Senate Total	1033	106	590	337
<hr/>				
General Assembly Total	2964	273	1598	1093

Legislation Requested*, Introduced and Passed *before Deadline (1993-2010)



Session

2010

Highlights

VIRGINIA DIVISION OF LEGISLATIVE SERVICES

ABC

Passed

License exemption for assisted living facilities. The measure allows any licensed assisted living facility to provide alcoholic beverages to residents in dining areas or private rooms. Under current law, no alcoholic beverages are allowed to be kept on the premises where food or refreshments of any kind are furnished for compensation.

Spirits and wine tasting events at government stores. The measure authorizes distilled spirits and farm winery wine tasting events to be conducted at government stores under certain circumstances.

Failed

Privatization of ABC stores. The measure would provide for the auction of "package store" licenses to authorize the retail sale of alcoholic beverages for off-premises consumption. The measure would require the ABC Board to sell or transfer all interest in real property utilized in the wholesale and retail sale of alcoholic beverages.

Animals

Passed

Rabies. The measure revises existing rabies laws and clarifies the responsibilities of the Department of Health, localities, and other entities in preventing and controlling rabies. All dogs and cats over the age of four months must be vaccinated. A rabies certificate will be given to the owners of animals vaccinated and veterinarians will keep a copy of certificates in their files.

Failed

Animal welfare. The measure would prohibit city and county pounds from prohibiting the adoption of a dog or euthanizing a dog based solely on the dog's breed.

Business and Employment

Passed

E-Verify Program. The measure requires Virginia agencies to enroll in the E-Verify Program by December 1, 2012, and to use the program for each newly hired employee who is to perform work within the Commonwealth.

Motor vehicle title loans. The measure establishes requirements for motor vehicle title loans, which are nonpurchase money term loans secured by interest in a motor vehicle. Under the measure, interest cannot exceed 22 percent per month 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. Principal and interest are required to be repaid in equal monthly payments over the term of the loan, which will be between 120 days and one year.

Prepaid electric utility service. The measure authorizes electric cooperatives to install and operate a prepaid metering equipment and system upon a customer's request. The metering system will terminate the customer's electric service immediately and automatically when the customer has incurred charges for electric service equal to the prepaid amount.

Prepaid wireless E-911 charges. The measure establishes the rate and procedures for the collection and remittance of prepaid wireless E-911 charges by dealers of prepaid wireless service in Virginia. There will be a charge of \$0.50 per retail purchase of prepaid wireless services that allow access to the 911 system,

The 2010 Session Highlights summarizes significant legislation considered by the 2010 General Assembly as selected by the staff of the Virginia Division of Legislative Services. The brief overview of the General Assembly Session covers legislative actions through sine die on Sunday, March 14, 2010.

and the dealer is liable for the payment of the charges. These provisions will apply to retail transactions occurring on or after January 1, 2011.

State credit unions. The measure 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.

Failed

Human tracking devices. The measure would provide that it is unlawful for an insurer and employer to require employees, as a condition of employment, to have an identification/tracking device implanted or applied on their body in order to track them.

Constitutional Amendments

Passed

Having passed in the 2009 and 2010 Sessions as required by the Virginia Constitution, the three following constitutional amendments will likely appear on the ballot to be approved by the voters in the November 2010 election.

Property tax exemption for certain veterans. The amendment directs the General Assembly to exempt from taxation the real property that is the principal residence of certain veterans or, at their death, their eligible widowed spouse. The veteran must have had a 100 percent service-connected, permanent, and total disability determination by the U.S. Department of Veterans Affairs.

Property tax exemption for seniors and disabled citizens. The amendment allows the General Assembly to authorize localities to establish their own income or financial worth limitations for purposes of granting property tax relief for homeowners not less than 65 years of age or permanently and totally disabled. The Constitution presently requires that homeowners eligible for property tax relief show that an extraordinary tax burden exists in relation to their income or financial worth.

Revenue Stabilization Fund. The amendment increases the permissible size of the Revenue Stabilization Fund by 50 percent of the Commonwealth's average annual tax revenues derived from income and sales taxes for the preceding three fiscal years.

Courts and Civil Law

Passed

Child and spousal support. The measure allows a court to appoint a vocational expert to conduct an evaluation of a party in cases involving child support, spousal support,

and separate maintenance where the earning capacity, unemployment, or underemployment of a party is in controversy. The court may award costs or fees for the evaluation and the services of the expert at any time during the proceedings.

Extension of protective orders. The measure allows that a petitioner who has obtained a protective order may obtain an extension of the order for a period of no more than one year 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.

Juror photo identification. The measure provides that a potential juror will verify his identity by submitting to the clerk any of the following forms of identification: Commonwealth of Virginia voter registration card; social security card; valid Virginia driver's license or any other valid identification card issued by a government agency; or any valid employee identification card containing a photograph of the juror. If the juror is unable to present one of these forms of identification, he will sign a statement affirming, under penalty of perjury, that he is the named juror.

State Corporation Commission filings. The measure would declare that a person submitting a document that is filed with the clerk of the State Corporation Commission is responsible for ensuring that the information does not contain any personal identifiable information.

Failed

Domestic relations. The measure would provide that in actions filed for spousal support, custody, or visitation or for divorce or separate maintenance the court may draw an adverse inference against any party who refuses to answer a question regarding conduct constituting adultery, sodomy, or fornication on the ground that the testimony might be self-incriminating.

Carried Over

Adverse possession. The measure would abolish adverse possession as a cause of action or a defense if arising on or after July 1, 2010.

Criminal Justice

Passed

Capital murder. The measures add law-enforcement officers and other first responders to the Virginia capital murder statute so that the death sentence can be imposed for the murder of these officers:

- Auxiliary police officers and auxiliary deputy sheriffs are added to the definition of a law-enforcement officer.

- Fire marshals, deputies, and assistant fire marshals with law-enforcement powers and emergency medical services personnel are added to the definition so the death sentence can be imposed when a murder is committed for the purpose of interfering with the performance of these officers' official duties.

Consecutive license suspensions for DUI. The measure provides that any suspension of a driving privilege for DUI will run consecutively with any other court-ordered period of suspension for driving while intoxicated or for underage driving with a blood alcohol concentration of 0.02 percent or more.

Controlled substances reporting. The measure provides that a person authorized to prescribe, dispense, or administer controlled substances who suspects that another person has been in any way deceptive in an attempt to obtain a controlled substance or prescription may report the activity to a local law-enforcement agency for investigation. Any person who, in good faith, furnishes information to a law-enforcement officer or entity will not be liable for civil damages in connection with making the report.

DUI arrest without warrant. The measure provides that an arresting officer at a medical facility may release a person accused of DUI from custody by executing a summons. The law provides that an officer may either arrest or summon the person for a Class 1 or 2 misdemeanor. When a summons is not issued for a person accused of DUI, the officer will bring the person before a judicial officer for a bail hearing. The law allows an arrest to be made for misdemeanor offenses of DUI or "drunk boating," whether or not the offense occurred in the officer's presence.

Electronic records disclosure. The measure authorizes the disclosure of the records of providers of electronic communication service or remote computing services if the court orders disclosure for an investigation of a missing child, senior adult, or an incapacitated person. Under current law the court may order disclosure only if the records are relevant and material to an ongoing criminal investigation.

Human infant. The measure provides that for the purposes of homicide, the fact that the umbilical cord has not been cut or that the placenta remains attached shall not be considered in determining whether a human infant has achieved an independent separate existence.

Failed

Decriminalization of possession of marijuana. The measure would decriminalize simple marijuana possession. The law would not make marijuana possession legal but would create a civil penalty of \$500 for simple possession of marijuana, a penalty equal to the current criminal fine for simple marijuana possession.

Discretion of law-enforcement officers. The measure would give a law-enforcement officer discretion to arrest or to issue a summons to a person in his custody for having committed a Class 1 or 2 misdemeanor.

DUI ignition interlock. The measure would provide that a person who is convicted of driving while intoxicated is required to have an ignition interlock on the first offense as a condition of a restricted license.

Triggerman rule. The measure would redefine the "triggerman rule," which currently provides that only the actual perpetrator of a capital murder is eligible for the death penalty and that accessories and principals in the second degree can be punished only as if guilty of first degree murder.

Carried Over

Child pornography offense by a minor. The measure would provide that a minor, who upon the facts could be found guilty of a first offense of possession, production, publication, or solicitation of child pornography, may have his case deferred and dismissed by the court. The offense is separate and distinct and would not prohibit any prosecution or proceeding under other provisions.

Education

Passed

College Partnership Laboratory Schools. The measure allows for the establishment of college partnership laboratory schools by any public institution of higher education that operates an approved teacher education program.

Establishment of virtual school programs. The measure provides for the establishment of criteria for approving and monitoring multidivision providers of online courses and virtual school programs.

Public charter schools. The measure requires the public charter school applicant to submit its proposed charter application to the Board of Education for its review, comment, and a determination that it meets certain minimum criteria, prior to the submission of the application to a local school board.

Failed

Instructional spending. The measure would require each local school board to allocate 65 percent of its operating budget to instructional spending.

School calendar. The measure would make local school boards responsible for setting the school calendar and determining the opening of the school year and eliminate the post-Labor Day opening requirement and "good cause" scenarios for which the Board of Education may grant waivers of this requirement.

Uniform grading policy. The measure would require the Board of Education to establish a policy to interpret end-of-course grades in a uniform manner across the Commonwealth in grades 6 - 12, but allow for a weighted grading system for advanced placement, honors, and International Baccalaureate classes.

Elections

Passed

Absentee ballots. The measure requires that ballots be prepared and available for absentee voting no later than 45 days before any election rather than 45 days before the November election and 30 days before other elections. The measure also requires preparation of ballots 45 days in advance of special elections for federal office and allows, if necessary, preparation as soon after that deadline as possible for other special elections.

Political contributions. The measure provides that a contract bidder or offeror, or any person or agent acting on behalf of a contract bidder or offeror, who has submitted a bid or proposal for the award of a public contract, pursuant to the Virginia Public Procurement Act and certain public-private partnership acts, with an expected value of \$5 million or more, is prohibited from making a contribution to the Governor or his campaign committee, inaugural committee, or political action committee. The prohibition applies to the period between the submission of the bid and the award of the contract, and a violation carries a civil penalty of up to two times the amount of the contribution.

Voting equipment. The measure would allow localities to acquire direct recording electronic machines (DREs) from another locality's existing inventory of DREs for the express purpose of providing accessible voting equipment as required by law.

Voting equipment requirements. The measure authorizes the local electoral board to exclude absentee voters from the calculation of registered voters used to determine the number of mechanical and electronic voting or counting devices that must be provided in each precinct. The board must send the State Board a statement of the number of voting systems to be used in each precinct, and the State Board may direct the local board to provide more systems.

Failed

Absentee voting. The measure would provide that qualified voters may vote absentee in person without providing an excuse or reason for not being able to vote in person on election day. The measure would retain the present statutory list of specific reasons entitling a voter to cast an absentee ballot for those persons who vote absentee by mail.

Bipartisan Redistricting Commission. The measure would establish a seven-member temporary commission to prepare redistricting plans in 2011 and each tenth year thereafter for the House of Delegates, Senate of Virginia, and congressional districts.

Early voting. The measure would provide that any registered voter qualified to vote in the election may vote in person from 19 to three days before the election at specified times and at the sites provided in the locality.

Extension of polling hours in emergency situations. The measure would provide for a court-ordered extension of polling hours in emergency situations and situations that interfere with the ability of voters to travel to the polls.

State Board of Elections. The measure would increase the size of the State Board from three to five members and provide for a new position of Director of Elections to be hired by the State Board and subject to confirmation by the General Assembly.

Voting hours. The measure would extend the hours that polls close on election day from 7:00 p.m. to 8:00 p.m.

Environment and Natural Resources

Passed

Coalbed methane gas. The measure provides that a conveyance, reservation, or exception of coal does not include coalbed methane gas. Certain exemptions to the presumption are included. The measure contains an emergency clause.

Menhaden harvest cap. The measure continues the annual menhaden harvest quota of 109,020 metric tons for the Virginia portion of the Chesapeake Bay until January 1, 2014.

Stormwater management regulations. The measure delays the regulation that establishes local program criteria and delegation procedures and the water quality and water quantity criteria. The measure provides for the regulation to 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 measure 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.

Wastewater discharge permits. The measure requires the owner or operator of a wastewater treatment facility with a discharge greater than 1,000 gallons per day up to 39,999 gallons per day that has not begun the discharge of pollutants prior to January 1, 2011, to demonstrate to the Department of Environmental Quality that he has acquired waste load allocations sufficient to offset his nitrogen and phosphorus discharges.

Failed

Coal surface mining. The measure would prohibit the issuing of a permit for coal surface mining operations unless certain conditions relating to the disposal of waste materials are met.

FOIA**Passed**

Credit card and bank account data. The measure exempts from the mandatory disclosure provisions of the Freedom of Information Act the portions of records that contain account numbers or routing information for any credit card, debit card, or other accounts with a financial institution of any person or public body. There is an emergency clause.

General Assembly**Passed**

General Assembly Conflicts of Interests Act; House and Senate Ethics Advisory Panels. The measure opens ethics inquiries to the public after a preliminary investigation. During the preliminary investigation, the Panel will require that (i) the facts stated in the complaint taken to be true are sufficient to show a violation of the Conflicts of Interests Act, (ii) the complainant appear and testify under oath as to the complaint and the allegations, and (iii) such violation has occurred by a preponderance of the evidence. Once the Panel determines to proceed with an inquiry into the conduct of any legislator, the Panel shall complete its investigations notwithstanding the resignation of the legislator during the course of the Panel's proceedings.

General Laws**Passed**

Fort Monroe Authority Act. The measure establishes the Fort Monroe Authority as a public body corporate and as a political subdivision of the Commonwealth to be governed by a 12-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.

Guns**Passed**

Concealed handguns. The measure allows a person with a concealed handgun permit to carry a concealed handgun onto the premises of a restaurant or club but prohibits the person from consuming alcoholic beverages

while on the premises. A violation is a Class 2 misdemeanor.

Concealed handgun permit applications. The measure clarifies that anyone who is denied a concealed handgun permit has the same right to an ore tenus (in court) hearing as a person who has previously held a concealed handgun permit.

Possession of concealed weapons in vehicles. The measure creates a new exemption to the general prohibition against carrying concealed weapons by allowing a person who may lawfully possess a firearm to carry a handgun in a private motor vehicle or vessel if the handgun is locked in a container or compartment.

Renewal of concealed handgun permits. The measure allows a person who previously has been issued a Virginia concealed handgun permit to submit an application to renew the permit via the United States mail.

Health and Mental Health**Passed**

Advance medical directives. The measure clarifies authority of an advance directive in certain cases; eliminates the requirement that a second physician or licensed clinical psychologist provide a written certification that a patient is incapable of making an informed decision in certain cases; adds a provision authorizing a person who has exhibited special care and concern for a patient to make health care decisions on that patient's behalf if the patient is incapable of making an informed decision, except in certain cases; and clarifies the procedure regarding decisions over a patient's protest. The measure also provides that a public guardian may authorize admission of an incapacitated person to a mental health facility in certain situations.

EMS providers and vaccinations. The measure allows emergency medical services providers to administer vaccines to adults and minors pursuant to a protocol approved by the Board of Nursing. The measure contains an emergency clause.

Hospice and home health care. The measure amends hospice licensure standards and prohibits new home care organizations from being licensed until July 1, 2012, but allows the Commissioner of Health to issue a request for and accept applications for: (i) the establishment of home care organizations in federally designated Health Professional Shortage Areas or (ii) home care organizations approved for payments for home health or personal care services by the Department of Medical Assistance Services prior to July 1, 2010.

Schedule II drugs. The measure provides that a pharmacist require proof of identity from any person seeking to fill a prescription for a Schedule II drug unless the person is known to the pharmacist. The measure also requires pharmacists to keep records of the name and address of persons taking delivery of Schedule II drugs.

Schedule VI prescriptions. The measure authorizes a health care practitioner to prescribe Schedule VI antibiotics and antiviral agents to a person in close contact with a diagnosed patient of the practitioner when certain conditions are met.

Carried Over

Lyme disease. The measure allows a licensed physician to prescribe, administer, or dispense long-term antibiotic therapy to a patient diagnosed with Lyme disease.

Insurance

Passed

Dental plans. The measure prohibits a contract between a dental plan and a dentist or oral surgeon from establishing the fee or rate that the provider is required to accept for health care services. The provisions also prohibit requiring a dentist or oral surgeon to accept reimbursement paid by the dental plan as payment in full. The measure applies to contracts made or amended on or after July 1, 2010.

Health insurance for telemedicine services. The measure requires health insurers, health care subscription plans, and health maintenance organizations (HMOs) to provide coverage for the cost of health care services provided through telemedicine services. "Telemedicine services" means the use of interactive audio, video, or other electronic media for the purpose of diagnosis and treatment.

Individual health insurance coverage. The measure provides that a Virginia resident will not be required to obtain or maintain a policy of individual insurance coverage. The law states that no provision of Title 38.2 makes a person liable for any penalty, assessment, fee, or fine as a result of his failure to obtain health insurance coverage. The measure does not apply to individuals voluntarily accepting coverage under a state-administered Medicare or Medicaid program.

Failed

Health insurance coverage for autism. The measure would require health insurers, health care subscription plans, and HMOs to provide coverage for the diagnosis and treatment of autism spectrum disorder in children under 10 years of age.

Local Government

Passed

Assisted living facilities. The measure provides that local zoning ordinances for all purposes will consider a residential facility, where no more than eight elderly or

disabled persons reside with one or more resident counselors or other staff persons, to be a residential occupancy by a single family.

Cash proffers. The measure delays collection or acceptance of a cash proffer by a locality until the residential property has been issued a certificate of occupancy.

Noise ordinance penalties. The measure authorizes localities to adopt civil penalties for violations of noise ordinances. The penalty for an initial violation cannot exceed \$250 and penalties for subsequent violations cannot exceed \$500.

Urban development areas. The measure sets certain densities in urban development areas according to the population of the locality. The law 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.

Motor Vehicles

Passed

Motor vehicle title loans. See Business and Employment.

"Move over" law. The measure requires drivers to move to the left on a four-lane highway when approaching vehicles displaying flashing blue or red lights and certain vehicles displaying amber lights. The offense is punishable as a traffic infraction, instead of a Class 1 misdemeanor. A Class 1 misdemeanor will be charged for a subsequent violation.

Special license plates. The measure authorizes the issuance of special license plates (i) to supporters of the Virginia Kids Eat Free program, (ii) to supporters of the Professor Garfield Foundation, (iii) bearing the legend: TRUST WOMEN/RESPECT CHOICE, (iv) bearing the legend: BUY LOCAL, (v) to supporters of the Virginia Recycling Association, and (vi) to supporters of the Washington Capitals hockey team.

Speed limits on highways. The measure increases the general highway speed limit on highways presently 65 mph to 70 mph.

Social Services

Passed

Nonpayment of child support. The measure provides that a person convicted of DUI or any offense for which a restricted license may be issued may travel to and from appointments in a court-ordered intensive case monitoring program for child support. The measure also provides that the Department of Motor Vehicles will not renew a driver's license or terminate a license suspension

imposed for nonpayment of child support until it receives from the Department of Social Services certification of continued successful participation or completion of an intensive case monitoring program for child support. The measure also provides for the option of home/electronic incarceration of a person convicted of nonsupport.

Shaken baby syndrome. The measure requires the Department of Social Services to make information about shaken baby syndrome available to foster and adoptive parents, and staff of child day programs and children's residential facilities and that every child welfare program licensed by the Department be informed about the available information.

Taxes and Finance

Passed

Financial and management review of all state agencies. The measure is the Governor's initiative to implement an operational and programmatic performance review of state agencies.

Green jobs tax credit. The measure allows a \$500 income tax credit for the creation of each "green" job with a salary of at least \$50,000 for taxable years beginning on and after January 1, 2010.

Income tax deduction. The measure grants an income tax deduction for any income taxed as a long-term capital gain for federal income tax purposes or any income taxed as investment services partnership interest income, on or after January 1, 2011, that is related to a qualified investment in a technology and science start-up business having a principal office or facility in the Commonwealth and less than \$3 million in annual revenues in the fiscal year prior to the investment.

Major business facility job tax credit. The measure amends the Major Business Facility Job Tax Credit by reducing the number of new jobs required to get the credit from 100 to 50.

Small Business Jobs Grant Fund. The measure creates the Small Business Jobs Grant Fund 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.

Virginia Retirement System. The measure modifies government retirement benefits for new employees covered by VRS beginning July 1, 2010.

Technology

Passed

Information Technology governance in the Commonwealth. The measure eliminates the Information Technology Investment Board (ITIB) and replaces it with the Information Technology Advisory Council (ITAC) to serve as an advisory council under the Governor. The measure also grants the Governor the power to appoint the Chief Information Officer, who shall serve as the head of the Virginia Information Technologies Agency and report to the Secretary of Technology. The measure contains additional substantive changes to information technology governance in the Commonwealth and contains an emergency clause.

Notification of breach of medical information. The measure requires public entities to notify residents of the Commonwealth if their unredacted or unencrypted medical information or insurance information is the subject of a database breach. The measure has a delayed effective date of January 1, 2011.

Failed

Electronic tracking devices in motor vehicles. The measure would provide that any person who installs or places an electronic tracking device in or on a motor vehicle without the consent of the owner or lessee is guilty of a Class 4 misdemeanor. The measure notes certain exceptions.

Transportation

Passed

Distribution of handbills. The measure gives all localities the power, currently reserved to only named localities, to regulate and prohibit distribution of handbills, solicitation of contributions, and the sale of merchandise on highways, roadways, and medians under state authority.

Hampton HOV lanes. The measure allows an active duty military member in uniform to use HOV lanes, regardless of the number of passengers, when traveling to and from a military facility on Interstate Route 264 and Interstate Route 64 in the Hampton Roads Planning District.

Regulation of signs in highway rights-of-way. The measure 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, the sign owner has the right to reclaim the sign within 10 business days. Signs installed on private property without the use of equipment do not require Miss Utility notification before installing the sign.

Toll collection. The measure provides that the operator of a toll facility, or the locality where a toll facility is located, may install and operate a video-monitoring system and an automatic vehicle identification system to enforce the collection of tolls.

Failed

Traffic lights and motorcycles. The measure would allow in certain situations motorcycle, moped, and bicycle riders, if displaying a steady red signal, to proceed through an intersection controlled by traffic lights.

Carried Over

Tolls on Hampton bridges. The measure would provide for tolls at the Monitor Merrimac Memorial Bridge-Tunnel and the Hampton Roads Bridge-Tunnel.

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DIVISION OF LEGISLATIVE SERVICES

E. M. Miller, Jr., Director

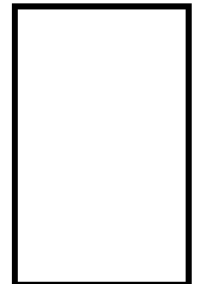
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Contents

1	Administration of Government Generally
15	Agriculture, Animal Care, and Food
18	Alcoholic Beverage Control Act
19	Banking and Finance
22	Behavioral Health and Developmental Services
24	Civil Remedies and Procedure
27	Commercial Code / Negotiable Instruments
28	Commercial Code / Sales
28	Commonwealth Public Safety
30	Conservation
33	Contracts
34	Corporations
35	Counties, Cities and Towns
45	Courts Not of Record
49	Courts of Record
50	Crimes and Offenses Generally
62	Criminal Procedure
68	Domestic Relations
69	Education
77	Educational Institutions
80	Elections
88	Eminent Domain
89	Fiduciaries Generally
90	Fire Protection
90	Fisheries and Habitat of the Tidal Waters
91	Game, Inland Fisheries and Boating
93	General Assembly
97	General Provisions of Virginia Code
98	Health
103	Highways, Bridges and Ferries
107	Homestead and Other Exemptions
107	Hotels, Restaurants, Summer Camps, and Campgrounds

Contents

107	Housing
109	Insurance
115	Juvenile Justice
116	Labor and Employment
116	Libraries
116	Mechanics' and Certain Other Liens
117	Military and Emergency Laws
117	Mines and Mining
119	Motor Vehicles
126	Notaries and Out-of-State Commissioners
126	Partnerships
126	Pensions, Benefits, and Retirement
129	Persons with Disabilities
129	Police, State
129	Prisons and Other Methods of Correction
130	Professions and Occupations
137	Property and Conveyances
140	Public Service Companies
146	Religious and Charitable Matters; Cemeteries
146	State Corporation Commission
146	Taxation
159	Trade and Commerce
161	Unemployment Compensation
162	Virginia Energy Plan
163	Waters of the State, Ports and Harbors
165	Welfare (Social Services)
166	Wills and Decedents' Estates
167	Workers' Compensation
168	Constitutional Amendments
173	Other Resolutions
175	Miscellaneous (Including Budget and Bonds)
176	Charters
178	Study Resolutions

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

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

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

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

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

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

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

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

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 - Jaquinto

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

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

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

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

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

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

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.

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

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

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.

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.

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.

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

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

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

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

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

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

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

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

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

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

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

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.

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

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

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

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

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

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.

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

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

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

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

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

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

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

HB996 Secretary of Education; name change. Changes the name of the Secretary of Education to the Secretary of Education and Workforce Development.

Patron - James

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

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

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 multi-agency 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, 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

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

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

Patron - Ebbin

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.

FSB480 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

FSB485 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

FSB525 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

FSB600 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

FSB658 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

FSB691 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

FSB694 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

FSB695 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

CHB122 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

CHB123 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

CHB246 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

CHB464 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

☐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

☐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

☐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

☐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

☐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 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 - Peace

☐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

☐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

☐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

☐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 - McDougle

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 - McDougle

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.

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

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.

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

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

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

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

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

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

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

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

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

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.

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

CSB582 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

PHB588 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

PHB620 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

PHB630 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.

PHB753 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

PHB952 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

PHB1293 Alcoholic beverage control; exemptions from licensure; consumption by underage 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

PHB1353 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

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

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

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

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

PHB279 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

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.

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

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

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

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

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

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

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

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.

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

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

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

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.

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

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

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CSB84 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

CSB86 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

CSB336 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

CSB337 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

PHB21 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

PHB105 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

PHB203 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

PHB376 Service by publication. Validates orders of publication processed by a clerk prior to July 1, 2010, for service in certain actions.

Patron - Lewis

PHB458 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

PHB559 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

PHB1065 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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CSB287 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

PHB326 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

PHB438 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

PHB501 Scenic river. Designates a seven-mile portion of the Jordan River as a component of the Virginia Scenic Rivers System.

Patron - Gilbert

PHB503 Scenic river. Designates a 10-mile portion of the Hughes River as a component of the Virginia Scenic Rivers System.

Patron - Gilbert

PHB619 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

PHB627 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

PHB717 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

PHB774 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

PHB951 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

PHB1100 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_x and SO₂ 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_x and SO₂ 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_x and SO₂ 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_x and SO₂ 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 - McDougle

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 manufacturers 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

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

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

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

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

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

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

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

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.

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

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

FHB739 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.

FHB819 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

FHB859 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

FHB917 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.

FHB966 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

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

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

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.

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

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

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

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

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

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

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

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

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.

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.

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

Patron - Rust

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 - McDougle

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

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

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

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

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

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

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

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

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.

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

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.

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

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

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

FSB329 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

FSB436 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

FSB489 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

FSB579 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

FSB586 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

FSB587 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

FSB651 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

FSB719 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

CHB164 Protective orders; GPS devices. Authorizes a judicial officer to require that a protective order respondent be subject to GPS monitoring.

Patron - Pogge

CHB285 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.

CHB453 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

CHB748 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

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

Patron - Janis

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

Patron - Janis

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

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

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

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

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

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

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

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

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

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

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

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

(anti-spam statute) is unconstitutionally overbroad on its face because it prohibits the anonymous transmission of all unsolicited bulk emails, including those containing political, religious, or other speech protected by the First Amendment of the Constitution.

Patron - Loupassi

HB8 Renewal of concealed handgun permits. Allows a person who previously has been issued a Virginia concealed handgun permit to submit an application to renew the permit via the United States mail. This bill is identical to SB 3.

Patron - Carrico

HB166 Capital murder; fire marshals, deputy and assistant fire marshals; penalty. Adds fire marshals and deputy and assistant fire marshals with law-enforcement powers to the capital murder statute so that the death sentence can be imposed for their murder when such killing is for the purpose of interfering with the performance of their official duties.

Patron - Pogge

HB210 Extortion; definition of injury to property. Provides that for the purposes of the extortion statute "injury to property" includes the sale, distribution or release of personal identifying information listed in the identity theft statute, unless it is done with the intent to obtain money, property or a pecuniary benefit to which a person reasonably believes he is lawfully entitled.

Patron - Bulova

HB227 Sex offenses prohibiting entry onto school property. Provides that a sex offender who has received a court order allowing entry on school or child day center property must also obtain permission of the school board or of the owner of the private school or child day center for entry within all or part of the scope of the lifted ban and must do so in compliance with the terms and conditions of both the school or center and the court order. The bill also provides that the petition must be filed in circuit court; current law allows an adult who is prohibited from entering upon school or child day center property because he was convicted of a sexually violent offense to petition either the juvenile and domestic relations district or circuit court of the locality for permission to enter the property.

Patron - Watts

HB505 Concealed handguns; restaurants. Allows a person with a concealed handgun permit to carry a concealed handgun onto the premises of a restaurant or club and prohibits such person from consuming alcoholic beverages while on the premises. A person who consumes alcohol in violation of the provisions of the bill is guilty of a Class 2 misdemeanor. This bill is identical to SB 334.

Patron - Gilbert

HB637 Concealed handgun permit; fees. Waives the concealed handgun permit fee (maximum \$50) for certain designated boarding team members and boarding officers of the United States Coast Guard.

Patron - Armstrong

HB682 Gang-free zones; penalties. Expands current "gang-free school zones" to the broader "gang-free zones" and includes any publicly owned or operated community center or recreational center. Engaging in criminal street gang activity in a gang-free zone is a Class 5 or 6 felony and may include a two-year mandatory minimum sentence, depending upon other aggravators.

Patron - Miller, J.H.

HB688 Using transportation district trains without a valid ticket. Rewrites the code section that punishes unlawfully riding on a transportation district train. The bill punishes failure or refusal to pay the posted fare, or failure to properly validate a train ticket, as a \$100 civil penalty. The bill punishes use of a validated ticket outside of the zone of the ticketed ride as a \$100 civil penalty. The bill punishes use of a fraudulent or counterfeit ticket as a Class 2 misdemeanor. The bill limits the amount of recoverable costs to the same amount as the maximum fine. This bill is identical to SB 25.

Patron - Miller, J.H.

HB741 Use of profane, threatening, or indecent language over public airways or by computer or text. Provides that any person who uses obscene, vulgar, profane, lewd, lascivious, or indecent language, or makes any suggestion or proposal of an obscene nature, or threatens any illegal or immoral act with the intent to coerce, intimidate, or harass any person when any electronically transmitted message is received or transmitted by telephone is guilty of a Class 1 misdemeanor. Current law punishes such behavior when simply using a telephone or citizens band radio.

Patron - Cleaveland

HB769 Consecutive license suspensions for DUI. Provides that any suspension of driving privilege for driving while intoxicated shall run consecutively with any other court-ordered period of suspension for driving while intoxicated or for underage driving with a blood alcohol concentration of 0.02 percent or more. Currently, suspensions ordered for failure to submit to a blood or breath test run consecutively with the DUI suspension.

Patron - Cleaveland

HB869 Prohibition on wearing a mask; public emergency exception. Adds to the existing exemptions in the section making it a Class 6 felony for a person over the age of 16 to wear a mask in public or on private property without the owner's written consent an exception when the Governor has declared a disaster or state of emergency in response to a public health emergency and defines the mask appropriate for the emergency. This bill is identical to SB 532.

Patron - Cline

HB871 Concealed handgun permit applications; right to ore tenus hearing. Clarifies that anyone who is denied a concealed handgun permit has the same right to an ore tenus hearing as a person who has previously held a concealed handgun permit. This bill is identical to SB 533.

Patron - Cline

HB885 Possession of concealed weapons. Creates a new exemption to the general prohibition against carrying concealed weapons by allowing a person who may lawfully possess a firearm to carry a handgun in a private motor vehicle or boat if the handgun is locked in a container or compartment. This bill is identical to SB 408.

Patron - Athey

HB934 Capital murder; auxiliary law-enforcement officers; penalty. Adds auxiliary police officers and auxiliary deputy sheriffs to the capital murder statute so that the death sentence can be imposed for their murder. This bill is identical to SB 520.

Patron - Bell, Robert B.

HB941 Charitable gaming; regulations of the Charitable Gaming Board; electronic pull tabs. Clarifies that regulations of the Charitable Gaming Board defining elec-

tronic and mechanical equipment used in the conduct of charitable gaming shall not include (i) devices operated by dropping one or more coins or tokens into a slot and pulling a handle or pushing a button or touchpoint on a touchscreen to activate one to three or more reels marked into horizontal segments by varying symbols, where the predetermined prize amount depends on how and how many of the symbols line up when the rotating reels come to rest or (ii) other similar devices that have flashing lights, illuminations, or bells, whistles, or other sounds solely intended to entice players to play.

Patron - Abbitt

HB942 Department of Agriculture and Consumer Services; charitable gaming; revocation of permits. Clarifies that the Department of Agriculture and Consumer Services may revoke, suspend, or deny a permit to conduct charitable gaming only after the proposed action by the Department has been reviewed and approved by the Charitable Gaming Board.

Patron - Abbitt

HB950 Charitable gaming; regulations of the Charitable Gaming Board; prohibited acts. Limits the number of bingo games per session to no more than 55; requires the Charitable Gaming Board to adopt regulations prescribing the condition by which nonmembers of an organization may participate in the conduct of bingo so long as the nonmembers are under the direct supervision of a bona fide member of the organization during the bingo game. The bill increases the number of Lucky 7 and other progressive bingo games from one to six per session; and eliminates winner-take-all games. The bill also requires that the Department of Agriculture and Consumer Services shall report to the chairs of the House Committee on General Laws and the Senate Committee on General Laws and Technology on or before December 1, 2010, concerning the Department's efforts to increase the number of Department-approved independent laboratory testers in order to expedite the Department's approval process for new charitable games. The bill is a recommendation of the Special Subcommittees of the House Committee on General Laws and the Senate Committee on General Laws and Technology.

Patron - Jones

HB1010 Illegal gambling; definitions; free spin devices. Amends the definition of "illegal gambling" to make it clear that the making, placing or receipt of any bet or wager of money or other thing of value shall include the purchase of a product, which purchase credits the purchaser with free points or other measurable units that may be risked by the purchaser for an opportunity to win additional points or other measurable units that are redeemable by the purchaser for money at the location where the product was purchased. The bill provides, however, that nothing in this new definition shall be construed or interpreted to prohibit the conduct of a lawful operation of any game, contest, lottery, scheme, or promotional offering which complies with certain requirements. The bill attempts to make machines commonly known as "free spin machines" illegal in Virginia.

Patron - Athey

HB1033 Human infant; independent and separate existence. Provides that for the purposes of homicide, the fact that the umbilical cord has not been cut or that the placenta remains attached shall not be considered in determining whether a human infant has achieved an independent and separate existence. This bill is identical to SB 602.

Patron - Byron

HB1092 Carrying concealed handguns; retired law-enforcement officers. States that a retired law-enforcement officer who receives proof of consultation and favorable

review to carry a concealed handgun without a concealed handgun permit is authorized to carry a concealed handgun in the same manner as a law-enforcement officer authorized to carry a concealed handgun.

Patron - Crockett-Stark

HB1191 Issuance of concealed handgun permits; clerk of court. Allows a circuit court judge to authorize the clerk of court to issue concealed handgun permits in instances where the application is complete, the background check does not indicate that the applicant is disqualified, and, after consulting with the local sheriff or police department, there are no other questions or issues surrounding the application. The bill further provides that the court clerk is immune from suit arising from any acts or omissions relating to the issuance of concealed handgun permits without judicial review unless the clerk was grossly negligent or engaged in willful misconduct. This bill is not to be construed to limit, withdraw, or overturn any defense or immunity already existing in statutory or common law, or to affect any cause of action accruing prior to July 1, 2010.

Patron - Griffith

HB1256 Resignation of law-enforcement officers; carrying concealed weapon. Provides that certain law-enforcement officers who are eligible for retirement with at least 20 years of service and who resign from their position in good standing to accept a position covered by the Virginia Retirement System shall be eligible to carry a concealed handgun if the officer has received written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement officer of the agency from which the officer resigned.

Patron - Miller, P.J.

HB1382 Public disclosure of personal information; law-enforcement officers. Prohibits a state or local agency from publicly posting or displaying on the Internet the home address or personal telephone numbers of a law-enforcement officer if the officer has made a written demand that such information not be disclosed. The written demand must include a copy of a court order authorizing the state or locality to remove the information. The bill also clarifies that the publication of a person's primary residence address along with his name or photograph with the intent to coerce, intimidate, or harass is unlawful.

Patron - Bell, Robert B.

SB3 Renewal of concealed handgun permits. Allows a person who previously has been issued a Virginia concealed handgun permit to submit an application to renew the permit via the United States mail. This bill is identical to HB 8.

Patron - Smith

SB25 Using transportation district trains without a valid ticket. Rewrites the code section that punishes unlawfully riding on a transportation district train. The bill punishes failure or refusal to pay the posted fare, or failure to properly validate a train ticket, as a \$100 civil penalty. The bill punishes use of a validated ticket outside of the zone of the ticketed ride as a \$100 civil penalty. The bill punishes use of a fraudulent or counterfeit ticket as a Class 2 misdemeanor. The bill limits the amount of recoverable costs to the same amount as the maximum fine. This bill incorporates SB 584 and is identical to HB 688.

Patron - Puller

SB41 Restricted permit; driving to church. Adds driving to and from a place of religious worship one day per week at a specified time and place.

Patron - Stuart

SB89 Petition to restore right to possess, etc., firearm; notice to attorney for the Commonwealth. Provides that if a person files a petition to restore his right to possess or carry a firearm, a copy of the petition shall be served on the attorney for the Commonwealth who shall be entitled to respond and represent the interests of the Commonwealth. The court shall hold a hearing on the petition if requested by either the petitioner or the attorney for the Commonwealth.

Patron - Stuart

SB183 Malicious injury; search and rescue personnel. Adds search and rescue personnel who are members of an organization that has a memorandum of understanding with the Virginia Department of Emergency Management to the definition of search and rescue personnel so that the enhanced penalty will apply if they are the victims of malicious or unlawful wounding. Malicious wounding is a Class 3 felony (five to 20 years); the penalty for malicious wounding of search and rescue personnel is five to 30 years, with a mandatory minimum term of imprisonment of two years. Unlawful wounding of search and rescue personnel is a Class 6 felony (one to five years), with a mandatory minimum term of imprisonment of one year.

Patron - Wampler

SB334 Concealed handguns; restaurants. Allows a person with a concealed handgun permit to carry a concealed handgun onto the premises of a restaurant or club and prohibits such person from consuming alcoholic beverages while on the premises. A person who consumes alcohol in violation of the provisions of the bill is guilty of a Class 2 misdemeanor. This bill is identical to HB 505.

Patron - Hanger

SB408 Possession of concealed weapons in vehicles. Creates a new exemption to the general prohibition against carrying concealed weapons by allowing a person who may lawfully possess a firearm to carry a handgun in a private motor vehicle or vessel if the handgun is locked in a container or compartment. This bill is identical to HB 885.

Patron - Vogel

SB422 Drug Treatment Court Act; City of Bristol. Establishes a drug treatment court in the City of Bristol subject to the requirements and conditions established by the state Drug Treatment Court Advisory Committee, provided the court is funded within existing state and local appropriations.

Patron - Wampler

SB501 Concealed handgun permits; disqualifying convictions. Provides that a conviction from another state for driving while intoxicated or for drunkenness in public within the preceding three years disqualifies an individual from obtaining a concealed handgun permit.

Patron - Lucas

SB520 Capital murder; auxiliary police officers; penalty. Adds auxiliary police officers and auxiliary deputy sheriffs to the definition of law-enforcement officer in the capital murder statute so that the death sentence can be imposed for the murder of such an officer. This bill is identical to HB 934.

Patron - Norment

SB532 Prohibition on wearing a mask; public emergency exception. Adds to the existing exemptions in the section making it a Class 6 felony for a person over the age of 16 to wear a mask in public or on private property without the owner's written consent an exception when the Governor has declared a disaster or state of emergency in response to a public health emergency and defines the mask appropriate for the emergency. This bill is identical to HB 869.

Patron - McDougle

SB533 Concealed handgun permit applications; right to ore tenus hearing. Clarifies that anyone who is denied a concealed handgun permit has the same right to an ore tenus hearing as a person who has previously held a concealed handgun permit. This bill is identical to HB 871.

Patron - McDougle

SB589 Punishment and options for person convicted of nonpayment of child support. Provides that a person convicted of DUI or any offense for which a restricted license may be issued under restrictions set forth in subsection E of § 18.2-271.1 may be issued such a license for travel to and from appointments approved by the Division of Child Support Enforcement of the Department of Social Services as a requirement of participation in a court-ordered intensive case monitoring program for child support, for which the participant maintains written proof of the appointment, including written proof of the date and time of the appointment on his person. The bill also provides that the Department of Motor Vehicles shall not renew a driver's license or terminate a license suspension imposed for nonpayment of child support until it has received from the Department of Social Services a certification that a person ordered by a juvenile and domestic relations district court into an intensive case monitoring program for child support for noncustodial parents continues successful participation in the program or has completed the program. The bill also provides for the option of home/electronic incarceration of a person convicted of nonsupport.

Patron - Marsden

SB602 Human infant; independent and separate existence. Provides that for the purposes of homicide, the fact that the umbilical cord has not been cut or that the placenta remains attached shall not be considered in determining whether a human infant has achieved an independent and separate existence. This bill is identical to HB 1033.

Patron - Newman

Failed

HB23 Prohibited photographs of children. Provides that any person previously convicted of a "crime prohibiting proximity to children" who takes a photograph of a child of another at a prohibited location ((i) a primary, secondary, or high school, (ii) any place owned or operated by a locality that the person knows or should know is a playground, athletic field or facility, or gymnasium, (iii) any place the person knows or has reason to know is a child day program as defined in § 63.2-100, or (iv) a public park that is owned and operated by a county, city or town) or without the express permission of the parent or guardian of the child, when the child is the only individual or primary individual depicted in the photograph, is guilty of a Class 6 felony.

Patron - Johnson

HB24 Drug Treatment Court Act; City of Bristol. Establishes a drug treatment court in the City of Bristol subject to the requirements and conditions established by the state

Drug Treatment Court Advisory Committee, provided the court is funded within existing state and local appropriations.

Patron - Johnson

HB26 Application for concealed handgun permit; documentation and information provided by applicant. Clarifies that the clerk of court accepting a concealed handgun permit application shall not require the applicant to provide any documentation or information not required by § 18.2-308 or by the application form prescribed by the Department of State Police.

Patron - Wright

HB39 Bigamy; restitution. Provides that a person found guilty of bigamy may, upon conviction, be ordered by the court to make restitution to the other party of the bigamous marriage if (i) such other party believed in good faith that the husband or wife of the first marriage was dead or that the first marriage had been annulled or dissolved by a divorce or was without knowledge of the first marriage and (ii) such party did not, after receiving knowledge that the husband or wife of the first marriage was not dead or that the first marriage had not been annulled or dissolved by a divorce, live together as husband and wife with such person guilty of bigamy.

Patron - Orrock

HB49 Purchase of handguns; repeal one-gun-a-month limitation. Repeals the prohibition against purchasing more than one handgun in a 30-day period.

Patron - Lingamfelter

HB52 Failure to carry concealed handgun permit. Provides that failure to produce, upon demand of a law-enforcement officer, a concealed handgun permit and a government-issued photo identification while carrying a concealed handgun is punishable by a \$25 civil penalty. A court may waive this penalty if the person presents a valid concealed handgun permit and government-issued photo identification to the court. The bill also introduces an affirmative defense, of having a valid concealed handgun permit, to a charge of violating the concealed weapons statute.

Patron - Cole

HB53 Unlawful use of human tracking devices. Provides that it is unlawful for an insurer to require his insured as a condition of obtaining insurance or remaining insured, or for an employer to require his employee as a condition of employment, to have an identification/tracking device or mark implanted or permanently or semi-permanently incorporated into the body, skin, teeth, hair, or nails of such person to track, or to aid in tracking such person. Violations are subject to a \$500 civil penalty.

Patron - Cole

HB54 Handguns in courthouses. Allows a person who may lawfully possess a firearm to carry a handgun into a courthouse when the courthouse is being used for non-judicial activities.

Patron - Cole

HB69 Firearms, firearms accessories, and ammunition manufactured and retained in Virginia. Declares that firearms, firearm accessories, and ammunition that are manufactured commercially or privately in Virginia, and that remain within the borders of Virginia, shall not be subject to federal law or federal regulation, including registration, under the authority of the United States Congress to regulate interstate commerce. This bill incorporates HB 886.

Patron - Carrico

HB72 Possession of firearms on school property; penalties. Changes the penalty for possession of a firearm on school property from a Class 6 felony to a Class 1 misdemeanor, the same penalty that applies to the possession of other weapons on school property. However, if a person possesses a firearm on school property with the intent to use the firearm unlawfully or to threaten or endanger another person, or if a person actually uses the firearm in an unlawful manner or threatens or endangers another person, such person is guilty of a Class 6 felony. If a person unlawfully discharges a firearm upon school property, upon other property being used exclusively for school-sponsored functions or extracurricular activities, or upon a school bus, such person shall be sentenced to a mandatory minimum term of imprisonment of five years.

Patron - Carrico

HB79 Concealed handgun permits; access to applications and permittee information. Prohibits a clerk of court from providing public access to concealed handgun permit applications and information regarding identifiable permittees without the written consent of the applicant or permittee. The applications and information would be available to law-enforcement agencies, and the clerk of court would be authorized to release aggregate information that does not identify individual applicants or permittees.

Patron - Ware, R.L.

HB100 Assault and battery of a magistrate. Raises the penalty for assault and battery of a magistrate from a Class 1 misdemeanor to a Class 6 felony.

Patron - Loupassi

HB102 Deferred proceedings for petit larceny. Allows a court to defer and dismiss a first-offense petit larceny charge, provided the accused meets terms and conditions of probation, including payment of a loss-prevention fee of \$100 to \$500 to the owner of the property, in addition to any restitution ordered.

Patron - Loupassi

HB106 Carrying concealed handguns. Allows a person with a valid concealed handgun permit to carry a concealed handgun in a place of worship with permission of the leader of the religious meeting. The bill also eliminates the restriction against carrying a concealed handgun in a restaurant that serves alcohol.

Patron - Cole

HB113 Crimes; assault and battery of fire marshal. Provides for an offender who assaults a fire marshal because of his employment to be prosecuted for a Class 6 felony.

Patron - Dance

HB167 Criminal street gangs; predicate criminal act. Adds burglary and shooting into an occupied dwelling to the list of predicate criminal acts for which a person committing such act may be convicted under the criminal street gang act.

Patron - Pogge

HB170 Punishment for prostitution. Provides that any person convicted of prostitution, when it is alleged in the warrant, indictment, or information on which he is convicted, and admitted, or found by the jury or judge before whom he is tried, that he has been before convicted of prostitution, or of any substantially similar offense in any other jurisdiction, shall be confined in jail not less than 30 days; and for a third, or any subsequent conviction, is guilty of a Class 6 felony.

Patron - Pogge

HB171 Firearms in locked vehicles; immunity from liability. Provides that no person, property owner, tenant, employer, or business owner may prohibit a person who lawfully possesses a firearm from storing that firearm in a locked motor vehicle. The bill provides civil immunity for such persons, property owners, tenants, employers, or business owners. The provisions of the bill would not apply to (i) property on which a person is prohibited from possessing a firearm; (ii) vehicles on property (a) to which access is restricted or limited through the use of a gate; or (b) upon which a building occupied by a single employer and its affiliated entities is located and in which access to the building is restricted or limited by card access; (iii) vehicles owned or leased by an employer or business entity and used by an employee in the course of his employment; (iv) personal vehicles while such vehicles are being used for the transport of consumers of programs licensed by the Department of Behavioral Health and Developmental Services; or (v) vehicles on property controlled by an employer required to develop and implement a security plan under federal law or regulation.

Patron - Pogge

HB172 Offenses prohibiting proximity to children. Removes the language "when the offense occurred on or after July 1, 2000" from the language of the statute prohibiting proximity to children that specifically prohibits loitering within 100 feet of the premises of any place he knows or has reason to know is a primary, secondary or high school.

Patron - Pogge

HB180 Nexus between possession of marijuana and loss of driving privilege. Provides that the sanction of loss of driving privilege for simple possession of marijuana shall apply only when the person convicted or given deferred disposition possesses marijuana in a motor vehicle. Currently, a person loses his driving privilege for six months without respect to where the possession took place.

Patron - Morrissey

HB218 Stalking; enhanced penalties. Provides that any person who commits a second or subsequent offense of stalking occurring within five years of a conviction of a prior offense is guilty of a Class 6 felony. Currently, the Class 6 felony applies for a third or subsequent offense. The bill also provides that any person who commits an offense of stalking when, at the time of the offense, there is in effect any court order prohibiting contact between the defendant and the victim or the victim's family or household member is guilty of a Class 6 felony.

Patron - McClellan

HB243 Accessories after the fact; capital murder; penalty. Increases from a Class 1 misdemeanor to a Class 6 felony the punishment for a person who is guilty of being an accessory after the fact in the case of capital murder.

Patron - Janis

HB244 Possession of contraband by a prisoner; penalty. Provides that any prisoner who willfully in any manner brings into the facility in which he is confined, or attempts to bring into the facility, any article of any nature whatsoever, without first securing the permission of the person in whose charge such prisoner is, and who may in his discretion grant or refuse permission is guilty of a Class 1 misdemeanor. Currently, the delivery of such an article by another to a prisoner is prohibited. The bill also raises the penalty for possession or use of certain contraband items by a prisoner in a correctional facility from a Class 6 to a Class 3 felony.

Patron - Janis

HB251 Self-defense and defense of others. Provides that any person who lawfully occupies a dwelling is justified in using any degree of physical force, including deadly physical force, against another person when the other person has unlawfully entered the dwelling, has committed an overt act toward the occupant or another person in the dwelling, and the occupant reasonably believes he or another person in the dwelling is in imminent danger of bodily injury. The bill also provides that a person who uses justifiable force against an intruder shall be immune from civil liability for injuries or death of the other person. This bill was incorporated into HB 854.

Patron - Merricks

HB288 Punishment for stalking; penalty. Clarifies the number of instances of stalking behavior necessary for conviction of multiple offenses of stalking, and provides that a person may be convicted of stalking for a singular instance of stalking behavior when the behavior is accompanied by verbal threats of sexual assault, bodily injury, or death. The measure also creates a felony offense of stalking for engaging in stalking behavior after having been previously convicted of a family assault and battery within five years prior to the stalking behavior. The measure also resets the time period within which a person may be convicted of felony stalking to be based upon the period during which the offenses were committed, rather than the period during which the convictions were had.

Patron - Griffith

HB435 Identity fraud using identifying information of a minor; penalty. Provides that it is a Class 6 felony for any person, with the intent to defraud, to use identifying information of a minor over whom he exercises custodial authority to obtain money, credit, loans, goods or services.

Patron - Griffith

HB475 Possession of firearms on school property; concealed handgun permits. Allows a person who has a valid concealed handgun permit to carry a concealed handgun in a part of a school building not being used for school-related functions or extracurricular activities. The bill also allows persons with a valid concealed handgun permit to carry a concealed handgun while in a parking lot or traffic circle of a school, regardless of whether such person is in a vehicle. Current law only allows such a person to carry the concealed firearm in a parking lot or traffic circle while in a vehicle.

Patron - Carrico

HB489 Reorganizing the law related to concealed weapons and concealed handgun permits. Reorganizes existing § 18.2-308 of the Code of Virginia, relating to concealed weapons and concealed handgun permits, into a new Article 6.1 in Chapter 7 of Title 18.2 of the Code of Virginia. The reorganization does not make substantive changes to existing law, but instead seeks to clarify and make easier to use the existing laws regarding carrying concealed weapons and obtaining a concealed handgun permit in the Commonwealth.

Patron - Lingamfelter

HB490 Development of plan for the issuance of a lifetime concealed handgun permit. Directs the Department of State Police, in cooperation with the Secretary of Public Safety, to develop a plan to allow for the State Police to issue lifetime concealed handgun permits to Virginia residents. The Department and the Secretary shall submit the plan, and any recommended legislative changes to implement the plan, to the Chairmen of the House Committee on Militia, Police, and Public Safety and the Senate Committee for Courts of Justice by October 15, 2010.

Patron - Lingamfelter

HB502 Criminal law; redefinition of the triggerman rule. Redefines the "triggerman rule," which currently provides that only the actual perpetrator of a capital murder is eligible for the death penalty and that accessories and principals in the second degree can be punished only as if guilty of first degree murder. This bill allows principals in the second degree and accessories before the fact to be charged as principals in the first degree in the cases of murder for hire, murder involving a continuing criminal enterprise, and terrorism. This bill allows, in all other cases of capital murder, a principal in the second degree to be tried as a principal in the first degree if he had the same intent to kill as the principal in the first degree. The bill allows an accessory before the fact to be tried as a principal in the first degree if he ordered or directed the willful, deliberate, and premeditated killing.

Patron - Gilbert

HB522 Deferred disposition in criminal cases. Allows a court to defer and dismiss any criminal case other than Class 4 felonies or more severe felonies, violent felonies, crimes that require registration on the sex offender registry, certain felony sex crimes, manslaughter, and DUI. Deferred disposition would be available to a person even though he had previously availed himself of deferred disposition or had been previously convicted of a crime, except in the interests of justice.

Patron - Morrissey

HB571 Punishment for accessories after the fact. Provides that in every case involving (i) a criminal homicide other than involuntary manslaughter, (ii) a felony criminal sexual assault set forth in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, or (iii) a robbery, every accessory after the fact shall be guilty of a Class 6 felony. Currently, all accessories after the fact of a felony are guilty of a Class 1 misdemeanor.

Patron - Iaquinto

HB670 Electronic tracking devices in motor vehicles. Provides that any person who, with the intent to electronically track the location of a motor vehicle, knowingly installs or places an electronic tracking device, or causes an electronic tracking device to be installed or placed, in or on a motor vehicle without the consent of the owner or lessee, is guilty of a Class 4 misdemeanor. This provision does not apply to the original manufacturer of the motor vehicle, law-enforcement officers, judicial officers, probation and parole officers, bail bondsmen, and bail enforcement agents.

Patron - May

HB684 Concealed weapons; butterfly knives; penalty. Adds butterfly knives to the list of weapons that are prohibited from being carried concealed.

Patron - Miller, J.H.

HB701 Anti-prostitution community service program for first offenders. Requires the court to condition any suspended sentence for a first offense of soliciting a prostitute on participation in an anti-prostitution community service program if such a program has been established locally. The cost of the program is paid by the defendant.

Patron - Bulova

HB744 Bullying at school punishable as assault and battery. Provides that any person who engages in the bullying, harassment, and intimidation of a student on school property, on a school bus, or at a school-sponsored activity shall be subject to punishment for assault pursuant to § 18.2-57.

Patron - Cleaveland

HB775 Crimes; Serious bodily injury resulting from another driving while intoxicated. Eliminates the element of a permanent and significant physical impairment from the serious injury caused by the defendant for the defendant to be guilty of serious bodily injury while driving intoxicated.

Patron - Cleaveland

HB824 Melendez-Diaz notice to an accused proceeding pro se. Provides that notice of "Melendez-Diaz" 6th Amendment rights to be given to an accused who is proceeding pro se shall be given to the accused only after he has waived his right to counsel in a court of law.

Patron - Surovell

HB828 Grand larceny; threshold amount. Increases from \$200 to \$750 the threshold amount of money or the value of the goods or chattel that the defendant must take before the crime rises from petit larceny to grand larceny. The same threshold is increased for certain property crimes.

Patron - Surovell

HB844 Hate crimes; homeless persons; penalty. Adds homeless persons to the categories of persons who may seek injunctive relief or file an action for damages for harassment, etc., based on their status. The bill also adds homeless persons to the categories of victims whose intentional selection for a "hate crime" involving assault or trespass amplifies the Class 1 misdemeanor to a Class 6 felony penalty. The bill also adds homeless persons to the definition of "hate crime" for purposes of a central repository of information regarding hate crimes maintained by the State Police.

Patron - Hope

HB854 Castle doctrine. Encodes a version of the "castle doctrine," allowing the use of physical force, including deadly force, against an intruder in his dwelling who has committed an overt act against him, without civil liability. This bill incorporates HB 251.

Patron - Morefield

HB865 Assault and battery on a campus police officer. Adds campus police officers appointed pursuant to the provisions of Chapter 17 (§ 23-232 et seq.) of Title 23 to the list of officers who, when victims of assault and battery, subject the perpetrator to enhanced punishment, a Class 6 felony instead of a Class 1 misdemeanor.

Patron - Cline

HB868 Solicitation to become a gang member; penalty. Provides that any person who, by telephone or by any electronically transmitted communication producing a visual or electronic message, solicits, invites, recruits, encourages or otherwise causes or attempts to cause another to actively participate in or become a member of what he knows to be a criminal street gang is guilty of a Class 6 felony. Currently, such solicitation by any method of communication is a Class 1 misdemeanor.

Patron - Cline

HB886 Firearms, firearms accessories, and ammunition manufactured and retained in Virginia. Declares that firearms, firearms accessories, and ammunition made in Virginia and retained within the borders of Virginia are not subject to federal law or regulation under the authority of Congress to regulate interstate commerce. This bill was incorporated into HB 69.

Patron - Athey

HB902 Financial exploitation of the elderly and disabled. Provides that any person who is in a position of trust or confidence with an elderly or disabled adult and who by intimidation or deception knowingly takes control of, or otherwise uses, the elderly or disabled adult's property with the intent to permanently deprive that person of such property is guilty of financial exploitation. Financial exploitation is punished as a Class 1 misdemeanor if the value of the property expropriated is less than \$200 in a six-month period and a Class 6 felony if the value of the property expropriated is \$200 or more in a six-month period.

Patron - Bell, Robert B.

HB919 Offenses prohibiting proximity to children; children's museums; penalty. Provides that every adult who is convicted of an offense prohibiting proximity to children, when the offense occurred on or after July 1, 2010, shall as part of his sentence be forever prohibited from going, for the purpose of having any contact whatsoever with children who are not in his custody, within 100 feet of the premises of any children's museum. Virginia children's museums are named in the bill.

Patron - Bell, Robert B.

HB920 Computer Crimes Act; definition of computer and computer network. Amends the definition of "computer" by adding cellular phones and other wireless telecommunications devices to the definition. The bill also clarifies that wired or wireless networks fall within the definition of "computer network."

Patron - Bell, Robert B.

HB923 DUI ignition interlock limitations. Provides that a person who is convicted of DUI is required to have an ignition interlock on the first offense as a condition of a restricted license. Currently, the requirement for an interlock is only imposed upon a second offense or when the offender's blood alcohol content is above 0.15 percent. The bill has been incorporated into HB 1197.

Patron - Bell, Robert B.

HB924 What constitutes a DUI arrest. Provides that for the purposes of implied to consent to have blood or breath samples taken for suspicion of DUI, a person shall submit to a blood test when (i) he is in a medical facility receiving treatment or evaluation for injuries following a motor vehicle accident and (ii) a law-enforcement officer has probable cause, within three hours of the accident, to place him under arrest.

Patron - Bell, Robert B.

HB932 Identity theft revision. Provides that the distribution of information acquired through identity theft is a Class 4 felony. The bill also punishes the new crime of aggravated identity theft, when a person, through identity theft, with the intent to defraud, for his own use or the use of a third person, (i) obtains money, goods, or services through the use of identifying information of such other person; (ii) obtains, records, or accesses identifying information while impersonating a law-enforcement officer or an official of the government of the Commonwealth; or (iii) avoids summons, arrest, prosecution, or impedes a criminal investigation, as a Class 5 felony. The bill also punishes obtaining identification documents in such other person's name as a Class 1 misdemeanor, and retains Class 1 misdemeanor punishment for obtaining, recording, or accessing identifying information which is not available to the general public that would assist in accessing financial resources, obtaining identification documents, or obtaining benefits of such other person. The bill eliminates identity theft

provisions that fix punishment based on the number of records accessed or obtained, or the amount of money involved.

Patron - Bell, Robert B.

HB935 Assault and battery against family or household member; penalty. Makes it a Class 6 felony for an adult having a custodial relationship over a child under the age of 18 to knowingly allow the child to be present during the assault and battery of a family or household member.

Patron - Bell, Robert B.

HB936 Unlawful entry into a motor vehicle; penalties. Makes it a Class 1 misdemeanor for a person to enter or remain within a motor vehicle knowing that he does not have the permission of an owner, a lessee, or an authorized operator. A third or subsequent offense is a Class 5 felony. There are exceptions for law-enforcement officers, lien holders, and persons removing abandoned vehicles.

Patron - Bell, Robert B.

HB938 Penalty for possession or reproduction of child pornography by a minor. Provides that a minor who, upon the facts, could be found guilty of a first offense of possession or reproduction of child pornography, may have his case deferred and dismissed by the court, upon conditions including limitation of access to the Internet, computers, and electronic communication devices.

Patron - Janis

HB947 Restricted permit; unsatisfied judgments. Adds driving to and from the grocery store to the list of places a person can drive when issued a restricted permit for a DUI. Further provides that the Commissioner may issue a restricted permit to a person whose license has been suspended for unsatisfied judgments allowing him to drive to and from (i) place of employment, (ii) grocery store, (iii) health care services, and (iv) court appearances.

Patron - Landes

HB959 Check cashers; customer identification; penalty. Makes it unlawful for a person required to be registered as a check casher to fail to (i) make copies of the item cashed and a valid identification document of the customer or thumbprint for every transaction or (ii) retain such copies for one year. A violation is punishable as a Class 3 misdemeanor.

Patron - Ingram

HB986 Producing abortion or miscarriage; penalty. Provides that any person, including the pregnant female, who administers to, or causes to be taken by, a pregnant female, any drug or other thing, or uses means with intent to destroy her unborn child, or to produce abortion or miscarriage, and thereby destroys such child or produces such abortion or miscarriage, is guilty of a Class 4 felony. The bill excepts medically approved contraceptives or legally prescribed medication as a means of producing abortion or miscarriage. Current law does not with specificity include the pregnant female as a possible perpetrator.

Patron - Jones

HB989 Making, drawing, uttering, or delivering a bad check. Provides that any person making, drawing, uttering, or delivering any check, draft, or order in payment of rent pursuant to a lease agreement under Chapter 13 (Landlord and Tenant) or Chapter 13.2 (Virginia Residential Landlord and Tenant Act) of Title 55 with intent to defraud is guilty of a Class 1 misdemeanor if the amount is less than \$200, and a Class 6 felony if the amount is \$200 or more.

Patron - Nutter

HB993 Driving under the influence; persons under age 21. Provides that it is unlawful for any person under the age of 21 to operate any motor vehicle when the person's blood alcohol content is 0.02 percent or more. Currently such conduct is unlawful only if the person illegally consumed the alcohol.

Patron - Nutter

HB1004 Sex offenses prohibiting residing in proximity to children; penalty. Prohibits an adult who is convicted of an offense requiring registration where the victim was a minor from residing within 500 feet of the premises of a child day center, or a public, private, parochial, or Christian primary, secondary, or high school. A violation is a Class 6 felony; however, this section does not apply where the facility is established subsequent to the person's conviction.

Patron - Athey

HB1030 Charitable gaming; oversight by the Department of Agriculture and Consumer Services. Limits the oversight by the Department of Agriculture and Consumer Services over charitable gaming in Virginia to the (i) issuance and renewal of permits to conduct charitable gaming, (ii) registration of bingo managers and callers, and (iii) licensing of charitable gaming suppliers. The bill likewise limits the regulatory authority of the Charitable Gaming Board to the above three areas. The bill requires every organization that conducts charitable gaming to obtain a permit from the Department. The bill contains numerous technical amendments.

Patron - Pollard

HB1042 Informed consent includes ultrasound to determine gestation age. Requires that, as a component of informed consent to an abortion, to determine gestation age, every pregnant female shall undergo ultrasound imaging and be given an opportunity to view the ultrasound image of her fetus prior to the abortion.

Patron - Byron

HB1078 Charitable gaming; reports and audits; exceptions. Exempts volunteer fire departments and rescue squads from filing quarterly reports of their charitable gaming activity with the Department of Agriculture and Consumer Services. The bill also exempts these entities from having their annual reports audited by the Department of Agriculture and Consumer Services.

Patron - Lewis

HB1104 Delivery of newspaper after notice to stop delivery. Provides that the publisher of a newspaper that causes the newspaper to be delivered to the residence of another, after having been given notice to cease delivery, is subject to a civil penalty of \$25 for each offense.

Patron - Sickles

HB1110 Unauthorized account access; penalty. Creates a Class 1 misdemeanor for any person who accesses a password-protected database, file, or online account of another without authority and creates, deletes, or alters any data or information in the database, file, or online account. If a person commits the crime of unauthorized account access and causes damage to the property of another valued at \$1,000 or more the person is guilty of a Class 6 felony. The provisions of this crime shall not apply to (i) a law-enforcement officer, as defined in § 9.1-101, acting in the performance of his official duties or (ii) a parent or guardian of any child, unless that child has been judicially declared emancipated.

Patron - Ebbin

HB1114 Criminal impersonation; penalty. Creates a Class 1 misdemeanor for any person who knowingly and without authorization assumes the identity of another and commits an act that, if done by the person whose identity is assumed, would subject such person to civil or criminal liability. For purposes of this crime, a person "assumes the identity of another" when the offender creates a situation that would cause a reasonable person to believe the offender is in fact the individual whose identity is assumed. The provisions of this crime shall not apply to a law-enforcement officer, as defined in § 9.1-101, acting in the performance of his official duties.

Patron - Ebbin

HB1134 Decriminalization of possession of marijuana. Decriminalizes simple marijuana possession. The bill does not make marijuana possession legal but creates a civil penalty of \$500 for simple possession of marijuana, a penalty equal to the current criminal fine for simple marijuana possession. The bill also raises the quantities necessary for punishment of possession with intent to distribute so as not to punish amounts that may be possessed for personal use. The bill creates a rebuttable presumption that a person who grows no more than five marijuana plants grows marijuana for personal use and not for distribution, an offense punishable by the \$500 civil penalty. The civil penalties collected are payable to the Literary Fund. The bill removes the two-year mandatory sentence for distribution of less than one ounce of marijuana and the five-year mandatory minimum sentence for distribution of more than one ounce of marijuana. The bill requires forfeiture of the driver's license of any minor found to have committed the violation of possession of marijuana. The bill reduces the penalty for possession of marijuana by a prisoner from a Class 5 felony to a Class 6 felony, the same punishment as is currently imposed for possession of a firearm or a knife by a prisoner or for setting off an explosive device in a prison.

Patron - Morgan

HB1136 Scope of prescription for marijuana for medical purposes. Provides that no person shall be prosecuted for the possession of marijuana or tetrahydrocannabinol when that possession occurs pursuant to a valid prescription issued by a medical doctor in the course of his professional practice. The bill also provides that no medical doctor or pharmacist shall be prosecuted for dispensing or distributing marijuana or tetrahydrocannabinol for medical purposes when such action occurs in the course of his professional practice. Currently medical marijuana can only be prescribed for cancer and glaucoma.

Patron - Morgan

HB1142 Hate crimes; sexual orientation. Includes within the definition of hate crimes a category of acts committed against a person or his property because of that person's sexual orientation. Also included is (i) the right of a person who is subject to such act to bring a civil action for damages or injunctive relief and (ii) no liability for an internet provider for good faith restriction of access to material that the provider considers intended to incite hatred on the basis of sexual orientation.

Patron - Scott, J.M.

HB1146 Possession of firearms by certain persons who have had parental rights terminated; penalty. Prohibits a person who has had his parental rights terminated based upon a finding of aggravated circumstances from purchasing, possessing, or transporting a firearm. The bill defines aggravated circumstances as torture, chronic or severe abuse, or chronic or severe sexual abuse of a child of the parent or a child with

whom the parent resided at the time such conduct occurred. A violation of this section would be a Class 1 misdemeanor.

Patron - Scott, J.M.

HB1151 Concealed weapons. Prohibits a person from carrying a concealed butterfly knife.

Patron - Iaquinto

HB1154 Penalty for certain crimes against adults 60 years of age or older. Increases criminal penalties when the victim of the offense is 60 years of age or older and the offender knows or reasonably should know the victim of the offense is 60 years of age or older, as follows: Any person who commits a grand larceny shall be punished by a term of imprisonment of not less than two nor more than 20 years. Any person who obtains money by false pretenses is guilty of a Class 3 felony. Any person who signs another's name to a writing is guilty of a Class 4 felony. Any person who commits an identity theft resulting in financial loss of greater than \$200 is guilty of a Class 5 felony. Any person who commits a second or subsequent offense pursuant to § 18.2-213.2 shall be sentenced to a term of imprisonment of two years, in addition to the punishment provided for such offense.

Patron - Tata

HB1197 DUI ignition interlock limitations. Provides that a person who is convicted of DUI is required to have an ignition interlock on the first offense as a condition of a restricted license. Currently, the requirement for an interlock is imposed only upon a second offense or when the offender's BAC is above 0.15 percent. This bill incorporates HB 923.

Patron - Iaquinto

HB1209 Crimes; registration of machine guns. Requires that the Superintendent of State Police be notified in writing of the change of address of the registrant or the change of the address of the permanent physical location of a machine gun.

Patron - Ward

HB1210 Carrying concealed handguns; judges. Allows a judge to carry a concealed handgun without a permit at all times. Currently, judges are authorized to carry a concealed handgun without a permit while in the discharge of their official duties.

Patron - Loupassi

HB1214 Possession of firearm on public school property; penalty. Prohibits a person from possessing an unloaded firearm that is in a closed container in or upon a motor vehicle located at a public elementary, middle, or high school or an unloaded shotgun or rifle in a firearms rack in or upon a motor vehicle located at a public elementary, middle, or high school.

Patron - Kory

HB1234 Transfer of firearms; criminal records check; penalties. Adds a definition of "firearms show vendor" and requires that a criminal history record information check be performed on the prospective transferee before the vendor may transfer firearms at a gun show. Under current law, only licensed dealers must obtain such a check. The bill also adds a definition of "promoter" and requires that the promoter of a gun show provide vendors with access to licensed dealers who will conduct the criminal background check.

Patron - McClellan

HB1248 What constitutes prostitution. Expands the crime of prostitution, a Class 1 misdemeanor, to include the following for money or its equivalent: exposure of sexual or

genital parts to any person to whom such person is not legally married or propose that any other person expose his sexual or genital parts to such person; propose that any other person feel or fondle the sexual or genital parts of such person or propose that such person feel or fondle the sexual or genital parts of any other person; or entice, allure, persuade, or invite any other person to enter any vehicle, room, house, or other place, for any of those purposes, or to commit or offer to commit adultery or fornication.

Patron - Miller, P.J.

HB1296 Exception to obscenity law for colleges; limitations. Provides that no public institution of higher education shall permit its facilities or any public moneys to be used within the statutory exceptions to obscenity laws unless the board of visitors or other governing body of the institution has approved each use in writing.

Patron - Pogge

HB1366 Prohibition of entry onto school or day care property. Rewrites language in the Code section prohibiting entry onto school property and child day care center property by persons convicted of sexually violent offenses to make it abundantly clear that entry onto day care property is prohibited 24 hours a day.

Patron - Cline

SB7 Criminal law; redefinition of the triggerman rule. Redefines the "triggerman rule," which currently provides that only the actual perpetrator of a capital murder is eligible for the death penalty and that accessories and principals in the second degree can be punished only as if guilty of first degree murder. This bill allows principals in the second degree and accessories before the fact to be charged as principals in the first degree in the cases of murder for hire, murder involving a continuing criminal enterprise, and terrorism. This bill allows, in all other cases of capital murder, a principal in the second degree to be tried as a principal in the first degree if he had the same intent to kill as the principal in the first degree. The bill allows an accessory before the fact to be tried as a principal in the first degree if he ordered or directed the willful, deliberate, and premeditated killing.

Patron - Obenshain

SB54 Capital murder; fire and emergency personnel. Adds the following personnel to the capital murder statute so that the death sentence can be imposed for the murder of such a person in the performance of the person's official duties: fire marshals and assistant fire marshals with law-enforcement powers, firefighters, special forest wardens, emergency medical technicians, lifesaving and rescue squad members, arson investigators, volunteer firefighters and lifesaving or rescue squad members if the governing body has adopted a resolution acknowledging the volunteers as employees for the purposes of workers' compensation, and persons certified as emergency medical service providers.

Patron - Martin

SB79 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 - Reynolds

SB125 Grand larceny; threshold amount. Increases from \$200 to \$210 the threshold amount of money or the value of the goods or chattel that the defendant must take before the crime rises from petit larceny to grand larceny. The same threshold is increased for certain property crimes.

Patron - Petersen

FSB331 **Petition to restore right to possess, etc., firearm; notice to attorney for the Commonwealth.** Provides that if a person files a petition to restore his right to possess or carry a firearm, a copy of the petition shall be served on the attorney for the Commonwealth of the city or county in which the petition is filed. The attorney for the Commonwealth shall be made a party defendant to the proceeding and may file an objection or answer to the petition within 21 days after service.

Patron - Stuart

FSB397 **Misdemeanor fines.** Provides that the maximum fine for a misdemeanor is raised each July 1, starting July 1, 2011, by an amount approximately equal to the annual rate of inflation for the previous calendar year.

Patron - Wagner

FSB446 **Penalty for certain crimes against adults 60 years of age or older.** Increases criminal penalties when the victim of the offense is 60 years of age or older and the offender knows or reasonably should know the victim of the offense is 60 years of age or older, as follows: Any person who commits a grand larceny shall be punished by a term of imprisonment of not less than two nor more than 20 years. Any person who obtains money by false pretenses is guilty of a Class 3 felony. Any person who signs another's name to a writing is guilty of a Class 4 felony. Any person who commits an identity theft resulting in financial loss of greater than \$200 is guilty of a Class 5 felony. Any person who commits a second or subsequent offense pursuant to § 18.2-213.2 shall be sentenced to a term of imprisonment of two years, in addition to the punishment provided for such offense. This bill was incorporated into SB 556.

Patron - Quayle

FSB487 **Criminal street gangs; predicate crimes.** Adds certain breaking and entering offenses and grand larceny to the list of "predicate criminal acts" for determination of criminal street gang status. This bill was incorporated into SB 142.

Patron - Hurt

FSB495 **DUI; prior offenses.** Provides a definition of "substantially similar" for the purpose of determining when an out-of-state DUI conviction can be used to enhance punishment for a current Virginia DUI offense. Out-of-state laws that criminalize driving with a prohibited blood alcohol content of .08 percent or more by weight by volume or .08 grams or more per 210 liters of breath are deemed to be substantially similar offenses. In addition, a driving under the influence conviction in a state contiguous to the Commonwealth or in the District of Columbia is deemed to be substantially similar.

Patron - Hurt

FSB504 **Forced or coerced abortion prohibited; penalty.** Provides that any person who forces or coerces a pregnant female of any age to have an abortion against her will is guilty of a Class 1 misdemeanor. However, if such a violation is committed by the father or putative father of the unborn child when the pregnant female is less than 18 years of age and the father or putative father is 18 years of age or older, the father or putative father is guilty of a Class 6 felony.

Patron - Smith

FSB580 **School property; airsoft guns; penalty.** Provides that it is a Class 1 misdemeanor for a person under the age of 18 to possess on school property a weapon designed to expel a projectile at a speed of more than 250 feet per second by action of compressed air or gas, such as an airsoft gun. The

prohibition expires in five years and does not apply to weapons with orange-tips.

Patron - Marsden

FSB584 **Using transportation district trains without a valid ticket.** Rewrites the code section that punishes unlawfully riding on a transportation district train. The bill punishes failure or refusal to pay the posted fare, or failure to properly validate a train ticket, as a Class 4 misdemeanor. The bill punishes use of a validated ticket outside of the zone of the ticketed ride as a Class 4 misdemeanor. The bill punishes use of a fraudulent or counterfeit ticket as a Class 2 misdemeanor. The bill limits the amount of recoverable costs to the same amount as the maximum fine. This bill was incorporated into SB 25.

Patron - Marsden

FSB595 **Transfer of firearms; criminal records check; penalties.** Adds a definition of "firearms show vendor" and requires that a criminal background check be performed on the prospective transferee, if such transferee does not possess a concealed handgun permit, before the vendor may transfer firearms at a gun show. Under current law, only licensed dealers must obtain such a check. The bill also adds a definition of "promoter" and requires that the promoter of a gun show provide vendors with access to licensed dealers who will conduct the criminal background check.

Patron - Lucas

Carried Over

CHB216 **Assault and battery against a family or household member; protective order; penalty.** Provides that a person who commits an assault and battery against a person who is protected by the provisions of a protective order is guilty of a Class 1 misdemeanor and for a third offense, a Class 6 felony.

Patron - McClellan

CHB280 **Use of fraud or artifice to accomplish vote on union organization.** Any person who (i) knowingly and intentionally fails to provide full and complete information regarding the consequences of a signature or a vote or an affirmation by another, or (ii) by fraud, material artifice, trickery, or deception, causes or assists in causing a vote to be taken by non-union employees on whether to organize a union, is guilty of a Class 1 misdemeanor.

Patron - Albo

CHB656 **Protective orders; GPS devices.** Authorizes a judicial officer to require that a protective order respondent be subject to GPS monitoring that notifies the person to be protected and law enforcement when the monitored person is in violation of the order. The cost of the monitoring is to be paid by the monitored person.

Patron - Armstrong

CHB685 **Solicitation, possession or production of child pornography by a minor.** Provides that a minor who, upon the facts, could be found guilty of a first offense of possession, production, publication or solicitation of child pornography, may have his case deferred and dismissed by the court. The offense is separate and distinct; if the acts or activities violating this law also violate another provision of law, a prosecution under this law shall not prohibit or bar any prosecution or proceeding under such other provision. The penalty for violation is a Class 3 misdemeanor.

Patron - Miller, J.H.

HB773 Analogous DUI laws of any other state or of the United States. Allows analogous state laws to be used as prior DUI convictions. A law shall be deemed analogous if it criminalizes the operation of a motor vehicle while the operator is impaired by or under the influence of intoxicants or the law criminalizes the operation of a motor vehicle while the operator has a blood alcohol concentration of 0.08 percent or more by weight by volume or 0.08 grams or more per liter of breath as its presumptive or per se level of intoxication.

Patron - Cleaveland

HB995 Transfer of certain firearms; required identification. Allows a prospective purchaser to present a current or retired military identification card or a concealed handgun permit in order to establish citizenship or lawful admission for permanent residence in order to purchase an assault firearm.

Patron - Nutter

HB1009 Plea of guilty on first-offense drug possession case; no appeal. Provides that any person who, upon a plea of guilty, is placed on probation pursuant to a deferral and dismissal arrangement in a first-offense drug possession case, who then violates a term or condition of his probation, and is thereafter adjudicated guilty, shall have no right of appeal and trial de novo on the original criminal charge.

Patron - Athey

HB1207 Computer trespass; penalty. Expands the crime of computer trespass to include the use of video and image capture software or hardware (screenshots) in addition to keystroke loggers. The provision does not apply to certain Internet, software, and hardware providers that provide network and data security services, technical assistance, or network management.

Patron - Albo

HB1343 Tracking of ephedrine and pseudoephedrine; pilot program. Requires the Board of Pharmacy, in conjunction with local law-enforcement officials, to establish a mandatory pilot program in the Counties of Page, Clarke, Frederick, Rockingham, Shenandoah, and Warren to implement an electronic recordkeeping system of the transactions involving the distribution of ephedrine and pseudoephedrine as required by state law. This bill is contingent upon funds being provided by a third party or agency, such that there will be no cost to participating pharmacies.

Patron - Gilbert

SB22 Assault and battery; fire marshals; penalty. Adds fire marshals and assistant fire marshals who have police powers to the definition of law-enforcement officer in the assault and battery criminal provision, which means that the punishment for committing an assault and battery on such a person who is engaged in the performance of his public duties is elevated from a Class 1 misdemeanor to a Class 6 felony, with a six-month mandatory minimum term of confinement.

Patron - Locke

SB142 Criminal street gangs; predicate criminal act. Adds burglary and shooting into an occupied dwelling to the list of predicate criminal acts for which a person committing such act may be convicted under the criminal street gang act. This bill incorporates SB 487.

Patron - Miller, J.C.

SB300 DUI offenses; passenger age 18 or younger; penalties. Creates a new offense of driving under the influence with a passenger who is 18 years of age or younger, which is a Class 1 misdemeanor for a first offense and a Class 6 felony for

a second offense with certain mandatory minimums. The bill also amends the DUI involuntary manslaughter statute to provide that the death of a person age 18 or younger is automatically aggravated manslaughter. If the conduct is already aggravated manslaughter and the victim is a person age 18 or younger, the minimum punishment is increased by one year. The bill also amends the DUI malicious wounding statute to increase the penalty from a Class 6 to a Class 5 felony if the victim is age 18 years or younger.

Patron - Miller, J.C.

SB320 Crimes; falsely summoning or giving false reports to law-enforcement officials; penalty. Increases from a Class 1 misdemeanor to a Class 6 felony falsely summoning or giving false reports to a law-enforcement official.

Patron - Ruff

SB530 Solicitation to become a gang member; penalty. Provides that any person who, by telephone or by any electronically transmitted communication producing a visual or electronic message, solicits, invites, recruits, encourages or otherwise causes or attempts to cause another to actively participate in or become a member of what he knows to be a criminal street gang is guilty of a Class 6 felony. Currently, such solicitation by any method of communication is a Class 1 misdemeanor.

Patron - McDougale

SB556 Crimes against incapacitated or elder adults; penalty. Provides that any person who commits an offense set forth in Chapter 4 (crimes against the person), Chapter 5 (crimes against property), or Chapter 6 (crimes involving fraud) of Title 18.2, knowing or having reason to know that the victim of the offense is an incapacitated or elder adult is guilty of a separate and distinct Class 1 misdemeanor if the underlying offense is a misdemeanor and a separate and distinct Class 6 felony if the underlying offense is a felony. The bill adds that if the offender is a person responsible for the care of the victim, punishment for a misdemeanor shall include a mandatory minimum term of confinement of 30 days, and punishment for a felony shall include a mandatory minimum term of confinement of six months. This bill incorporates SB 446.

Patron - Herring

SB588 Interference with transit operation or operator; penalty. Provides that any person who obstructs, hinders, or interferes with the operation or operator of a transit vehicle engaged in the performance of a public transportation service or a person engaged in his official duties as a conductor, station agent, or station attendant of a public transportation service is guilty of a Class 1 misdemeanor.

Patron - Marsden

SB599 Electronic tracking devices in motor vehicles. Provides that any person who, with the intent to electronically track the location of a motor vehicle, knowingly installs or places an electronic tracking device, or causes an electronic tracking device to be installed or placed, in or on a motor vehicle without the consent of the owner or lessee, is guilty of a Class 4 misdemeanor. This provision does not apply to the original manufacturer of the motor vehicle, law-enforcement officers, judicial officers, probation and parole officers, bail bondsmen, and bail enforcement agents.

Patron - Vogel

SB604 Crimes; assault and battery of ABC agent. Provides for an offender who assaults a special agent of the Department of Alcoholic Beverage Control because of his employment to be prosecuted for a Class 6 felony.

Patron - Locke

CSB631 Gang-free zones; penalties. Expands current "gang-free school zones" to the broader "gang-free zones" and includes any school bus stop or the property, including buildings and grounds, of any publicly owned or operated community center, park, library, or hospital. Engaging in criminal street gang activity in a gang-free zone is a Class 5 or 6 felony and may include a two-year mandatory minimum sentence, depending upon other aggravators.

Patron - Marsh

Criminal Procedure

Passed

PHB13 Availability of presentence reports to counsel for convicted person. Provides that counsel representing a person who has been convicted of a crime for which a presentence report was prepared by a probation officer may be provided a copy of the report, without a court order, when the convicted person is pursuing a post-conviction remedy.

Patron - Marshall, R.G.

PHB84 Foreign search warrants to be honored. Provides that a Virginia corporation or other entity that provides electronic communication services or remote computing services to the general public, when properly served with a warrant and affidavit in support of the warrant, issued by a judicial officer or court of another state with jurisdiction over the matter, to produce a record or other information pertaining to a subscriber to or customer of such service or the contents of electronic communications, or both, shall produce the record or other information as if that warrant had been issued by a Virginia court. This provision applies only to records relating to certain violent or sexual criminal offenses, computer fraud and identity theft.

Patron - Marshall, R.G.

PHB291 Appeal of bail decision. Specifies the court to which a bail decision, bond amount, or term of recognizance should be appealed. The proper court is determined based on where the initial determination was made and the court in which the charge is pending. The bill also streamlines the process by which an attorney for the Commonwealth makes a motion to increase bail. This bill is identical to SB 75.

Patron - Griffith

PHB311 Hospitalization of inmates in local correctional facilities. Repeals provisions dealing with determining (i) a defendant's competency to be sentenced after he has been convicted of a crime and (ii) whether an inmate who is in the custody of a local correctional facility needs to be involuntarily hospitalized for treatment of mental illness, and substantially incorporates these provisions into statutes dealing generally with determinations of a defendant's competency and the hospitalization of inmates in the custody of local correctional facilities. The bill sets forth the procedures that a court or a person having custody of an inmate must follow to determine whether treatment of mental illness is necessary. This bill is identical to SB 87.

Patron - O'Bannon

PHB314 DNA data bank. Makes technical changes providing that instead of blood, saliva and tissue samples, "samples of human biological evidence" shall be analyzed. The

bill also provides that results of analyses are to be provided to an accused or his attorney.

Patron - McClellan

PHB500 Admissibility of certificates of analysis at preliminary hearing; trial. Provides that at any preliminary hearing, certificates of analysis and reports prepared by lab analysts, etc., shall be admissible without the testimony of the person preparing such certificate or report. The bill also provides that when such an analyst appears in court on the day of trial to testify, the certificate of analysis shall be admissible. In addition the bill requires a defendant who demands the testimony of an analyst to pay \$50 in court costs for expenses related to the analyst's appearance if the defendant is convicted. This bill incorporates HB 456.

Patron - Gilbert

PHB568 Notice to Commonwealth of expert testimony in sentencing phase of capital murder trial. Provides that in any case in which a defendant charged with capital murder intends, in the event of conviction, to present testimony of an expert witness to support a claim in mitigation relating to the defendant's history, character or mental condition, he or his attorney shall give notice in writing to the attorney for the Commonwealth, at least 60 days (currently 21 days) before trial, of his intention to present such testimony.

Patron - Iaquinto

PHB585 Information entered into VCIN. Provides that within 72 hours following the receipt of a written statement issued by a parole officer authorizing the arrest of a person who has violated the provisions of his post-release supervision or probation, the person's name and other appropriate information required by the Department of State Police shall be entered into the information systems known as the Virginia Criminal Information Network (VCIN). The information will be deemed a warrant authorizing the arrest of the person anywhere in the Commonwealth.

Patron - Landes

PHB770 Arrest without warrant; DUI arrests. Provides that an arresting officer at a medical facility may "release the person [a DUI accused] from custody by executing a summons." The bill also provides that an officer may either arrest or summons a person for a Class 1 or 2 misdemeanor except as otherwise provided "for offenses listed in subsection D of § 19.2-81." The bill also specifically states that when a summons is not issued for a person accused of DUI or refusal who has been taken to a medical facility, the officer shall bring the person before a judicial officer for a bail hearing. The bill allows an arrest to be made for misdemeanor offenses of DUI or "drunk boating" to be made by any officer, whether or not the offense occurred in his presence and removes language from the law providing for transfer of custody from one officer to another in drunk boating incidents. The bill changes nomenclature in the statute setting forth procedures for an arrest without a warrant to "complaining officer" from "officer making the arrest." This bill incorporates HB 1254.

Patron - Cleaveland

PHB927 Immediate sanction probation. Allows the establishment of one immediate sanction probation program in the Commonwealth with a two-year sunset. The bill provides that as a condition of suspension of sentence pursuant to § 19.2-303, a defendant who was not convicted of a violent crime may be ordered to participate in an immediate sanction probation program. An offender arrested for a violation of the conditions of his probation would receive an expedited hearing before the court. An affidavit prepared by his probation and parole officer detailing the offense for which he was arrested

may be received into evidence without the officer's testimony. The immediate sanction hearing is not authorized for new criminal offenses or absconding for more than seven days. Such an offender would serve no more than 30 days in jail for a probation offense. The Virginia Criminal Sentencing Commission will evaluate the program.

Patron - Bell, Robert B.

HB946 Obtaining records from financial entities. Provides that electronic data and electronic communications are included in the information that certain financial entities must provide pursuant to a subpoena duces tecum.

Patron - Landes

HB979 Destruction of exhibits. Relieves the clerk of notifying a defendant of the destruction or donation of certain exhibits used at trial: drugs, weapons, or exhibits deemed contraband. The defendant's attorney still receives notice.

Patron - Anderson

HB1113 Forfeiture of vehicles used in pandering involving a minor or abduction. Requires that a vehicle knowingly used by the owner or another with the owner's knowledge during the commission of any felony abduction offense or pandering when the prostitute is a minor shall be seized by the arresting law-enforcement officer and forfeited to the Commonwealth.

Patron - Ebbin

HB1194 Bail terms set by court on a capias to be honored by magistrate. Provides that a magistrate who is to set the terms of bail of a person arrested and brought before him on a capias shall do so in accordance with the order of the court that issued the capias, if the court so orders. This bill is identical to SB 490.

Patron - Griffith

HB1195 Impanelment of multi-jurisdiction grand jury. Provides that the impaneling order shall designate the jurisdiction requested on the application as the jurisdiction where the multi-jurisdiction grand jury shall be convened and shall appoint a judge of the circuit court of that jurisdiction as the presiding judge. The requirement that a judge of the circuit court of the designated jurisdiction has to be appointed does not apply if all of the judges of that circuit have recused themselves.

Patron - Griffith

HB1204 Special conservators of the peace; authorized to use the Seal of the Commonwealth. Grants, upon a court order, special conservators of the peace to use the seal of the Commonwealth in a badge or other credential of office.

Patron - Lingamfelter

HB1216 Public defenders; supplemental compensation. Provides that supplemental compensation for public defenders provided by a locality shall go directly to the employees rather than going to the Indigent Defense Commission for distribution.

Patron - McClellan

HB1252 Electronic communication service providers; obtaining records. Authorizes the disclosure of the records of providers of electronic communication service or remote computing service if the court orders disclosure for an investigation of a missing child, senior adult or incapacitated person. Under current law the court may order disclosure only if the records are relevant and material to an ongoing criminal investigation.

Patron - Greason

HB1255 Bail bondsman to receive criminal history information. Provides that if a judicial officer sets a secured bond and the person engages the services of a licensed bail bondsman, the magistrate executing recognizance for the accused shall, upon request of the bondsman, provide the bondsman with a copy of the person's Virginia criminal history record, if readily available, to be used by the bondsman only to determine appropriate conditions to impose upon the accused upon his release. The bondsman may review the record on the premises only and must promptly return it to the magistrate. The bondsman will pay a \$15 fee which will be credited to the state treasury.

Patron - Iaquinto

SB72 Unexecuted warrants. Allows an attorney for the Commonwealth to move the court in which the warrant or summons would be returnable for the dismissal of any unexecuted warrant or summons issued by a magistrate. Dismissal would be without prejudice. This bill is a recommendation of the Virginia Criminal Justice Conference.

Patron - Reynolds

SB75 Appeal of bail decision. Specifies the court to which a bail decision, bond amount, or term of recognizance should be appealed. The proper court is determined based on where the initial determination was made and the court in which the charge is pending. The bill also streamlines the process by which an attorney for the Commonwealth makes a motion to increase bail. This bill is identical to HB 291.

Patron - Reynolds

SB87 Hospitalization of inmates in local correctional facilities. Repeals provisions dealing with determining (i) a defendant's competency to be sentenced after he has been convicted of a crime and (ii) whether an inmate who is in the custody of a local correctional facility needs to be involuntarily hospitalized for treatment of mental illness, and substantially incorporates these provisions into statutes dealing generally with determinations of a defendant's competency and the hospitalization of inmates in the custody of local correctional facilities. The bill sets forth the procedures that a court or a person having custody of an inmate must follow to determine whether treatment of mental illness is necessary. This bill is identical to HB 311.

Patron - Howell

SB88 Criminal Injuries Compensation Fund. Requires health care providers who provide services under the Criminal Injuries Compensation Fund to negotiate with the Virginia Worker's Compensation Commission, which administers the Fund, to establish agreements relating to rates for payment of claims. The rates will discharge the obligation to the provider in full except where the provider is an agency of the Commonwealth and the claimant receives a third party recovery in addition to the payment from the Fund.

Patron - Howell

SB106 Certificates of analysis and affidavits. Clarifies that provisions requiring notification of defendants by the Commonwealth must be followed only if the certificate or affidavit is to be used in lieu of testimony. The bill also specifies that the notice of defendant's right to object shall be provided simultaneously with the certificate or affidavit rather than attached to the certificate or affidavit. The bill provides that certain documents are considered to be certificates of analysis. The bill modifies legislation enacted during the August 2009 Special Session in response to the United States Supreme

Court decision in *Melendez-Diaz v. Massachusetts*, 557 U.S. ____ (June 25, 2009).

Patron - McDougle

SB153 Destruction of exhibits. Relieves the clerk of notifying a defendant of the destruction or donation of certain exhibits used at trial: drugs, weapons, or exhibits deemed contraband. The defendant's attorney still receives notice. Any exhibits which are forfeitable to the state are controlled by other provisions of the Code where innocent owners have an opportunity to retrieve their property.

Patron - Stuart

SB162 Capital case sentencing forms. Removes from the Code of Virginia the statutory sentencing forms used in capital cases.

Patron - Edwards

SB248 Indigent defendants; right to ex parte hearing for appointment of experts in capital cases. Provides that an indigent defendant who has been charged with a capital offense may move in circuit court for the appointment of experts to assist in the preparation of his defense. The presiding judge shall designate another judge in the judicial circuit who may hold an ex parte hearing on such a motion and may order the appointment of an expert. Prior to an ex parte proceeding, communication, or request, a particularized need for confidentiality must be demonstrated in an adversarial proceeding. A motion for an ex parte hearing shall be in writing and filed under seal and any ex parte hearing conducted shall be on the record and kept under seal as part of the record of the case. The court may unseal the record after the trial is concluded for good cause shown.

Patron - Watkins

SB385 Admissibility in evidence of non-existence of an official record. Provides that at a hearing or trial an affidavit signed by a government official who is competent to testify, deemed to have custody of an official record, or signed by his designee, stating that after a diligent search, no record or entry of such record is found to exist among the records in his custody, is admissible as evidence that his office has no such record or entry, provided that the procedures for admission of such an affidavit as set forth in the statute governing admission of affidavits indicating non-registration of a sex offender have been followed, mutatis mutandis.

Patron - Obenshain

SB387 Certificates of analysis in criminal cases. Amends legislation enacted during the August 2009 Special Session in response to the United States Supreme Court decision in *Melendez-Diaz v. Massachusetts*, 557 U.S. ____ (June 25, 2009) to state that if the Commonwealth intends to have testimony by two-way video conferencing that information must be provided to the defendant in the notice that the Commonwealth is otherwise required to provide and the defendant must specifically object or he waives his right to object. The bill sets out procedures for video testimony and also clarifies that provisions requiring a 28-day notification to the defendant must be followed only if the certificate or affidavit is to be used in lieu of testimony. This bill incorporates SB 149.

Patron - Obenshain

SB490 Bail terms set by court on a *capias* to be honored by magistrate. Provides that a magistrate who is to set the terms of bail of a person arrested and brought before him on a *capias* shall do so in accordance with the order of the court that issued the *capias*, if the court so orders. This bill is identical to HB 1194.

Patron - Hurt

SB492 Foreign search warrants to be honored. Provides that a Virginia corporation or other entity that provides electronic communication services or remote computing services to the general public, when properly served with a warrant and affidavit in support of the warrant, issued by a judicial officer or court of another state with jurisdiction over the matter, to produce a record or other information pertaining to a subscriber to or customer of such service or the contents of electronic communications, or both, shall produce the record or other information as if that warrant had been issued by a Virginia court provided the record, information or communications are related to the commission of a criminal offense that is substantially similar to (i) a violent felony as defined in § 17.1-805, (ii) an act of violence as defined in § 19.2-297.1, or (iii) any offense for which registration is required pursuant to § 9.1-902.

Patron - Hurt

SB493 Records concerning electronic communication service or remote computing service. Clarifies that any provider of electronic communication service or remote computing service, including a foreign corporation that provides electronic communication service or remote computing service, shall disclose a record or other information pertaining to a subscriber to or customer of such service, excluding the contents of electronic communications, to an investigative or law-enforcement officer pursuant to (1) a search warrant issued by a magistrate, general district court or a circuit court; (2) a court order for such disclosure issued as provided in this section; or (3) the consent of the subscriber or customer to such disclosure.

Patron - Hurt

SB494 Admissibility of records concerning electronic communication service or remote computing service. Provides that the provider of electronic communication service or remote computing service may verify the authenticity of the written reports or records that it discloses pursuant to a search warrant, court order, etc., excluding the contents of electronic communications, by providing an affidavit from the custodian of those written reports or records or from a person to whom said custodian reports certifying that they are true and complete and that they are prepared in the regular course of business. The bill also provides that when so authenticated, the written reports and records are admissible in evidence as a business records exception to the hearsay rule.

Patron - Hurt

Failed

HB68 Preliminary hearing; testimony reduced to writing. Allows the district court judge conducting the preliminary hearing to order witness testimony reduced to writing. Under current law only the judge of the court of record to which the case has been or may be certified can make such an order. This bill is a recommendation of the Committee on District Courts.

Patron - Toscano

HB182 Waiver of payment of interest on fines and costs; incarcerated defendant. Provides for the purging of interest on fines and costs for an incarcerated defendant when such fines and costs have accrued on cases other than the one for which the defendant is incarcerated. Current law provides for the interest waiver only for the case for which the defendant is incarcerated.

Patron - Morrissey

HB183 Expungement of criminal conviction record. Allows a person convicted of a criminal offense to have his conviction expunged after 10 years have passed following the conviction, upon a showing that his opportunities for employment, education, or professional licensure are prejudiced by the existence of the criminal record. Expungement would not be available for someone convicted of a violent felony, a DUI-related offense, an offense for which registration on the sex offender registry is required, or domestic violence.

Patron - Morrissey

HB184 Petition to vacate finding of guilt of convicted person. Provides that notwithstanding any rule of court or any other provision of law, any person convicted of a crime may, upon the discovery of previously unknown or unavailable evidence, petition jointly with the attorney for the Commonwealth in the district court or circuit court in which he was convicted to vacate the judgment of guilt. Upon such petition, the court shall conduct an evidentiary hearing and, upon clear and convincing proof of all of the allegations in the petition and upon finding that no rational trier of fact could have found proof of guilt beyond a reasonable doubt, vacate the judgment of guilt and order the person's record expunged. Or, if the petition fails to state a claim, or if the assertions of previously unknown or unavailable evidence, even if true, would fail to qualify for relief, the court may dismiss the petition summarily, without a hearing.

Patron - Morrissey

HB360 Authority of jail superintendent and jail officers to serve process. Provides that the superintendent and jail officers at regional jail facilities are invested with the powers and authority of a sheriff or sheriff's deputy for the purpose of service of civil and criminal process upon inmates within the jail or jail farm, provided the officers who do so have received the same training with regard to service of civil and criminal process as is given sheriffs and sheriff's deputies with like responsibility.

Patron - Ware, O.

HB456 Admissibility of certificates of analysis at preliminary hearing; at trial. Provides that at any preliminary hearing, certificates of analysis and reports prepared by lab analysts, etc., shall be admissible without the testimony of the person preparing such certificate or report. The bill also provides that when such an analyst appears in court on the day of trial to testify, the certificate of analysis shall be admissible (over procedural objection). This bill has been incorporated into HB 500.

Patron - Herring

HB636 Appeal of bail decision. Specifies the court to which a bail decision, bond amount, or term of recognizance should be appealed. The proper court is determined based on where the initial determination was made and the court in which the charge is pending. The bill also provides that the attorney for the Commonwealth may appeal any bail, bond or recognizance decision, consequently a decision made by a judicial officer (including a magistrate or clerk) will be appealable. Current law limits such appeals from a court decision only, and only upon objection in court by the attorney for the Commonwealth.

Patron - Armstrong

HB663 Servicemembers and veterans courts. Establishes the Servicemembers and Veterans Court Act. The bill allows the establishment of servicemembers and veterans courts as specialized court dockets within the existing structure of Virginia's court system, offering judicial monitoring of

intensive treatment and supervision of offenders who appear to suffer from mental illness, alcohol or drug abuse, posttraumatic stress disorder, or traumatic brain injury, any of which appear to be related to military service, including, without limitation, any readjustment to civilian life that is necessary after service in the armed services. A state military members and veterans court advisory committee is established and localities intending to establish servicemembers and veterans courts are required to establish advisory committees. The Supreme Court of Virginia is given administrative oversight for the implementation of the Act.

Patron - Gear

HB681 Discretion of law-enforcement officer to arrest or issue summons for a jailable offense. Gives a law-enforcement officer discretion to arrest or to issue a summons to a person in his custody for having committed a Class 1 or 2 misdemeanor. Currently, the officer must issue a summons unless the person refuses to cease his criminal activity, is a danger to himself or others, or indicates he will disregard a summons.

Patron - Miller, J.H.

HB691 Nolle prosequi entered in discretion of court. Provides that nolle prosequi shall be entered in the discretion of the court, upon motion of the Commonwealth. The bill removes the good cause requirement.

Patron - Miller, J.H.

HB728 Conditions of release without bond. Provides that no person arrested for a felony who has previously been convicted of a felony, or who is presently on bond for an unrelated arrest in any jurisdiction, or who is on probation or parole, may be released to a pretrial services agency unless he is determined by a court to be indigent.

Patron - Albo

HB793 Certain confessions inadmissible if not videotaped. Provides that no confession of a criminal defendant to the commission of any the following criminal offenses shall be admissible in a court of law unless the confession is recorded on videotape and is otherwise admissible: (i) forcible rape of an adult in violation of § 18.2-61; (ii) forcible sodomy of an adult in violation of § 18.2-67.1; (iii) forcible object sexual penetration of an adult in violation of § 18.2-67.2; (iv) robbery in violation of § 18.2-58 or carjacking in violation of § 18.2-58.1; or (v) felony kidnapping or abduction in violation of Article 3 (§ 18.2-47 et seq.) of Chapter 4 of Title 18.2.

Patron - Morrissey

HB809 Criminal Injuries Compensation Fund; dangerous and vicious dogs. Includes individuals who have suffered physical injury or death due to an attack by a dangerous or vicious dog as victims for the purpose of eligibility to receive awards from the Criminal Injuries Compensation Fund.

Patron - Watts

HB823 Expungement of police and court records in district court. Provides that if a person is charged with the commission of a misdemeanor criminal offense and is acquitted, or the charge is dismissed with prejudice, he may immediately, upon the acquittal or dismissal, orally request expungement of the police and court records relating to the charge. The person shall be assessed \$100 in costs. The court shall order the expungement, or deny it, on the same grounds as apply in a circuit court.

Patron - Surovell

HB829 Expert witnesses in criminal cases. Extends the application of two evidentiary statutes applicable in civil

cases (§§ 8.01-401.1 and 8.01-401.3) to criminal cases. Va. Code § 8.01-401.1 allows an expert witness to render an opinion or draw inferences from facts, circumstances or data made known to or perceived by such witness at or before the hearing or trial during which he is called upon to testify, provided that such facts, etc., are of a type normally relied upon by others in the particular field of expertise in forming opinions and drawing inferences, need not be admissible in evidence. The expert, upon cross-examination, may be required to disclose the underlying facts or data upon which his opinion is based. Va. Code § 8.01-401.1 also provides that statements contained in published treatises, periodicals or pamphlets on a subject of history, medicine or other science or art, established as a reliable authority by testimony or by stipulation shall not be excluded as hearsay to the extent called to the attention of an expert witness upon cross-examination or relied upon by the expert witness in direct examination. However, if admitted, the statements may be read into evidence but may not be received as exhibits and if the statements are to be introduced upon direct examination, copies of the statements shall be provided to opposing parties 30 days prior to trial unless otherwise ordered by the court. Va. Code § 8.01-401.3 allows a witness qualified as an expert by knowledge, skill, experience, training, or education to testify in regard to such knowledge, etc., if scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue. The bill also contains a second enactment clause that delays its effectiveness until rules adopted by the Supreme Court of Virginia providing for reciprocal pretrial discovery of all expert testimony consistent with required disclosures in civil cases become effective.

Patron - Surovell

HB839 Fines under local ordinances; Literary Fund. Provides that fines imposed under certain local ordinances dealing with traffic infractions are to be transmitted to the state treasury, and deposited in the Literary Fund, as is the case with fines imposed under state statutes.

Patron - Carr

HB878 Local community-based probation services. Allows local probation programs to supervise offenders referred from drug courts.

Patron - BaCote

HB1049 Mandatory self-identification. Provides that any person, when he is lawfully detained by a law-enforcement officer under circumstances that reasonably indicate that the person has committed, is committing, or is about to commit a crime, and is requested by the officer to identify himself, shall do so. Any such person who refuses to identify himself is guilty of a Class 1 misdemeanor.

Patron - Garrett

HB1087 Drug Recognition Experts. Provides that in any trial for a violation of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 (drug offenses) involving cocaine or heroin, any law-enforcement officer shall be permitted to testify as to the results of any field test approved as accurate and reliable by the Department of Forensic Science regarding whether or not any substance, the identity of which is at issue, is cocaine or heroin and provides that any law-enforcement officer who performs drug field tests shall be trained as a Drug Recognition Expert by the Department of Forensic Science.

Patron - Crockett-Stark

HB1253 Release of an accused on recognizance. Requires that an accused shall be released on his own recognizance by a judicial officer only upon completion of processing

of the accused as required under Title 19.2, including fingerprinting, and upon satisfaction of the terms of recognizance.

Patron - Iaquinto

HB1254 Transfer of custody of a DUI arrestee. Allows a law-enforcement officer to arrest someone for DUI, underage drinking and driving, or driving on a (DUI) suspended license if the offense is committed in his presence and then to transfer custody to another officer who may obtain the warrant based on statements of the arresting officer. Transfer of custody is currently allowed for "drunk boating" only. This bill has been incorporated into HB 770.

Patron - Iaquinto

HB1286 Restrictions on issuance of process of arrest by a magistrate. Provides that a magistrate may not issue an arrest warrant for a felony offense upon the basis of a complaint by a person other than a law-enforcement officer without prior authorization by the attorney for the Commonwealth or, if no attorney for the Commonwealth is available, without prior authorization by a law-enforcement agency having jurisdiction over the alleged offense. Current law requires only consultation with the attorney for the Commonwealth or, if he is unavailable, consultation with the law-enforcement agency.

Patron - Ward

HB1338 Interpreters for non-English-speaking persons; court costs. Provides that the costs of an interpreter for non-English speaking persons will be assessed as court costs if the defendant is found guilty. Under current law the court has discretion in assessing costs and may do so only under certain limited conditions.

Patron - Janis

HB1352 Delivery of marijuana field test results. Provides that notice of the right to a full chemical analysis following a marijuana field test may be given by the law-enforcement officer to the defendant or, if the defendant is a minor, to his parent or guardian. Current law only requires delivery to the defendant.

Patron - Cline

HB1355 Procedure in bifurcated trial. Clarifies that when a jury cannot agree on punishment in the punishment phase of a bifurcated trial, the court shall impanel a different jury to ascertain punishment unless the defendant, the attorney for the Commonwealth, and the court agree that the court shall fix punishment. The current statute is silent on impaneling a different jury.

Patron - Cline

HB1393 Appointment of counsel or waiver of right. Provides that if a criminal charge against an accused is a misdemeanor, the penalty for which may be incarceration, no penalty of incarceration shall be imposed by a court unless (i) the offense is punishable by mandatory minimum punishment or (ii) the prosecuting attorney affirmatively advises the court that incarceration is appropriate in such cases, or in the instant case. The bill also provides that, if the accused is not represented by counsel and the charge against him is a felony or a misdemeanor punishable by incarceration or for which a sentence of incarceration is deemed appropriate by the prosecuting attorney, the court shall ascertain whether or not the accused desires to waive his right to counsel.

Patron - Griffith

HB1394 Appointment of counsel; imposition of penalty of incarceration in certain misdemeanor cases. Provides that if a criminal charge against an accused is a misde-

meanor or in a class of misdemeanors the penalty for which may be incarceration, a penalty of incarceration may be imposed and an attorney appointed by a court in the case of indigence if the prosecuting attorney advises the court that he seeks incarceration in such class of cases, or in the instant case. The bill also provides that if the prosecuting attorney advises the court that he does not seek incarceration in such case or class of cases, the court may try the case without appointing counsel, and in such event no sentence of incarceration shall be imposed. The bill contains a sunset date of July 1, 2013.

Patron - Cleveland

SB70 Expungement of criminal conviction record. Allows a person convicted of certain criminal offenses to petition to have his conviction expunged after a five-year period has expired following the conviction, upon a showing that his opportunities for employment, education, or professional licensure are prejudiced by the existence of the criminal record. Expungement would not be available for someone convicted of a violent felony, a DUI-related offense, an offense for which registration on the sex offender registry is required, or domestic violence.

Patron - McEachin

SB78 Capital murder; jury sentencing. Provides for jury sentencing of a defendant who has entered a plea of guilty to capital murder. A defendant who enters a guilty plea may still be sentenced by the judge if all parties agree. This bill is a recommendation of the Virginia Criminal Justice Conference.

Patron - Reynolds

SB126 Waiver of payment of interest on fines and costs; incarcerated defendant. Provides for the purging of interest on fines and costs in criminal and traffic cases for an incarcerated defendant when such fines and costs have accrued on cases other than the one for which the defendant is incarcerated. Current law provides for the interest waiver only for the case for which the defendant is incarcerated.

Patron - Marsh

SB149 Certificates of analysis and affidavits. Amends legislation enacted during the August 2009 Special Session in response to the United States Supreme Court decision in *Melendez-Diaz v. Massachusetts*, 557 U.S. ___ (June 25, 2009) to state that provisions requiring a 28-day notification to the defendant must be followed only if the certificate or affidavit is to be used in lieu of testimony. The bill also states that the copies that must be filed with the clerk may be filed within two days after being provided to the defendant rather than on the same day. Testimony by two-way video conferencing is allowed with the consent of the defendant. The time limit for continuances is extended from not more than 180 days for a person who is not incarcerated and 90 days for a person who is incarcerated to nine months and five months respectively. This bill has been incorporated into SB 387.

Patron - Stuart

SB158 Mental health courts. Provides that any district court or circuit court may establish a mental health court, which is a separate court docket within the existing calendar of a district or circuit court offering judicial monitoring of the treatment and supervision of certain individuals with mental illness who are under the jurisdiction of the criminal court. Any such court shall be required to have (i) identification of eligible individuals; (ii) the provision of services by a willing local community services board or behavioral health authority serving the territorial jurisdiction of the court and which can provide, or contract for the provision of, appropriate treatment and services for the offender; (iii) court-established treatment and compliance terms of participation; and (iv) a process for

monitoring the adherence to court requirements. This bill incorporates SB 592.

Patron - Edwards

SB176 Preliminary hearing; testimony reduced to writing. Allows the district court judge conducting the preliminary hearing to order witness testimony reduced to writing. Under current law only the judge of the court of record to which the case has been or may be certified can make such an order. This bill is a recommendation of the Committee on District Courts.

Patron - McDougale

SB444 Destruction of live marijuana plants. Provides that where a seizure of more than 10 suspected live marijuana plants is made in connection with any drug prosecution or investigation, the appropriate law-enforcement agency may retain 10 of the seized plants and destroy the remainder by direction of the chief law-enforcement officer or his designee, without a court order, when (i) it is not reasonably possible to preserve all of the plants in place or to remove the plants to another location; (ii) random and representative samples of the plants to be destroyed are retained for evidentiary purposes; and (iii) photographs or video recordings are taken to record the total amount of the suspected marijuana plants seized.

Patron - Reynolds

SB462 Crime victims; immigration status. Provides that no law-enforcement officer or other agent of state or local government shall, when investigating a crime, inquire into the immigration status of any person who reports that he is the victim of the crime or the parent or guardian of a minor victim, or is a cooperating witness in the criminal investigation or the parent or guardian of a minor witness. The bill does not prohibit a law-enforcement officer from inquiring into the immigration status of a victim or witness who has been arrested or charged with a criminal violation, or when such inquiry is required by federal law or is essential to the investigation or prosecution of the crime to which the person is a witness or of which the person is a victim.

Patron - Howell

SB488 Witnesses in criminal trial. Allows the attorney for the Commonwealth to designate, in felony cases, one investigative law-enforcement official who may remain in the courtroom, unless the court determines that his presence would impair the conduct of a fair trial.

Patron - Hurt

SB592 Veterans' mental health courts. Allows, in Hampton Roads, the establishment of veterans' mental health courts as specialized court dockets within the existing structure of Virginia's court system, offering judicial monitoring of intensive treatment and supervision of offenders who are affected by mental illness, an alcohol or substance use disorder, post-traumatic stress disorder, or traumatic brain injury, any of which appear to be related to military service, including, without limitation, any readjustment to civilian life that is necessary after service in the armed services. A state veterans' mental health court advisory committee is established and localities intending to establish veterans' mental health courts are required to establish local advisory committees. The Supreme Court of Virginia is given administrative oversight for the implementation of the act. This bill was incorporated into SB 158.

Patron - Miller, J.C.

SB615 Conditions of sentence suspension, etc.; credits toward reducing length of probation. Requires the Department of Corrections to develop a supervision plan for

every offender placed on supervised probation and allows for credits to be applied toward reducing the offender's time on supervised probation by as much as one-half based on the achievement of goals established by the Department. The application of credits is to be determined by the chief probation and parole officer and does not require court action.

Patron - Howell

SB616 Department of Housing and Community Development; rental assistance pilot project. Requires the Department of Housing and Community Development to establish a three-year rental assistance pilot project and to report its findings and recommendations to the Governor and the Housing Commission. The provisions of the bill are conditional upon an appropriation of general funds.

Patron - Locke

SB617 Criminal procedure; sentencing revocation report worksheets. Requires sentencing revocation report worksheets in all probation revocation and sentence suspension revocation cases in which the defendant was under the direct supervision of the probation and parole district office.

Patron - Howell

SB643 Discretion of law-enforcement officer to arrest or issue summons for a jailable offense. Gives a law-enforcement officer discretion to arrest or to issue a summons to a person in his custody for having committed a Class 1 or 2 misdemeanor. Currently, the officer must issue a summons unless the person refuses to cease his criminal activity, is a danger to himself or others, or indicates he will disregard a summons.

Patron - Reynolds

SB679 Restorative justice programs. Establishes a restorative justice program for offenders and victims. Provisions address participation, court involvement, confidentiality, and immunity from civil liability.

Patron - Hanger

SB716 Conditions of release without bond. Provides that no person arrested for a felony who has previously been convicted of a felony, or who is presently on bond for an unrelated arrest in any jurisdiction, or who is on probation or parole, may be released to a pretrial services agency in lieu of posting a secure bond unless he is determined by a court to be indigent.

Patron - Petersen

SB724 Appeal of bail decision. Amends section allowing attorney for the Commonwealth to appeal a bail decision made by the court over the objection of the attorney for the Commonwealth to allow appeal of a decision made by a judicial officer (including a magistrate or clerk) even if the attorney for the Commonwealth did not object.

Patron - Reynolds

Carried Over

HB207 Conduct of police lineups. Establishes a uniform procedure to be used in all lineups by all law-enforcement agencies intended to ensure maximum accuracy of the procedure. The bill requires that the person who administers the lineup be a person who is not involved in the investigation of the criminal incident at issue and who does not know the identity of the suspect, that only one photograph or person is displayed to the eyewitness at a time, that all information about the suspect is kept from the eyewitness, that the lineup be recorded by videotape, audiotape or in writing by the adminis-

trator, and that the quality of the procedures used is subject to review in court by the finder of fact.

Patron - Alexander

HB307 Involuntary temporary detention order; hearing to be held no less than 24 and no more than 72 hours after execution. 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 - O'Bannon

HB864 Compensation of court-appointed counsel. Requires a separate detailed accounting for representation expenses for each criminal charge and requires the judge to review the allocation of fees among the charges when counsel represents an indigent defendant on multiple charges that are tried by the court as part of the same judicial proceeding.

Patron - Cline

SB85 Involuntary temporary detention order; hearing to be held no less than 24 and no more than 72 hours after execution. 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

SB208 Family or household member; definition. Includes within the definition of a person's "family or household member" any individual who is currently or was formerly involved in a substantive, intimate dating relationship with the person; the existence of such a substantive relationship shall be determined based on (i) the length of the relationship, (ii) the nature of the relationship, and (iii) the frequency of interaction between the persons involved in the relationship. A casual relationship or ordinary fraternization in a business or social context does not constitute a dating relationship. Expanding the definition of "family or household member" implicates crimes for which a family or household member is a victim (e.g., assault and battery against a family member) and protective orders under which a person may be protected (e.g., protective orders in cases of family abuse).

Patron - Barker

SB688 Arrest without warrant; DUI arrests. Expands the DUI crimes for which an officer may arrest a person without a warrant. The bill removes the requirement that an arrest for DUI be made within three hours of an accident and allows an arrest to be made for misdemeanor offenses of DUI or "drunk boating" to be made by any officer, whether or not the offense occurred in his presence, and removes language from the law providing for transfer of custody from one officer to another in drunk boating incidents.

Patron - Reynolds

Domestic Relations

Passed

HB40 Criminal nonsupport. Clarifies that a parent who is not subject to prosecution for criminal nonsupport because his child receives aid under a federal or state program for aid to the permanently and totally disabled is subject to prosecution for desertion and nonsupport of a spouse and for any children who are not receiving such aid.

Patron - Orrock

HB66 Child and spousal support; vocational experts. Allows a court to appoint a vocational expert to conduct an evaluation of a party in cases involving child support, spousal support, and separate maintenance where the earning capacity, unemployment, or underemployment of a party is in controversy. The court may award costs or fees for the evaluation and the services of the expert at any time during the proceedings.

Patron - Toscano

HB377 Equitable distribution; monetary award; enforcement. Clarifies that a monetary award made in a divorce case may be enforceable in the same manner as any other money judgment.

Patron - Lewis

SB69 Surrogacy contracts. Provides that, upon expiration of three days following birth of any resulting child, a surrogate may relinquish her parental rights to the intended parents, if at least one intended parent is the genetic parent of the child, by signing a surrogate consent and report form naming the intended parents as the parents of the child. Under current law, the surrogate may relinquish such parental rights to the intended parents upon expiration of 25 days following birth of any resulting child. The bill also makes it a Class 1 misdemeanor to accept compensation for otherwise arranging or inducing intended parents and surrogates to enter into surrogacy contracts in this Commonwealth. Under current law, to otherwise arrange or induce intended parents and surrogates to enter into surrogacy contracts in this Commonwealth is a Class 1 misdemeanor.

Patron - McEachin

Failed

HB146 Child support; child attending college. Provides that child support may be ordered for a child attending an institution of higher learning until the child obtains an undergraduate degree or reaches the age of 23.

Patron - O'Bannon

HB165 Virginia Military Parents Equal Protection Act; stay of proceedings. Provides that any proceeding to modify the custodial or visitation rights of a parent or guardian who is a member of the military and who has been deployed in active military service shall be stayed in accordance with the provisions of the federal Servicemembers Civil Relief Act.

Patron - Pogge

HB821 Child custody; record of in camera interview. Expands the requirement that a court of record shall make a record of any in camera interview conducted with a child in a custody or visitation proceeding to include courts not of record.

Patron - Surovell

SB161 Divorce proceedings; service requirements and waiver of notice of further proceedings. Provides that, in divorce cases, when the defendant has been served with the complaint by personal or substituted service, and the defendant fails to answer, plead, or otherwise appear within 21 days of such service, the defendant shall be deemed to have waived notice of further proceedings in the case and no further service of process upon him shall be required.

Patron - Edwards

SB319 Child support; child attending college. Provides that child support may be ordered for a child attending an

institution of higher learning until the child obtains an undergraduate degree or reaches the age of 23.

Patron - Ruff

SB356 Child visitation. Provides that the court may order that a parent who has a documented history of alcohol abuse, as a condition of visitation, have an ignition interlock system installed on each vehicle that the parent drives with the child as a passenger.

Patron - Obenshain

SB526 Mandatory dispute resolution; custody, visitation, and child support. Provides that parties in cases involving custody, visitation, and child support must be referred to, and must attend, a dispute resolution orientation session.

Patron - Norment

Education

Passed

HB111 Accreditation of schools; delayed implementation of certain statutes and regulations, etc. Provides for the delayed implementation of statutes and regulations upon which the accreditation of schools in the Commonwealth is based that were not already in effect on June 30, 2008, with the exception of the graduation and completion rate index, until July 1, 2011, unless such statutes or regulations are also specifically required by federal code, federal regulation, or court action. This bill incorporates HB 575. This bill is identical to SB 352.

Patron - Lohr

HB196 Economics education and financial literacy requirement; repealed. Postpones implementation of any additional graduation requirements, including the economics education and financial literacy requirement, until July 1, 2011.

Patron - Ware, R.L.

HB208 Local school divisions; certain reporting requirements. Reduces certain reporting requirements of local schools. This is in response to the 2009 Appropriation Act, which required the Department of Education to review state laws and look for ways to reduce the administrative burden on local school divisions and the Department of Education. This bill incorporates HB 781.

Patron - Bulova

HB257 Board of Education; homebound instruction. Requires the Board of Education to amend its regulations establishing Standards for Accrediting Public Schools in Virginia as they relate to homebound instructional services to address whether homebound instruction may be made available to students based upon evidence submitted by any person licensed to diagnose and treat mental, emotional, or behavioral disorders by a health regulatory board within the Department of Health Professions. Current regulations provide that certification must be made by a licensed physician or licensed clinical psychologist.

Patron - McClellan

HB304 Standards of Learning; alternative assessments. Requires an annual justification, as part of the Individ-

ual Education Program, for every student who takes the Virginia Grade Level Alternative assessment instrument in grades three through eight. Such justification shall include evidence that the student meets participation criteria defined by the Department of Education.

Patron - O'Bannon

HB394 Standards of Quality; standard diploma. Ensures that the sequential elective requirement for the standard diploma be identified in the Academic and Career Plan as described in Board of Education regulations. This bill is identical to SB 629.

Patron - Lohr

HB491 Consumable materials; student fees. Ensures that language authorizing the assessment of fees to students for consumable materials must not be construed to authorize a school board to charge fees for instructional materials, textbooks, or other materials used by a school board employee that are not directly used by a public school student.

Patron - Lingamfelter

HB557 Opening of the school year. Provides that the requirement that the school calendar begin after Labor Day may be waived by the Board of Education, provided the school board certifies that it meets one of the good cause requirements in current law. This bill is identical to SB 253.

Patron - Tata

HB566 Standards of Quality; School Performance Report Card. Requires each local school board to include in its annual report to the Board of Education the number of Virginia workplace readiness skills assessments passed and the number of national occupational competency assessments passed. This number is in addition to the current related reporting requirements of the number of industry certifications obtained, state licensure examinations passed, and career and technical education completers who graduated. The bill requires each number to be reported as a separate category on the School Performance Report Card. This bill is identical to SB 630.

Patron - Tata

HB623 Substitute teachers. Provides that local school boards may employ temporarily employed teachers, with the approval of the Superintendent of Public Instruction on a case-by-case basis, for periods longer than 90 teaching days in a school year.

Patron - Orrock

HB669 Triennial census of school population; sales and use tax distribution. Eliminates the requirement that every three years a census of all school-age persons residing within each school division take place. Also eliminates all related requirements regarding appointment and compensation of persons taking census, agents, and census results. The bill also amends the procedure regarding sales and use tax distribution to localities so that distribution is based on an annual estimate of the school-age population of a school division done by the Weldon Cooper Center for Public Service at UVA. This bill also allows for up to \$115,000 to be given to the Weldon Cooper Center for Public Service to cover the cost of producing the estimate. This bill is identical to SB 413.

Patron - May

HB704 Loudoun County school board; staggered terms. Allows for staggered terms for the Loudoun County school board beginning with the November 2011 general election upon a majority vote of its members.

Patron - Greason

HB709 Public schools; purchase of electronic textbooks. Requires contracts and purchase orders with publishers of textbooks approved by the Board of Education for use in grades 6 - 12 to allow for the purchase of printed textbooks, printed textbooks with electronic files, or electronic textbooks separate and apart from printed versions of the same textbook. In addition, allows each school board to purchase an assortment of textbooks in any of the three forms listed above.

Patron - Peace

HB907 Reports of certain acts to school authorities. Provides that for any report from local law-enforcement authorities to the principal or his designee and the division superintendent regarding certain offenses committed by a juvenile student that would be an adult misdemeanor, local law-enforcement authorities and attorneys for the Commonwealth shall also be authorized to disclose information regarding terms of release from detention, court dates, and terms of any disposition orders entered by the court to the superintendent of such student's school division.

Patron - Bell, Robert B.

HB1172 Virginia Index of Performance incentive program. Codifies a current recognition program for schools and local school divisions that recognizes and rewards fully accredited schools and school divisions that make significant progress toward achieving advanced proficiency levels in reading, mathematics, science, and history and social science and on other indicators of school and student performance. Requires the Board of Education to include in its guidelines for the program performance objectives and measures that promote student achievement in science, technology, engineering, and mathematics. This bill is identical to SB 145.

Patron - Phillips

HB1199 Waiver of certain graduation requirements; pursuant to Board of Education criteria. Requires the Board of Education to provide for the waiver of certain graduation requirements to be granted only for good cause and to be considered on a case-by-case basis.

Patron - Iaquinto

HB1217 Firearm safety education program. Allows local school boards to offer firearm safety education programs in the elementary grades. To assist local school boards opting to provide such instruction, the Board of Education must establish a standardized program of firearm safety education for students in the elementary school grades to promote the protection and safety of children. The bill requires that the program objectives incorporate, among other principles of firearm safety, accident prevention and the rules of the National Rifle Association's Eddie Eagle Gunsafe Program or the program of the National Crime Prevention Council. Local school boards offering the program must comply with Board curriculum guidelines and integrate the instruction in appropriate subject areas, if feasible, to ensure that every elementary school student receives instruction in firearm safety education.

Patron - Lewis

HB1245 Surplus property of local school boards. Authorizes elected local school boards to donate obsolete personal property to a Virginia nonprofit charitable organization.

Patron - Kory

HB1388 Establishment of virtual school programs. Requires the Superintendent of Public Instruction to develop, and the Board of Education to approve, criteria for approving and monitoring multi-division providers of online courses and virtual school programs. The bill also allows local school

boards to enter into contracts with approved private or non-profit organizations to provide such courses and programs; such contracts shall be exempt from the Virginia Public Procurement Act. Any multi-division online provider operating prior to the adoption of approval criteria by the Board may continue operating until such criteria are adopted. This bill is identical to SB 738.

Patron - Bell, Richard P.

HB1389 College Partnership Laboratory Schools. Allows for the establishment of college partnership laboratory schools by any public institution of higher education that operates an approved teacher education program. Such schools shall be public schools established by a contract between the governing board of the school and the Board of Education. Teachers working in such schools shall be employees of the institution of higher education and shall either be licensed by the Board or eligible for such license. This bill is identical to SB 736.

Patron - Peace

HB1390 Public charter schools; review and reconsideration. Requires the public charter school applicant to submit its proposed charter application to the Board of Education for review, comment, and a pre-certification recommendation prior to the submission of such application to a local school board. The Board's review must include a recommendation as to whether the application shall be approved by the local school division. Also, provides for an opportunity for a public charter school applicant to petition for reconsideration of a decision by a local school board to deny an application. Prior to such petition for reconsideration, an applicant may seek technical assistance from the Superintendent of Public Instruction.

Patron - Lingamfelter

SB46 Special education program for children with disabilities; recovery of attorney fees. Authorizes a court to award reasonable attorney fees and costs (i) to a prevailing party, who is the parent of a child with a disability, in a civil action he is allowed to bring before the court because he is aggrieved by earlier findings and a decision resolving a dispute as to program placements, individualized education programs, tuition eligibility and other matters; (ii) to a prevailing party who is the Board of Education or a local school division against the attorney of a parent who files a complaint or a subsequent cause of action that is frivolous, unreasonable, or without foundation, or against the attorney of a parent who continued to litigate after the litigation clearly became frivolous, unreasonable, or without foundation; or (iii) to a prevailing party who is the Board of Education or a local school division against the attorney of a parent, or against the parent, if the parent's complaint or subsequent cause of action was presented for any improper purpose, such as to harass, to cause unnecessary delay, or to needlessly increase the cause of litigation.

Patron - Stuart

SB145 Virginia Index of Performance incentive program. Codifies a current recognition program for schools and local school divisions that recognizes and rewards fully accredited schools and school divisions that make significant progress toward achieving advanced proficiency levels in reading, mathematics, science, and history and social science and on other indicators of school and student performance. Requires the Board of Education to include in its guidelines for the program performance objectives and measures that promote student achievement in science, technology, engineering, and mathematics. This bill is identical to HB 1172.

Patron - Miller, J.C.

SB196 Notification of school nonattendance. Clarifies that, in addition to the attendance officer, school personnel, and volunteers, the school principal or his designee is responsible for notifying parents concerning students' nonattendance at school. This bill also provides that the school principal or his designee is also responsible for arranging the conference with parents and in developing the student's attendance plan.

Patron - Blevins

SB197 Public schools; records of pesticide application. Clarifies that each local school division, rather than each individual school, shall maintain records of any pesticide application on school grounds.

Patron - Blevins

SB253 Opening of the school year. Provides that the requirement that the school calendar begin after Labor Day may be waived by the Board of Education, provided the school board certifies that it meets one of the good cause requirements in current law. This bill is identical to HB 557.

Patron - Reynolds

SB269 Driver education programs; fuel efficient driving practices. Requires the Board of Education to include fuel-efficient driving practices as part of the driver education curriculum.

Patron - Whipple

SB299 Virginia Council on the Interstate Compact on Educational Opportunity for Military Children; military family education liaison. Requires the Department of Education to employ a military family education liaison to provide staff support for the Virginia Council on the Interstate Compact on Educational Opportunity for Military Children and to assist military families and the state in facilitating the implementation of the Interstate Compact.

Patron - Miller, J.C.

SB333 Virginia School for the Deaf and the Blind; eligibility. Allows children from birth through age 21 to be eligible for the services of the Virginia School for the Deaf and the Blind. Currently, children from ages 2 to 21 are eligible. Any additional fiscal impact shall be funded from existing appropriations to the Virginia School for the Deaf and the Blind.

Patron - Hanger

SB352 Accreditation of schools; delayed implementation of certain statutes and regulations, etc. Provides for the delayed implementation of statutes and regulations upon which the accreditation of schools in the Commonwealth is based that were not already in effect on June 30, 2008, with the exception of the implementation of the graduation and completion rate index, until July 1, 2011, unless such statutes or regulations are also specifically required by federal code, federal regulation, or court action. This bill is identical to HB 111.

Patron - Obenshain

SB354 Limited English proficient students; assessment. Provides that local school divisions may administer a locally developed or selected limited English proficiency assessment mandated for students pursuant to the federal No Child Left Behind Act, so long as such assessment has been approved by the Board of Education.

Patron - Obenshain

SB361 Religious holidays; attendance records. Requires local school boards to develop policies ensuring that any student's absence because of the observance of a religious

holiday be recorded as excused on the student's attendance record and that a student not be deprived of any award or of eligibility or opportunity to compete for any award or of the right to take an alternate test or examination, for any which he missed because of such absence.

Patron - Barker

SB413 Triennial census of school population; sales and use tax distribution. Eliminates the requirement that every three years a census of all school-age persons residing within each school division take place. Also eliminates all related requirements regarding appointment and compensation of persons taking census, agents, and census results. The bill also amends the procedure regarding sales and use tax distribution to localities so that distribution is based on an annual estimate of the school age population done by the Weldon Cooper Center for Public Service. This bill incorporates SB 557. This bill is identical to HB 669.

Patron - Vogel

SB414 Competitive foods in public schools; report. Requires the Board of Education, in cooperation with the Department of Health, to promulgate and periodically update regulations setting nutritional guidelines for all competitive foods sold to students during regular school hours. The bill also requires (i) the Board to adopt either the Alliance for a Healthier Generation's Competitive Foods Guidelines or the Institute of Medicine's Recommended Standards for Competitive Foods in Schools as the initial statewide standard for competitive foods, and (ii) the Board to report to the General Assembly on the final regulations by December 1, 2011. This bill incorporates SB 210.

Patron - Vogel

SB538 Training centers; physician coverage. Requires the Department of Behavioral Health and Developmental Services to require the presence of a licensed physician at all times in any state training center.

Patron - Newman

SB629 Standards of Quality; standard diploma. Ensures that the sequential elective requirement for the standard diploma be identified in the Academic and Career Plan as described in Board of Education regulations. This bill is identical to HB 394.

Patron - Wagner

SB630 Standards of Quality; School Performance Report Card. Requires each local school board to include in its annual report to the Board of Education the number of Virginia workplace readiness skills assessments passed and the number of national occupational competency assessments passed. This number is in addition to the current related reporting requirements of the number of industry certifications obtained, state licensure examinations passed, and career and technical education completers who graduated. The bill requires each number to be reported as a separate category on the School Performance Report Card. This bill is identical to HB 566.

Patron - Wagner

SB652 Public schools; policies in concussions. Requires the Board of Education to develop and distribute to local school divisions by July 1, 2011, guidelines for policies dealing with concussions in student-athletes and requires each local school division to develop policies and procedures regarding the identification and handling of suspected concussions in student-athletes.

Patron - Northam

SB673 School board salaries; Amherst County. Reduces Amherst County school board salary from \$2,400 to \$2,200..

Patron - Newman

SB715 Teacher training; civics education. Requires the Board of Education to promulgate regulations to require (i) all education preparation programs for teachers in history and social sciences, elementary education prek-6, and middle education 6-8 to include local government and civics instruction specific to Virginia and (ii) any teacher seeking renewal of a license with an endorsement in history and social sciences, elementary education prek-6, or middle education 6-8 to undertake study of the structures, function, and powers of state and local government of Virginia and the importance of citizen participation in the political process in state and local government of Virginia.

Patron - Petersen

SB736 College Partnership Laboratory Schools. Allows for the establishment of college partnership laboratory schools by any public institution of higher education that operates an approved teacher education program. Such schools shall be public schools established by a contract between the governing board of the school and the Board of Education. Teachers working in such schools shall be employees of the institution of higher education and shall either be licensed by the Board or eligible for such license. This bill is identical to HB 1389.

Patron - Newman

SB737 Public charter schools; review and reconsideration. Requires the public charter school applicant to submit its proposed charter application to the Board of Education for review, comment, and a determination as to whether the application meets approval criteria developed by the Board, prior to submission to the local school board. Also, provides for an opportunity for a public charter school applicant to petition for reconsideration of a decision by a local school board to deny an application. Prior to such petition for reconsideration, an applicant may seek technical assistance from the Superintendent of Public Instruction.

Patron - Newman

SB738 Establishment of virtual school programs. Requires the Superintendent of Public Instruction to develop, and the Board of Education to approve, criteria for approving and monitoring multi-division providers of online courses and virtual school programs. The bill also allows local school boards to enter into contracts with approved private or non-profit organizations to provide such courses and programs; such contracts shall be exempt from the Virginia Public Procurement Act. Any multi-division online provider operating prior to the adoption of approval criteria by the Board may continue operating until such criteria are adopted. This bill is identical to HB 1388.

Patron - Newman

SJ85 Encouraging physical activity in public schools. Encourages the local school divisions to promote daily physical activity and reduce childhood obesity.

Patron - Petersen

Failed

HB70 Nonpublic school students; participation in interscholastic sports. Directs a nonprofit corporation founded in Virginia in 1913 to organize and govern interscholastic activities among the public high schools to provide an

exception to its rules allowing eligibility for participation in interscholastic sports by a student who is receiving home instruction and who is eligible for free tuition in a public school in Virginia. This bill was incorporated into HB 926.

Patron - Carrico

HB76 Expenditures and reports on instructional spending. Requires each local school board to allocate 65 percent of its operating budget to instructional spending. Local school boards must report annually to the Board of Education the percentage of their operating budgets allocated to instructional spending. Any school division that fails to meet the 65 percent requirement must present a plan to the Board of Education to increase instructional spending by 0.5 percent in the following fiscal year. School divisions failing to submit such a plan must be audited by the Auditor of Public Accounts, who is required to submit a report to the Board with any recommendations he deems appropriate concerning how these school divisions can increase their instructional spending. In addition, the Board must annually report to the Senate Committee on Finance and the House Committee on Appropriations the amount of spending allocated by the local school divisions to instructional spending based on the reports submitted annually by the local school boards. This bill incorporates HB 96 and HB 898.

Patron - Bell, Richard P.

HB96 Expenditures and reports on instructional spending. Requires each local school board to allocate 65 percent of its operating budget to instructional spending. Local school boards must report annually to the Board of Education the percentage of their operating budgets allocated to instructional spending. Any school division that fails to meet the 65 percent requirement must present a plan to the Board of Education to increase instructional spending by 0.5 percent in the following fiscal year. School divisions failing to submit such a plan must be audited by the Auditor of Public Accounts, who is required to submit recommendations to the Board, including instruction concerning how failing school divisions can increase their instructional spending to 65 percent. In addition, the Board must annually report to the Senate Committee on Finance and the House Committee on Appropriations the amount of spending allocated by the local school divisions to instructional spending based on the reports submitted annually by the local school boards. This bill has been incorporated into HB 76.

Patron - Loupassi

HB130 Local composite index. Provides that the local composite index must be fixed at 0.6000 for any school division in which the average daily membership was fewer than 2,000 students during the preceding school year and in which the Free and Reduced Lunch participation exceeded 45 percent of the students. This bill provides that the provision will become effective on July 1, 2011.

Patron - Pollard

HB154 Standards of Quality; Standard 3. Ensures that the score of any re-take Standards of Learning assessment will be included with the initial administration scores and the relevant accreditation rating for the year the initial administration took place.

Patron - Dance

HB225 Standards of Quality; apportionment of state and local share. Directs the General Assembly, in apportioning the state and local share of the costs of meeting the Standards of Quality, beginning July 1, 2010, to implement a formula that determines each locality's ability to pay based on the ratios of (i) the reimbursement payment made to the local-

ity for providing tangible personal property tax relief to the reimbursement payments made statewide for providing tangible personal property tax relief; (ii) the total value of real estate in the locality adjusted by the index used for the pay differential for state employees residing in that locality to the statewide value of real estate per person; (iii) the median value of residential real estate in the locality adjusted by the index used for the pay differential for state employees residing in that locality to the statewide median value of residential real estate; (iv) sales subject to the state sales tax in the locality to the statewide sales subject to the state sales tax; (v) revenue collected from the local personal property tax to the revenue collected statewide from the local personal property tax; and (vi) revenue collected from local lodging, local cigarette, and local meals taxes to the revenue collected statewide from these local lodging, cigarette, and meals taxes, as provided in the appropriation act. To determine each locality's composite index of ability to pay, (i) the sum of the ratios calculated on the basis of average daily membership for each locality shall be divided by the sum of the average daily membership ratios for all localities; (ii) the sum of the ratios calculated on a per capita basis for each locality shall be divided by the sum of the per capita ratios for all localities; and (iii) the locality's ratio calculated on the basis of average daily membership shall be multiplied by 0.66 and the locality's ratio calculated on a per capita basis shall be multiplied by 0.33. The sum of the two adjusted ratios in clause (ii) shall be the local composite index of ability to pay.

Patron - Watts

HB238 Students with Disabilities Tuition Assistance Grant Program. Creates the Students with Disabilities Tuition Assistance Grant Program to provide tuition assistance for attendance at an eligible private school for any K-12 student as defined by the Board of Education in its Regulations Governing Special Education Programs for Children with Disabilities in Virginia who is diagnosed with an autism spectrum disorder. "Autism spectrum disorder" means any pervasive developmental disorder, including (i) autistic disorder, (ii) Asperger's Syndrome, (iii) Rett syndrome, (iv) childhood disintegrative disorder, or (v) Pervasive Developmental Disorder - Not Otherwise Specified, as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association. The amount of the grant shall be limited to \$36,000 per year.

Patron - Janis

HB249 Opening of the 2010-2011 school year in Planning Districts 5 and 12. Authorizes the school boards in Planning Districts 5 and 12, which includes Alleghany County, Botetourt County, Craig County, Roanoke County, City of Covington, City of Roanoke, City of Salem, Pittsylvania County, Martinsville City, Henry County, Franklin County, Patrick County, and Danville City, to set the opening of the 2010 - 2011 school year so that the first day students are required to attend school shall be one week prior to Labor Day.

Patron - Merricks

HB266 Commonwealth Teachers Program; established. Provides for the establishment of the Commonwealth Teachers Program to be administered by the Board of Education. Qualified teachers, as determined by Board of Education criteria, accepted into the Program must agree to be assigned to a school that did not achieve full accreditation for the previous year. Such teachers would receive an additional six months of creditable service in the Virginia Retirement System for every year they teach in the Program.

Patron - Englin

HB331 Public charter schools; approval of applications. Allows the Board of Education to submit recommendations to local school boards as to the approval or disapproval of charter school applications, and requires local school boards to provide, in writing, their reasons for denying an application or revoking or failing to renew a charter school agreement.

Patron - Marshall, R.G.

HB353 Standards of Quality; average teacher salary. Requires that the state average teacher salary not be less than the annual national average teacher salary in order to ensure highly qualified instructional staff in the public schools.

Patron - Kory

HB397 Board of Education; statewide uniform grading policy. Requires the Board of Education to establish a policy to interpret end-of-course grades in a uniform manner across the Commonwealth in grades 6 - 12, but allows for a weighted grading system for advanced placement, honors, and International Baccalaureate classes. This bill was incorporated into HB 978.

Patron - Lohr

HB558 Standards of Quality; changes in provisions. Provides for (i) early reading intervention services for students in grades K-3 who demonstrate deficiencies; (ii) mathematics intervention services to students in grades 6, 7, 8, and 9 who are at risk of failing the Algebra I end-of-course test; and (iii) local school division flexibility in the use of state funding designated for Standards of Learning Algebra Readiness; Standards of Quality Prevention, Intervention, and Remediation; Early Reading Intervention; and instructional technology resource teachers. The bill codifies staffing standards for special education, gifted education, and career and technical education. Finally, the bill amends the definition of "support services" and requires local school divisions to report annually the amount of state and local funds budgeted and expended for each category of support services and the amounts received for support services that were used by the local school division to provide additional instructional services.

Patron - Tata

HB565 Public schools; opening of the school year. Allows local school boards, for years in which Labor Day falls on September 5 or later, to set the school calendar so that the first day students are required to attend school shall be no earlier than one week before Labor Day. This bill incorporates HB 731.

Patron - Tata

HB575 Per pupil amount of basic aid reduction; flexibility for local school divisions. Provides that during the 2010-2012 biennium, any local school division experiencing a five percent or greater reduction in the state share of the per pupil amount of basic aid may negotiate an agreement with the Board of Education for flexibility in meeting specific state education mandates impacted by such a reduction. The bill will sunset on June 30, 2012. This bill has been incorporated into HB 111.

Patron - Cole

HB581 Board of Education; teacher licensure; paraprofessional training. Requires the Board of Education to include in its regulations governing licensure a requirement that by September 1, 2011, every person seeking initial licensure or renewal of a license with an endorsement in special education and working with students with autism spectrum disorders must obtain a certificate of completion in coursework in

autism spectrum disorders, as recognized by the Virginia Autism Council. Also requires that by September 1, 2011, any local school division employing paraprofessional aides for students with an autism spectrum disorder shall provide an 80-hour preservice training program that meets the requirements set forth by the Virginia Autism Council.

Patron - Massie

HB731 School calendar. Provides that each local school board shall set the school calendar so that the first day students are required to attend school shall be no earlier than the Monday after the fourth weekend in August. This bill was incorporated into HB 565.

Patron - Albo

HB771 Opening of the school year in the City of Roanoke. Authorizes the City of Roanoke School Board to set the opening of the school year so that the first day students are required to attend school shall be no earlier than two weeks prior to Labor Day.

Patron - Cleaveland

HB780 Open enrollment policies; local school divisions. Requires that by August 1, 2010, local school divisions must have policies that provide for the open enrollment to any school of any pupil residing within the school division upon the request of a parent or guardian and pursuant to certain conditions. Also, requires local school divisions with fewer than 50,000 students to have policies that provide for the open enrollment to any school of pupils residing in adjoining school divisions with fewer than 50,000 students upon the request of a parent or guardian and pursuant to certain conditions.

Patron - LeMunyon

HB781 Local school divisions; certain reporting requirements. Eliminates or reduces certain reporting requirements of local schools. This is in response to a 2009 report from the Department of Education that reviewed state laws and recommended ways to reduce the administrative burden on local school divisions. This bill has been incorporated into HB 208.

Patron - LeMunyon

HB799 School calendar. Makes local school boards responsible for setting the school calendar and determining the opening of the school year and eliminates the post-Labor Day opening requirement and "good cause" scenarios for which the Board of Education may grant waivers of this requirement.

Patron - Greason

HB898 Expenditures and reports on instructional spending. Requires each local school board to allocate 65 percent of its operating budget to instructional spending. Local school boards must report annually to the Board of Education the percentage of their operating budgets allocated to instructional spending. Any school division that fails to meet the 65 percent requirement must present a plan to the Board of Education to increase instructional spending by one percent in the following fiscal year and each subsequent year until the 65 percent requirement is met. School divisions failing to submit such a plan must be audited by the Auditor of Public Accounts, who is required to submit recommendations to the Board, including instruction concerning how failing school divisions can increase their instructional spending to 65 percent. In addition, the Board must annually report to the Senate Committee on Finance and the House Committee on Appropriations the amount of spending allocated by the local school divisions to instructional spending based on the reports submitted annually

by the local school boards. This bill was incorporated into HB 76.

Patron - Comstock

HB1001 Nonpublic school students; participation in interscholastic sports. Directs a nonprofit corporation founded in Virginia in 1913 to organize and govern interscholastic activities among the public high schools to provide an exception to its rules allowing eligibility for participation in interscholastic sports by a student who is receiving home instruction and who is eligible for free tuition in a public school in Virginia. This bill was incorporated into HB 926.

Patron - Nutter

HB1067 Competitive foods in public schools; report. Requires the Board, in cooperation with the Department of Health, to promulgate and periodically update regulations setting nutritional guidelines for all competitive foods sold during the school day. Also requires (i) the Board to adopt the Alliance for a Healthier Generation Competitive Food Guidelines as the initial statewide standard for competitive foods; (ii) the Board to report to the General Assembly on the final regulations by December 1, 2011; and (iii) local school boards to report to the Department of Education on their plan to implement the final regulations by 30 days prior to the beginning of the 2012 - 2013 school year.

Patron - Athey

HB1111 School calendar. Adds to the "good cause" circumstances for which school divisions may be granted a waiver from the regular post-Labor Day school opening schedule a school division containing one or more elementary schools that are receiving Title I funding under the federal Elementary and Secondary Education Act. The waiver will apply only to the elementary schools receiving such funding.

Patron - Ebbin

HB1128 Composite index of local ability-to-pay. Provides that a locality whose composite index exceeds 0.6750 must be considered as having an index of 0.6750 for purposes of distributing all payments based on the composite index.

Patron - Keam

HB1129 Standards of Quality; Standard 2. Increases the requirement for state-supported instructional positions for students identified as having limited English proficiency from 17 full-time equivalent positions for each 1,000 students to 30 full-time equivalent positions for each 1,000 students.

Patron - Keam

HB1141 Education; computation of composite index. Requires the General Assembly to modify the current Standards of Quality (SOQ) funding formula and calculation of composite index of local ability to pay that determines each locality's ability to pay for its share of providing an educational program meeting the prescribed SOQ to incorporate within the current indices of wealth the indicated weighting: (i) true values of real estate and public service corporations, at 30%; (ii) adjusted gross income, at 40%; and (iii) the sales subject to the state general sales and use tax, at 30%. The current composite index of local ability to pay provides for the true value of real estate weighted at 50%, with adjusted gross income weighted at 40%, and taxable retail sales weighted at 10%, as indicators of local wealth.

Patron - Morgan

HB1266 Local school board; annual report. Requires that the form provided by the Superintendent of Public Instruction to local school divisions for the purposes of the

annual report, include (i) total expenditure per student; (ii) transportation cost per student mile; (iii) operation and maintenance cost per student and per square foot of schools and offices; (iv) energy cost per student and per square foot of schools and offices; and (v) custodial costs per student and per square foot of schools and offices.

Patron - Gear

HB1289 Permitted fees and charges; local school boards. Clarifies that local school boards are not prohibited from (i) making supplies, services, or materials available to pupils at cost or (ii) imposing a fee or charge for a field trip or any educational program that is not a required activity. School boards may waive such fees or charges for those pupils it determines are unable to afford them.

Patron - Plum

HJ100 Encouraging the Board of Education to support the establishment of additional mathematics, science, and technology Governor's Schools in the Commonwealth. Encourages the Board of Education to support the establishment of additional mathematics, science, and technology Governor's Schools in the Commonwealth.

Patron - LeMunyon

SB24 Critical teacher shortage areas. Extends from 2010 to 2012 the current sunset on the requirements that (i) division superintendents identify and report critical shortages to the school board, upon request (§ 22.1-70.3), and (ii) local school boards identify and report critical shortages to the Superintendent of Public Instruction and the Virginia Retirement System (VRS) (§ 22.1-79). The measure does not address use of this reported information by VRS.

Patron - Locke

SB77 Opening of the school year; good cause. Removes the restriction that a Board of Education waiver from the post-Labor Day school opening requirement based on a school division's dependence on another school division's instructional program shall only apply to the opening date for those schools where such instructional program is dependent on and provided in one or more elementary or middle or high schools of another school division that qualifies for a waiver.

Patron - Reynolds

SB135 Public schools; delay textbook purchases. Provides that local school divisions shall not be required to purchase new textbooks until the 2011 - 2012 school year.

Patron - Obenshain

SB203 Public schools; opening of the school year. Allows local school boards, for years in which Labor Day falls on September 5 or later, to set the school calendar so that the first day students are required to attend school shall be no earlier than one week before Labor Day.

Patron - Blevins

SB210 Competitive foods in public schools; report. Requires the Board, in cooperation with the Department of Health, to promulgate and periodically update regulations setting nutritional guidelines for all competitive foods sold during the school day. The bill also requires (i) the Board to adopt the Governor's Nutrition and Physical Activity Scorecard's nutritional guidelines as the statewide standard for competitive foods; (ii) the Board to report to the General Assembly on the final regulations by December 1, 2012; and (iii) local school boards to report to the Department of Education on their plan to implement the final regulations by 30 days prior to the

beginning of the 2013-2014 school year. This bill has been incorporated into SB 414.

Patron - Barker

FSB211 Local school boards; disciplinary authority. Allows local school boards to authorize a principal to immediately send a student who is the subject of a petition alleging that he has committed certain offenses involving intentional injury of another student at the same school to an alternative education program or another school for a 10-day period.

Patron - Barker

FSB353 Public schools; redirecting of class size reduction funds. Requires any funds appropriated for class size reduction programs for the 2010 - 2012 biennium to instead be distributed as direct aid to public education.

Patron - Obenshain

FSB412 School calendar. Makes local school boards responsible for setting the school calendar and determining the opening of the school year and eliminates the post-Labor Day opening requirement and "good cause" scenarios for which the Board of Education might grant waivers of this requirement.

Patron - Vogel

FSB498 Opening of the 2010 - 2011 school year in Pittsylvania County. Authorizes the Pittsylvania County School Board to set the opening of the 2010 - 2011 school year so that the first day students are required to attend school shall be one week prior to Labor Day.

Patron - Hurt

FSB557 Triennial census of school population; sales and use tax distribution. Eliminates the requirement that every three years a census of all school-age persons residing within each school division takes place. Also, eliminates all related requirements regarding appointment and compensation of persons taking census, agents, and census results. Amends the procedure regarding sales and use tax distribution to localities so that distribution is based on the average daily membership of the school division rather than the school-age population of a school division. This bill has a delayed effective date of July 1, 2011. This bill has been incorporated into SB 413.

Patron - Herring

FSB649 Autism Tuition Assistance Grant Program established; mandated health insurance for autism. Establishes a tuition assistance grant program for students with autism. The program provides grants of no more than \$20,000 a year per student to a Virginia nonsectarian private school of choice for students identified as autistic and for whom individual education plans have been written. The bill requires that in order to receive the grant the following conditions be satisfied: (i) the student has attended a public school in the Commonwealth and has received special education services for at least one year prior to the receipt of the grant; (ii) the parent has obtained acceptance for admission of the student to an eligible private school; (iii) the parent has executed and submitted to the division superintendent a written statement acknowledging that the public school has implemented an individualized educational program that is reasonably calculated to provide educational benefit; and (iv) the parent has requested the grant of the Superintendent of Public Instruction and notified the division superintendent of that request. The bill further requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the diagnosis and treatment of autism spectrum disorders in individuals under age 21. Coverage is subject to an annual maximum benefit of \$36,000. The bill creates a subtraction for any grants

included in the federal adjusted gross income of a parent. The bill establishes a voluntary contribution on the individual income tax return for taxpayers wishing to make a donation to the Grant Program. The bill also repeals § 58.1-439.12:01, which provides for a tax credit for cigarettes manufactured and exported, and requires that any current or future increase in the revenues of the Commonwealth attributable to the repeal of § 58.1-439.12:01 shall be used for purposes of funding the Grant Program.

Patron - Stosch

FSJ136 Department of Education; public schools; development of engineering curriculum. Requests the Department of Education to establish the discipline of engineering, define the goals for the discipline, and assign a shared responsibility for the discipline between science, mathematics, and technology education.

Patron - Miller, J.C.

Carried Over

CHB528 Public schools; notification of physical restraint of student. Requires the school principal or his designee to notify the parents of a student, including those with an Individual Education Plan, whenever action has been taken to physically restrain such student.

Patron - Nixon

CHB622 Economics education and financial literacy. Allows local school boards to implement Board of Education objectives for economics education and financial literacy through other educational programs that meet Board objectives, in addition to relevant Standards of Learning and career and technical education programs.

Patron - Orrock

CHB926 Nonpublic school students; participation in interscholastic programs. Directs a nonprofit corporation founded in Virginia in 1913 to organize and govern interscholastic programs among the public high schools to deem eligible for participation in interscholastic programs a student who is receiving home instruction, who has demonstrated evidence of progress, and who is eligible for free tuition in a public school in Virginia. The bill allows such students to be charged reasonable fees for participation. This bill incorporates HB 70 and HB 1001.

Patron - Bell, Robert B.

CHB978 Board of Education; statewide uniform grading policy. Requires the Board of Education to establish a statewide uniform grading policy whereby a student could receive a maximum of five quality points for an "A" in an Advanced Placement, International Baccalaureate, or dual enrollment course. This bill incorporates HB 397.

Patron - Anderson

CHB1060 Elected school boards; staggered elections. Provides that any locality in Planning District 8 may establish a system of staggered elections for the school board regardless of whether the terms of the local governing body are staggered.

Patron - Marshall, R.G.

CHB1119 Public charter schools; approval of applications. Allows the Board of Education to submit recommendations to local school boards as to the approval of charter school applications, and requires local school boards to provide, in writing, their reasons for denying an application or revoking or failing to renew a charter school agreement. Also

provides that whenever a local school board denies a public charter school application that had been previously reviewed by the Board, and which the Board has recommended for approval by the local school board, the Commonwealth shall withhold from such local school division the payment of a portion of its share of the funding for the Standards of Quality. The portion of funds to be withheld shall be based upon the average daily membership for the number of students to be served by the proposed charter school, according to the charter school application.

Patron - Marshall, R.G.

CSB682 Public schools; recycling. Requires each local school board to report to the Superintendent of Public Instruction any recycling policies voluntarily implemented or in place in any of its schools. The report shall include the types of items recycled, the number of schools participating in the recycling program, and an approximation of the amount of materials being recycled.

Patron - Barker

Educational Institutions

Passed

PHB7 State Council of Higher Education for Virginia; duties. Provides that when performing its duty to develop a uniform, comprehensive data information system designed to gather all information necessary to the performance of the Council's duties, the Council may contract with private entities to create de-identified student records for the purpose of assessing the performance of institutions and specific programs relative to the workforce needs of the Commonwealth.

Patron - Tata

PHB703 Regulation of private and out-of-state institutions of higher education; exemptions. Clarifies that the definition of "vocational" shall not include instructional programs intended solely for recreation, enjoyment, personal interest, or as a hobby, or courses or programs that prepare individuals to teach such pursuits. This bill is identical to SB 598.

Patron - Bulova

PHB903 Threat assessment teams; records. Exempts records of threat assessment teams established at public institutions of higher education from the provisions of the Freedom of Information Act, and allows these teams to receive health and criminal history records of students for the purposes of assessment and intervention. However, if an individual who had been under assessment commits certain violent acts, any records created by the team shall be made publicly available. This bill is identical to SB 207.

Patron - Bell, Robert B.

PHB928 Virginia Universities Clean Energy Development and Economic Stimulus Foundation. Creates the Virginia Universities Clean Energy Development and Economic Stimulus Foundation as a body corporate and a political subdivision of the Commonwealth. The Foundation shall identify, obtain, disburse, and administer funding for (i) research and development of alternative fuels, clean energy production, and related technologies; (ii) support of economic development projects in disadvantaged rural areas; and (iii) the provision of assistance in the commercialization of alternative fuels and clean energy technologies. Funding shall be awarded only to

those proposed projects that best meet the established criteria and purposes of this act.

Patron - Bell, Robert B.

PHB1066 State Council of Higher Education for Virginia; uniform general studies certificate. Requires the development of a uniform certificate of general studies program by the State Council of Higher Education for Virginia, in consultation with the Virginia Community College System and Virginia public institutions of higher education, to be offered at each community college in Virginia. The program must ensure that a community college student who completes the one-year certificate program may transfer all credits to a four-year public institution of higher education in the Commonwealth, upon acceptance to the institution.

Patron - Athey

PHB1238 Public institutions of higher education; crisis and emergency management. Requires the president and vice-president of each public institution of higher education, or the superintendent in the case of the Virginia Military Institute, to annually certify in writing to the Department of Emergency Management comprehension and understanding of the institution's crisis and emergency management plan. The bill also provides that each public institution of higher education shall annually conduct a functional exercise in accordance with the protocols established by the institution's crisis and emergency management plan. This bill is identical to SB 608.

Patron - Torian

SB165 Roanoke Higher Education Authority; Board of Trustees. Replaces the President of Hampton University with that of James Madison University on the Board of Trustees for the Roanoke Higher Education Authority.

Patron - Edwards

SB207 Threat assessment teams; records. Authorizes threat assessment teams to receive health and criminal history records of students for the purposes of assessment and intervention, and exempts records of the threat assessment teams from the Freedom of Information Act. However, if an individual who had been under assessment commits certain violent acts, any records created by the team shall be made publicly available. This bill is identical to HB 903.

Patron - Edwards

SB209 International Baccalaureate; course credit. Requires the governing boards of each public institution of higher education to implement policies regarding the granting of credit for International Baccalaureate and Advanced Placement courses. The governing boards must report to the State Council of Higher Education for Virginia the policy adopted and implemented, and make the policy available on the institution's website.

Patron - Barker

SB598 Regulation of private and out-of-state institutions of higher education; exemptions. Clarifies that the definition of "vocational" shall not include instructional programs intended solely for recreation, enjoyment, personal interest, or as a hobby, or courses or programs that prepare individuals to teach such pursuits. This bill is identical to HB 703.

Patron - Herring

SB608 Public institutions of higher education; crisis and emergency management. Requires the president and vice-president of each public institution of higher education, or the superintendent in the case of the Virginia Military Institute, to annually certify in writing to the Department of Emergency

Management comprehension and understanding of the institution's crisis and emergency management plan. The bill also provides that each public institution of higher education shall annually conduct a functional exercise in accordance with the protocols established by the institution's crisis and emergency management plan. This bill is identical to HB 1238.

Patron - Edwards

SB712 Branch campus of George Mason University in the Republic of Korea. Authorizes the board of visitors of George Mason University to establish and operate a branch campus of the university in the Republic of Korea. This bill also authorizes the board of visitors to create a corporation or other legal entity, controlled by the board of visitors, to establish and operate the branch campus and allows the board of visitors to pursue planning and development of the branch campus. Certain provisions customary for the establishment of branch campuses of institutions in foreign lands and constitutional protections for Virginians either teaching or matriculating at the branch campus have been included. The corporation that may be created by the board of visitors of George Mason University is deemed a sole source provider under the Virginia Public Procurement Act (§ 2.2-4300 et seq.). This act will expire on July 1, 2012, if the board of visitors does not create a corporation or other legal entity in accordance with the provisions of this act.

Patron - Petersen

Failed

HB32 Possession of concealed handguns by faculty members at state institutions of higher education. Allows full-time faculty members of state institutions of higher education who possess a valid Virginia concealed handgun permit to carry a concealed handgun on campus.

Patron - Marshall, R.G.

HB43 Virginia Polytechnic Institute and State University; authority. Authorizes the rector and board of visitors of Virginia Polytechnic Institute and State University, with the approval of the Governor first obtained, to lease real estate to which the University has acquired title by gift, devise, or purchase.

Patron - Oder

HB274 Automatic acceptance to institutions of higher education. Directs the governing boards of public institutions of higher education to provide for the automatic acceptance of those resident students applying for admission who have graduated from a public or private high school in Virginia with a grade point average in the top 10 percent of such student's graduating class and have been honorably discharged from service in the United States Armed Forces, the United States Armed Forces Reserves, the Virginia National Guard, or the Virginia National Guard Reserve.

Patron - Englin

HB300 Eligibility for in-state tuition; dependents of civilian personnel of the military. Provides that dependent students of civilians employed by the United States Department of Defense who transfer to a military base in Virginia to avoid the loss of employment will be eligible for in-state or reduced tuition from the date of the parent's or guardian's reassignment to a military base in the Commonwealth. This bill further provides that in the event the parent or guardian is transferred to a military base outside of Virginia before the end of any academic year, the student will continue to be eligible for in-state tuition until the end of the relevant academic year.

Patron - Dance

HB471 Community College Scholarship Match Program. Establishes the Community College Scholarship Match Program to provide matching funds to community college foundations and the Virginia Foundation for Community College Education. Funds paid shall not exceed \$5 million in any fiscal year. These funds shall be used to award scholarships to students who (i) are domiciled residents of Virginia, (ii) graduated from a public or private Virginia high school, and (iii) are enrolled in a Virginia community college.

Patron - Dance

HB732 In-state tuition; limitation on eligibility; 75 percent Virginia domicile requirement. Provides that students entitled to in-state tuition, who have already completed eight semesters for a four-year degree or 10 semesters for a five-year degree, will be assessed a surcharge upon satisfactorily completing 110 percent of credit hours, called the credit hour threshold, needed to obtain a degree in the student's chosen program. Each additional credit hour will be charged at the rate charged to non-Virginia domiciles. The money raised by such surcharge must be used by the institution to create additional in-state student slots. A waiver of the surcharge may be granted by the relevant institution, in accordance with the guidelines and criteria established by the State Council of Higher Education for Virginia (SCHEV). The bill provides that the board of visitors or other governing body of each public institution of higher education, except for the Virginia Military Institute, Norfolk State University, and Virginia State University, must set a goal and establish a plan eventually requiring that at least 75 percent of undergraduate students admitted and enrolled at the institution be Virginia domiciles. The plan shall provide (i) for an increase in out-of-state tuition charges to the level of similarly situated private institutions, to be determined by the State Council of Higher Education for Virginia, with the additional money raised being allocated to the creation of additional student slots for Virginia domiciles and (ii) that any funds received by an institution from the state on or after July 1, 2010, above and beyond inflation shall be allocated to the creation of additional student slots for Virginia domiciles, until 75 percent of the institution's enrolled undergraduate students are Virginia domiciles. A second enactment clause requires SCHEV to revise its guidelines for determining in-state tuition charges, which are not subject to the Administrative Process Act, to include these requirements by July 1, 2010. A third enactment clause specifies that the legislation does not apply to any public four-year institution at which 75 percent or greater of its enrolled students are Virginia domiciles. A fourth enactment clause specifies that the legislation does not apply to any public four-year institution at which fewer than 75 percent of its enrolled students are Virginia domiciles but which has expanded the total of in-state slots by 10 percent or more beyond its 2009 level.

Patron - Albo

HB899 Admission of in-state students at public institutions of higher education. Provides that the board of visitors or other governing body of each public institution of higher education, except for the Virginia Military Institute, Norfolk State University, and Virginia State University, must establish rules and regulations to increase the number of Virginia domiciles admitted at the institution over five years, beginning in the 2011 - 2012 academic year, until the number of enrolled Virginia domiciles reaches 80 percent.

Patron - Comstock

HB961 Community College Scholarship Match Program. Establishes the Community College Scholarship Match Program to provide matching funds to community college foundations and the Virginia Foundation for Community

College Education. Funds paid shall not exceed \$5 million in any fiscal year. These funds shall be used to award scholarships to students who (i) are domiciled residents of Virginia and (ii) are enrolled in an associate degree program in a Virginia community college studying science, technology, engineering, math, education, or nursing.

Patron - Crockett-Stark

HB1005 Community College Scholarship Match Program. Establishes the Community College Scholarship Match Program to provide matching funds to community college foundations and the Virginia Foundation for Community College Education. Funds may be paid on the basis of one dollar of state general fund appropriation for every one dollar donated by private individuals, foundations, or corporations beginning on July 1, 2010. These funds shall be used to award scholarships to students who (i) are domiciled residents of Virginia, and (ii) are enrolled in a Virginia community college.

Patron - Athey

HB1006 Higher education funding; Virginia domiciles. Provides that notwithstanding any other provision of law, funds allocated for capital and operating expenses in the general appropriation act to the public institutions of higher education in the Commonwealth must be disbursed based upon the total number of Virginia domiciles enrolled in the undergraduate programs at each institution in the previous biennium.

Patron - Athey

HB1007 Population of in-state students at public institutions of higher education. Provides that the board of visitors or other governing body of each public institution of higher education in Virginia must establish rules and regulations requiring that 80 percent of the undergraduate student population of the institution are Virginia domiciles. State funds must be withheld from any institution that does not fulfill the 80 percent requirement.

Patron - Athey

HB1011 Virginia Community College System; baccalaureate degrees. Authorizes the Virginia Community College System to establish programs and grant baccalaureate degrees in nursing, education, applied technology, and other high needs areas to be determined by the Virginia Community College System.

Patron - Athey

HB1016 State Council of Higher Education for Virginia; abolished. Abolishes the State Council of Higher Education for Virginia and transfers its duties, responsibilities, and functions to the successor in interest to the Council.

Patron - Hugo

HB1026 Admission of in-state students at public institutions of higher education. Provides that the board of visitors or other governing body of each public institution of higher education, except for the Virginia Military Institute, Norfolk State University, and Virginia State University, must establish rules and regulations requiring that at least 75 percent of students admitted and enrolled at the institution be Virginia domiciles.

Patron - Hugo

HB1212 Visitors of Norfolk State University; authority. Authorizes the Visitors of Norfolk State University, with the approval of the Governor first obtained, to lease real estate to which the University has acquired title by gift, devise or purchase.

Patron - Spruill

HB1239 In-state tuition; certain Department of Defense employees. Provides that any civilian employees of the Department of Defense that are realigned to Virginia as a result of Base Realignment and Closure, and their dependents, shall pay the in-state tuition rate at the public institution of higher education in which they are enrolled.

Patron - Torian

HB1271 Regulating firearms by educational institution. Provides that the board of visitors or other governing body of an educational institution has the power to establish rules and regulations for the possession or transportation of firearms or ammunition on property owned or operated by the institution.

Patron - Torian

HB1364 Eligibility for in-state tuition grants for members of the National Guard to allow for religious training or theological education. Allows certain National Guard members to receive tuition grants to attend any nonprofit institution of higher education in the Commonwealth, including one whose primary purpose is to provide religious training or theological education.

Patron - Greason

SB166 Community College Scholarship Match Program. Establishes the Community College Scholarship Match Program to provide matching funds to community college foundations and the Virginia Foundation for Community College Education. Funds paid shall not exceed \$5 million in any fiscal year. These funds shall be used to award scholarships to students who (i) are domiciled residents of Virginia and (ii) are enrolled in an associate degree program in a Virginia community college studying science, technology, engineering, math, education, or nursing. This will only become effective upon an appropriation of general funds effectuating the purposes of the bill passed by the 2010 General Assembly.

Patron - Edwards

SB180 Virginia Polytechnic Institute and State University; lease of certain property. Authorizes Virginia Polytechnic Institute and State University to lease certain real property in its possession or control for student housing provided that (i) the lease is to a recognized student organization for student housing; (ii) if the building has not been constructed or if renovations to a current building are required, the University shall not directly or indirectly construct or renovate any building for student housing; and (iii) the student housing building is in compliance with the Uniform Statewide Building Code.

Patron - Stosch

SB182 Two-Year College Transfer Grant Program; eligibility. Changes GPA eligibility for the Two-Year College Transfer Grant Program from 3.0 to 2.5.

Patron - Stosch

SB312 In-state tuition; DOD employees. Provides in-state tuition for dependents of civilian Department of Defense employees located in Virginia. This bill incorporates SB 544.

Patron - Martin

SB326 Virginia Universities Clean Energy Development and Economic Stimulus Foundation. Creates the Virginia Universities Clean Energy Development and Economic Stimulus Foundation as a body corporate and a political subdivision of the Commonwealth. The Foundation shall identify, obtain, disburse, and administer funding for (i) research and

development of alternative fuels, clean energy production, and related technologies; (ii) support of economic development projects in disadvantaged rural areas; and (iii) the provision of assistance in the commercialization of alternative fuels and clean energy technologies. Funding shall be awarded only to those proposed projects that best meet the established criteria and purposes of this act.

Patron - Stuart

SB403 SCHEV; publication of administrators' salaries. Requires the State Council of Higher Education for Virginia (SCHEV) to annually collect and publish a list of administrators at public institutions of higher education whose salary and compensation is in excess of \$150,000.

Patron - Petersen

SB434 Virginia Polytechnic Institute and State University; authority. Authorizes the rector and board of visitors of Virginia Polytechnic Institute and State University, with the approval of the Governor first obtained, to lease real estate to which the University has acquired title by gift, devise, or purchase.

Patron - Edwards

SB534 Administration of higher education. Restructures the system of higher education by abolishing the State Council of Higher Education for Virginia and the Chancellor and Board for the Virginia Community College System and transferring certain of their duties to the Secretary of Education, the Board of Education, and the Department for Veterans Services. Other Code sections pertaining to these agencies have been repealed. This bill also creates the Virginia Higher Education Advisory Board as an advisory board within the executive branch of state government. Members of the Board are appointed by the Governor. The Board is charged with advising the Governor, General Assembly, and Secretary of Education on the development and operation of a seamless and educationally and economically sound and coordinated system of higher education in the Commonwealth, including the establishment, control, and administration of the Virginia Community College System. The duties and responsibilities of the Secretary of Education have been expanded to authorize the Secretary to oversee the system of higher education. The terms of current appointees to the State Council of Higher Education and the Board for the Virginia Community College System will expire on July 1, 2010. The bill also makes several technical amendments.

Patron - McDougle

SB544 In-state tuition; certain Department of Defense employees. Provides that any civilian employees of the Department of Defense that are realigned to Virginia as a result of Base Realignment and Closure, and their dependents, shall pay the in-state tuition rate at the public institution of higher education in which they are enrolled. This bill was incorporated into SB 312.

Patron - Colgan

SB718 Private capital lending for local governments and public institutions of higher education. Allows a local government or public institution of higher education to enter into certain conduit lending agreements to finance certain capital projects.

Patron - Norment

SB735 In-state tuition; National Guard. Provides in-state tuition for any person who met the requirements for in-state tuition prior to being called to active duty in the National Guard of another state, following completion of active duty service if during active duty that person maintained one or

more of the following in Virginia, rather than in another state or jurisdiction: a driver's license, motor vehicle registration, voter registration, employment, property ownership, or sources of financial support.

Patron - Barker

Carried Over

HB1205 Private institutions of higher education; credit enhancement. Allows the Virginia College Building Authority to issue or acquire credit enhancements to secure payment of bonds issued by the Authority. Credit enhancements include, without limitation, surety bonds, insurance policies, letters of credit, guarantees and other forms of collateral or security as well as capital reserve funds for private institutions of higher education.

Patron - Morgan

HB1229 Public institutions of higher education; active duty military students. Provides that students called to active military duty during an academic semester shall have the opportunity to return to the institution upon completion of the active duty military assignment, without having to reapply for admission. Also, if the student had previously been accepted to any of the institution's graduate programs, the student may defer acceptance until his return.

Patron - Loupassi

SB141 Higher education; complimentary materials. Specifies that instructional faculty at a Virginia public college or university shall not be prohibited from selling, gifting, or otherwise disposing of complimentary books or other instructional materials sent or given to them by publishers, whether those instructional materials were requested as examination copies or were sent to them unsolicited by the publishers.

Patron - Miller, J.C.

SB454 Private institutions of higher education; credit enhancement. Allows the Virginia College Building Authority to issue or acquire credit enhancements to secure payment of bonds issued by the Authority. Credit enhancements include, without limitation, surety bonds, insurance policies, letters of credit, guarantees and other forms of collateral or security as well as capital reserve funds for private institutions of higher education.

Patron - Ruff

SB720 Tuition charges; covered institutions of higher education. Authorizes the covered institutions governed by Subchapter 3 (§ 23-38.91 et seq.) of the Restructured Higher Education Financial and Administrative Operations Act to charge either a fixed tuition amount or a variable tuition amount based on ability to pay.

Patron - Norment

Elections

Passed

HB50 Absentee voting; duties of the general registrar; penalty. Requires, once the printed ballots are available, that the general registrar send the absentee ballot within three business days of receiving a properly completed application. Any person who fails to discharge his duty regarding the

absentee ballot process through willful neglect of duty and with malicious intent is guilty of a Class 1 misdemeanor.

Patron - Cole

HB63 In-person absentee voting; late applications and emergencies. Expands the scope of persons defined as members of the voter's immediate family, and whose death or hospitalization permits the registered voter to submit a late application for in-person absentee voting, to include children, including adopted children, legal guardians, and siblings of the whole or half blood.

Patron - Toscano

HB104 Elections; filing deadlines. Increases the duration of time between filing deadlines and November elections. Declarations of candidacy for a special election held in November will need to be filed 81 days, rather than 74 days, before the election. A referendum election must be ordered 81 days, rather than 60 days, before the referendum election.

Patron - Loupassi

HB125 Campaign Finance Disclosure Act; materials to be provided by State Board of Elections and Attorney General. Requires the Attorney General to provide a written explanation of the provisions of the Act that prohibit the personal use of campaign funds and to delineate the differences between prohibited personal uses of campaign funds and permitted uses of the funds. The Attorney General's explanation shall be distributed by the State Board to all candidates, committees, and persons subject to the Act's provisions.

Patron - Purkey

HB215 Campaign telephone calls; caller identification. Prohibits any candidate, candidate campaign committee, person, corporation, or political committee making campaign telephone calls to intentionally modify caller identification information in order to mislead the recipient as to the identity of the caller. If the call is made from an "automatic dialing-announcing device" and caller identification information includes a name associated with the telephone number, then the caller identification information shall include, as appropriate, the name of the candidate, candidate campaign committee, person, corporation, or political committee that has authorized and is paying for the calls or the vendor conducting the calls.

Patron - Alexander

HB217 Elections; absentee ballot lists. Requires the State Board of Elections to provide an electronic copy of the absentee voter applicant list to any political party or candidate, upon request and for a reasonable fee.

Patron - McClellan

HB220 Polling places; campaigning activities. Clarifies that the exemption allowing a voter to enter a polling place wearing a shirt, hat, or other apparel on which a candidate's name or a political slogan appears does not apply to candidates, representatives of candidates, or any other person who enters the polling place for a purpose other than voting. Local electoral boards are provided the flexibility in the designation of the 40-foot prohibited area if an entrance to the building is from an adjoining building, or if establishing the prohibited area outside the polling place would hinder or delay a qualified voter from entering or leaving the building.

Patron - Watts

HB356 Campaign finance; political campaign advertisements. Requires that the State Board of Elections hold a public hearing when determining whether the chapter on political campaign advertisements has been violated and whether to assess a civil penalty. The Board is required to send

notice by certified mail to persons whose actions will be reviewed and who may be subject to a civil penalty at least 10 days before the hearing. Notice shall include the date and time of the hearing, an explanation of the violation, and maximum assessable penalty.

Patron - Ware, O.

HB390 State Board of Elections; voting equipment requirements. Authorizes the local electoral board to exclude absentee voters from the calculation of registered voters used to determine the number of mechanical and electronic voting or counting devices that must be provided in each precinct. The board must send the State Board a statement of the number of voting systems to be used in each precinct, and the State Board may direct the local board to provide more systems.

Patron - Dance

HB450 Appointments to fill vacancies in local offices. Provides that persons appointed to serve the remainder of a term due to vacancy in a local office shall exercise all powers of the elected office. The bill also affirms that votes cast prior to July 1, 2010, by persons duly appointed to fill a vacancy, including votes appropriating money in excess of \$500, imposing taxes, or authorizing the borrowing of moneys, are validated and confirmed as the lawful vote of an elected member of the governing body. Although in conflict with a recent opinion of the Attorney General, the amendments are consistent with case law and an earlier opinion of the Attorney General.

Patron - Ware, R.L.

HB499 Candidates for office; petitions. Provides that persons signing petitions for an independent candidate or candidate for nomination by primary will no longer be required to provide their social security number, but will be permitted to include the last four digits of their social security number.

Patron - Lingamfelter

HB1000 Elections; emergency procedures. Requires a local electoral board to give notice, including notice to all candidates on the ballot if an emergency makes a polling place unusable or inaccessible and an alternate polling place is provided. The provision of the alternative polling place is subject to the prior approval of the State Board. The bill adds a definition of "emergency."

Patron - Nutter

HB1014 Elections; filling vacancies in certain local offices; special elections. Provides that vacancies in a governing body or elected school board shall be filled by special election. If the vacant position is not that of a constitutional officer, the position may be filled temporarily by an interim appointment. The requirement for a special election overrides charter provisions that allow a governing body or school board to appoint a person to serve the entire remaining portion of a term. An exemption from the requirement to hold a special election for towns with a population of 3,500 or less is removed.

Patron - Athey

HB1203 State Board of Elections; Candidate consent. Requires recognized political parties to receive consent from a candidate before nominating them.

Patron - Putney

HB1225 Elections; voting equipment; acquisition of DREs. Allows localities to acquire direct recording electronic machines (DREs) for the purpose of providing one voting system at each polling place equipped for individuals with disabilities. The local electoral board shall notify the State

Board when acquiring DREs under this subdivision and shall certify to the State Board that the DREs acquired under this subdivision are necessary to meet accessible voting requirements. This bill is identical to SB 593.

Patron - Toscano

HB1235 Absentee ballots; various deadlines related to ballot preparation and receipt; write-in absentee ballots. Requires that ballots be prepared and available for absentee voting not later than 45 days before any election rather than 45 days before the November election and 30 days before other elections. The bill also requires preparation of ballots 45 days in advance of special elections for federal office and allows, if necessary, preparation as soon after that deadline as possible for other special elections. Various deadlines for nominations and filings are adjusted in response to the ballot preparation change. The bill provides that voters who are entitled to vote absentee due to active duty military service, membership in the merchant marines, or temporary residence outside of the country, or the spouse or dependent residing with such a voter, may use a write-in absentee ballot to vote in state and local elections, as well as federal elections. The write-in absentee ballot may also serve as an absentee ballot application and voter registration application for state and local elections, as well as federal elections. Such voters may apply for multiple ballots for a one-year period. Current law allows multiple ballots for a period covering two federal elections. The bill also adds a requirement that the electoral board send such military and overseas voters an available printed absentee ballot within three business days.

Patron - Anderson

HB1387 Campaign finance information and reports; public access. Clarifies that information, not required to be entered into the campaign finance database that candidates or committees may include in campaign finance report-creation software managed by or for the State Board is not required to be disclosed to the public.

Patron - Jones

SB49 Authorized representatives at polling places; use of wireless communication devices. Provides that authorized representatives of political parties or candidates that are permitted to observe activities at polling places shall be a qualified voter in any jurisdiction in the Commonwealth. Currently, such representatives must be a qualified voter of the county or city where the polling place is located. The bill also permits such representatives to use handheld wireless communication devices at polling places provided such devices does not contain a camera or other imaging device.

Patron - Martin

SB50 Officers of election; training. Provides that the State Board of Elections shall require certification that officers of election have been trained consistent with the training standards set by the Board. Such certification shall be submitted every four years by the local electoral board or general registrar that conducts the training.

Patron - Martin

SB51 Absentee voting; poll watchers. Authorizes any person to vote absentee who has been designated by a political party or candidate to be a representative of that party or candidate inside a polling place on the day of the election.

Patron - Martin

SB55 Absentee ballots; various deadlines related to ballot preparation and receipt; write-in absentee ballots. Requires that ballots be prepared and available for absentee voting not later than 45 days before any election rather than 45

days before the November election and 30 days before other elections. The bill also requires preparation of ballots 45 days in advance of special elections for federal office and allows, if necessary, preparation as soon after that deadline as possible for other special elections. Various deadlines for nominations and filings are adjusted in response to the ballot preparation change. The bill provides that voters who are entitled to vote absentee due to active duty military service, membership in the merchant marines, or temporary residence outside of the country, or the spouse or dependent residing with such a voter, may use a write-in absentee ballot to vote in state and local elections, as well as federal elections. The write-in absentee ballot may also serve as an absentee ballot application and voter registration application for state and local elections, as well as federal elections. Such voters may apply for multiple ballots for a one-year period. Current law allows multiple ballots for a period covering two federal elections. The bill also adds a requirement that the electoral board send such military and overseas voters an available printed absentee ballot within three business days. A provision is added (i) to allow the counting of absentee ballots received from such voters after the close of the polls and two business days before the State Board of Elections meets to ascertain the results and (ii) to adjust the final returns to include such ballots. This bill incorporates SB 48, SB 152 and SB 482.

Patron - Martin

SB60 Copying of absentee ballot applications. Provides that applications for absentee ballots may be inspected but not copied. Currently the applications may be inspected and copied.

Patron - Martin

SB61 Appointment of officers of election. Provides that if an electoral board decides to appoint substitute or additional officers of election after the appointments made by the board at its regular meeting in February, such appointments shall be made, if practicable, from lists of nominations filed by the political parties that are entitled to representation as officers. The bill also provides that, if practicable, no more than one-third of the officers appointed for each precinct may be citizens who do not represent any political party.

Patron - Martin

SB137 Lists of registered voters; disclosure to commissioners of the revenue and treasurers. Allows the State Board of Elections to furnish, for a reasonable fee, lists of registered voters to commissioners of the revenue and city or county treasurers for tax assessment, collection, and enforcement purposes.

Patron - Obenshain

SB306 Information provided to political parties and candidates. Provides that, upon request and at a reasonable charge not to exceed the actual cost incurred, a political party or candidate is entitled to receive a copy of (i) the list of officers of election showing their party designation and assigned precinct and (ii) any instructions or information provided by the State Board to local electoral boards and registrars. The Board is required to post on the Internet its rules and regulations within three business days of their adoption.

Patron - Martin

SB308 Retention of absentee ballot applications. Provides that the general registrar may retain all absentee ballot applications until the electoral board has ascertained the results of the election, and has determined the validity of and counted all provisional ballots, before delivering such applications to the clerk of the circuit court. Currently, such applica-

tions must be delivered to the clerk before noon on the day following the election.

Patron - Martin

SB309 Voter registration applications; retention of information on applicant's last previous residence. Provides that the general registrar for the locality where a voter currently resides shall retain a copy of the portion of the application that shows the applicant's last previous place of registration. The general registrar shall send the original portion to the appropriate registration official of another state if the applicant formerly resided in another state.

Patron - Martin

SB313 Absentee voters; central absentee voting precinct. Provides that a voter, who has applied for but did not receive or has lost an absentee ballot or who returns an unused or accidentally spoiled absentee ballot, shall be allowed to vote on election day at his proper polling place or at a central absentee voter precinct for his county or city.

Patron - Martin

SB506 Political contributions; prohibition during procurement process. Provides that neither the Governor, his political action committee, nor any pertinent Secretaries shall knowingly solicit or accept a contribution, gift, or other item with a value greater than \$50 from any bidder, offeror, or private entity who has submitted a bid or proposal pursuant to the Virginia Public Procurement Act, the Public-Private Transportation Act, or the Public-Private Education Facilities and Infrastructure Act during the bidding period. The restrictions only apply if the stated or expected value of the contract is \$5 million or more and do not apply to contracts awarded as the result of competitive sealed bidding. Furthermore, no bidder, offeror, or private entity who has submitted a bid or proposal under such acts shall offer or promise to make such a gift to the Governor, his political action committee, or any of his pertinent Secretaries. Any violation shall be a civil penalty of \$500 or up to two times the amount of the contribution or gift, whichever is greater.

Patron - Smith

SB593 Elections; voting equipment; acquisition of DREs. Allows localities to acquire direct recording electronic machines (DREs) for the purpose of providing one voting system at each polling place equipped for individuals with disabilities. The local electoral board shall notify the State Board when acquiring DREs under this subdivision and shall certify to the State Board that the DREs acquired under this subdivision are necessary to meet accessible voting requirements. This bill is identical to HB 1225.

Patron - Puller

SB654 Electronic reforms; State Board of Elections. Makes several amendments to Title 24.2 (Elections) that authorize the State Board of Elections to utilize various electronic systems. The bill provides that the State Board shall provide only electronic pollbooks, and not paper pollbooks, for any election held on or after November 1, 2010, and for all subsequent years and makes corresponding amendments that become effective on November 1, 2010. The bill further provides that the State Board may furnish an electronic copy of absentee voter applicant lists to candidates or political parties for use only for campaign and political purposes. Such lists shall not contain any voter's social security number, or part thereof; day and month of birth; or residence address of a voter who has provided a post office box in lieu of a residence street address.

Patron - Northam

SB723 Campaign finance disclosure; special reports of large contributions by governing body members. Repeals the provision (§ 24.2-948) enacted in 2004 that required governing body members during non-election years to report campaign contributions of \$500 or more within 15 business days of receipt. The bill amends other sections in the Code to delete references to the repealed provision.

Patron - Ticer

Failed

HB64 Absentee ballots. Authorizes the State Board of Elections to develop procedures for the counting of absentee ballots not capable of being read with optical scan or similar counting devices due to damage, formatting, or electronic transmission.

Patron - Toscano

HB65 Print-on-demand ballots; restrictions on printing. Requires that any print-on-demand ballot system, used by a county or city for absentee or emergency voting, shall be used in accordance with the instructions of the State Board. Any person with the responsibility to print ballots must first sign a statement, subject to felony penalties, that he will: (i) print the number of ballots required for such absentee or emergency voting in accordance with the instructions of the electoral board; (ii) print, and permit to be printed, directly or indirectly, no more than that number; (iii) destroy at once any imperfect and perfect impressions other than those required for such absentee or emergency voting; (iv) distribute the type, if any, used for such work as soon as such number of ballots is printed; and (v) not communicate to anyone, in any manner, the size, style, or contents of such ballots.

Patron - Toscano

HB78 Nomination of candidates for political office. Removes the exception by which an incumbent of the General Assembly may determine the method of nomination used by his political party for reelection to his office. If this provision were removed, the method of nomination would be chosen by the political party for that district, which is the current standard in nominations where there is no incumbent or the incumbent fails to make a designation.

Patron - Ware, R.L.

HB101 Elections; powers of general registrar. Clarifies that a general registrar may, in his judgment, request any reasonable and nondiscriminatory information from an applicant to determine such applicant's qualification to register and vote.

Patron - Loupassi

HB114 Campaign contributions; stored value cards; prohibition. Provides that campaign contributions made through a stored value card may never be accepted. The bill defines the term "stored value card." The bill also adds a provision applicable to candidate campaign committees that the candidate or committee cannot accept any contribution that is not attributable to an identified person and if received, such amounts must be contributed to charity.

Patron - Marshall, R.G.

HB157 Elections; absentee voting. Provides that qualified voters may vote absentee for any reason. The bill eliminates the present statutory list of specific reasons entitling a voter to cast an absentee ballot. Several special provisions concerning military and overseas absentee voters and disabled voters are consolidated in two new provisions.

Patron - Dance

HB158 Elections; early voting. Provides that any registered voter qualified to vote in the election may vote in person from 14 to three days before the election, or eight to three days before a special election, in the office of the general registrar or secretary of the electoral board. The provisions for absentee voting remain in effect except that the provisions for in-person absentee voting are superseded by the early voting process during the early voting period. The bill takes effect January 1, 2011.

Patron - Dance

HB161 Elections; absentee voting. Provides that qualified voters may vote absentee in person without providing an excuse or reason for not being able to vote in person on election day. The bill retains the present statutory list of specific reasons entitling a voter to cast an absentee ballot for those persons who vote absentee by mail.

Patron - Dance

HB179 Nonpartisan Redistricting Commission created. Establishes a seven-member temporary commission to prepare redistricting plans in 2011 and each 10th year thereafter for the House of Delegates, state Senate, and congressional districts. Appointments to the Commission shall be made by majority vote of the Supreme Court among retired judges who have indicated their willingness to serve on the Commission. The Commission will prepare plans and submit them as bills to the General Assembly. The General Assembly shall then proceed to act on the bills in the usual manner. The bill provides for Commission comments on plans as they change in the legislative process. The bill also spells out the standards and process to be followed by the Commission in preparing plans, including limitations on the use of political data and opportunities for public comment on the plans.

Patron - Morrissey

HB185 Elections; early voting. Provides that any registered voter qualified to vote in the election may vote in person from 14 to three days before the election, or eight to three days before a special election, in the office of the general registrar or secretary of the electoral board. The provisions for absentee voting remain in effect except that the provisions for in-person absentee voting are superseded by the early voting process during the early voting period. The bill takes effect January 1, 2011.

Patron - Morrissey

HB202 Campaign finance disclosure; reports; candidate committees. Requires the person filing a candidate campaign committee finance disclosure report to attach a copy of the most recent bank statement for the campaign depository. This requirement applies to the reports filed periodically but not to the special reports required for certain large pre-election contributions and for certain large contributions to local governing body members.

Patron - Alexander

HB323 Bipartisan Redistricting Commission created. Establishes a seven-member temporary commission to prepare redistricting plans in 2011 and each tenth year thereafter for the House of Delegates, state Senate, and congressional districts. Appointments to the Commission shall be made one each by the four majority and minority party leaders of the House and Senate and by the state chairmen of the two major political parties. Those six appointees shall appoint the seventh member and chairman for the Commission. If they cannot agree, they shall submit the names of the two persons receiving the most votes to the Supreme Court for the Court to select the chairman. The Commission will prepare plans and submit

them as bills to the General Assembly. The General Assembly shall then proceed to act on the bills in the usual manner. The bill provides for Commission comments on plans as they change in the legislative process. It also spells out the standards and process to be followed by the Commission in preparing plans, including limitations on the use of political data and opportunities for public comment on the plans.

Patron - Plum

HB340 Elections; candidate qualifications; evidence of qualifications. Provides that candidates shall provide evidence of their qualifications for office to have their names printed on the ballot. The State Board of Elections shall provide a list of acceptable forms of evidence. The bill applies to elections held after December 31, 2011.

Patron - Marshall, R.G.

HB341 Elections; voter integrity and identification provisions. Requires the following steps to emphasize integrity in the voting process: (i) posting notice in at least two languages at the polls of legally required voting qualifications and penalties for violations; (ii) requiring proof of citizenship with registration applications; and (iii) revising the voter identification requirements for in-person and absentee voting procedures. While any person who is registered in Virginia on January 1, 2010, is deemed to have provided satisfactory proof of citizenship and is not required to submit proof of citizenship, that privilege shall not be construed to affirm or deny whether such person is lawfully registered to vote in the Commonwealth. The act will take effect January 1, 2011.

Patron - Marshall, R.G.

HB362 Elections; early voting. Provides that any registered voter qualified to vote in the election may vote in person from 19 to three days before the election at specified times and at the sites provided in the locality. The provisions for absentee voting remain in effect except that the provisions for in-person absentee voting are superseded by the early voting process during the early voting period.

Patron - Ware, O.

HB497 Elections; voter registration applications; proof of citizenship. Requires that proof of citizenship be filed with registration applications. The act will take effect January 1, 2011.

Patron - Lingamfelter

HB498 Elections; voter identification requirements; provisional ballots. Eliminates the provision that allows a voter to sign a sworn statement that he is the named registered voter he claims to be in lieu of showing identification. Requires a photo ID and provides that the voter may vote a provisional ballot if he cannot provide the required proof of identification. The bill also provides that, in order to determine whether a person who cast a provisional ballot is a qualified voter, an electoral board may rely on a faxed copy of a person's proof of identification.

Patron - Lingamfelter

HB527 State Board of Elections; Director of Elections. Increases the size of the State Board from three to five members. Provides for the position of Director of Elections to be hired by the State Board with the concurrence of at least four of its members, subject to confirmation by the General Assembly, as head of the elections agency, in place of the present position of the Secretary who is a member of the State Board appointed by the Governor. The Director may be removed only by a vote of at least four members of the State Board.

Patron - Nixon

HB608 Prohibited contributions from certain attorneys; penalty. Prohibits any attorney who has represented or reasonably anticipates the representation of the Virginia Retirement System or any local retirement system in securities litigation from making a campaign contribution.

Patron - Purkey

HB638 Bipartisan Redistricting Commission created. Establishes a seven-member temporary commission to prepare redistricting plans in 2011 and each tenth year thereafter for the House of Delegates, state Senate, and congressional districts. Appointments to the Commission shall be made one each by the four majority and minority party leaders of the House and Senate and by the state chairmen of the two major political parties. Those six appointees shall appoint the seventh member and chairman for the Commission. If they cannot agree, they shall submit the names of the two persons receiving the most votes to the Supreme Court for the Court to select the chairman. The Commission will prepare plans and submit them as bills to the General Assembly. The General Assembly shall then proceed to act on the bills in the usual manner. The bill provides for Commission comments on plans as they change in the legislative process. It also spells out the standards and process to be followed by the Commission in preparing plans, including limitations on the use of political data and opportunities for public comment on the plans.

Patron - Armstrong

HB646 Elections; qualification of candidates. Requires that any action of the State Board in accepting or failing to accept the qualification of any candidate shall be considered a case decision and subject to the Administrative Process Act.

Patron - Armstrong

HB648 Elections; candidates; required filings; to whom submitted and deadlines. Designates the State Board of Elections as the recipient of any paperwork required of candidates for statewide office and the General Assembly. Deadlines for submitting paperwork are uniform for the primary and November elections.

Patron - Armstrong

HB768 Political contributions; prohibition during procurement process. Provides that no bidder or offeror, or person acting on his behalf, who has submitted a bid or proposal for the award of a public contract with an expected value of \$1 million or more pursuant to the Virginia Public Procurement Act shall make, directly or indirectly, a contribution to any campaign committee, political action committee, or political party committee during the period between the submission of the bid or proposal and the award of the contract. A person who violates this prohibition shall be subject to a civil penalty of up to two times the amount of the contribution.

Patron - Cleaveland

HB772 Elections; qualifications of general registrars. Requires that a general registrar be a qualified voter of the Commonwealth. A general registrar would no longer be required to be a qualified voter of the county or city for which he is appointed. This bill was incorporated into HB 59.

Patron - Cleaveland

HB786 Elections; polling hours. Extends the hours that polls close on election day from 7:00 p.m. to 8:00 p.m.

Patron - LeMunyon

HB832 Elections; reports of absentee voting. Requires election results for the central absentee voter precinct

to indicate the precinct of the absentee voter unless the reported total for any precinct within the central absentee precinct would disclose how any voter voted.

Patron - Surovell

HB835 Nonpartisan Redistricting Commission created. Establishes a seven-member temporary commission to prepare redistricting plans in 2011 and each 10th year thereafter for the House of Delegates, state Senate, and congressional districts. Appointments to the Commission shall be made by majority vote of the Supreme Court among retired judges who have indicated their willingness to serve on the Commission. The Commission will prepare plans and submit them as bills to the General Assembly. The General Assembly shall then proceed to act on the bills in the usual manner. The bill provides for Commission comments on plans as they change in the legislative process. The bill also spells out the standards and process to be followed by the Commission in preparing plans, including limitations on the use of political data and opportunities for public comment on the plans.

Patron - Carr

HB949 Elections; candidate statement of qualification. Makes it explicit that a false statement on a candidate's statement of qualification is unlawful and subject to Class 5 felony penalties under Code § 24.2-1016.

Patron - Howell, A.T.

HB1148 Campaign finance disclosure reports; reviews. Provides a procedure for review of campaign finance reports for candidates for Governor, Lieutenant Governor, and Attorney General and for candidates in a random sample of General Assembly districts. Focuses on reconciling the balance in the campaign depository with campaign finance reports, on mathematical accuracy, and on completeness. The provisions would become effective on January 1, 2011.

Patron - Scott, J.M.

HB1149 Campaign finance; disclosure of controlling individuals. Adds a requirement for campaign committees, political committees, and out-of-state political committees to report the name and address of any controlling individual with an ownership interest exceeding 50 percent in any contributor that is a corporation, partnership, business, or other like entity. Prohibits making or receiving contributions without required disclosure and imposes a civil penalty equal to the greater of \$500 or the amount of the contribution.

Patron - Scott, J.M.

HB1202 State Board of Elections; powers and duties. Authorizes the State Board to make reasonable inspections of any polling place or any general registrar or electoral board office. The bill also provides that the State Board shall develop and implement performance measures for evaluating the integrity of elections and the proper administration of election laws by electoral boards and registrars.

Patron - Brink

HB1242 State Board of Elections; voter lists. Expands the list of people and organizations who may purchase the list of registered voters and list of persons who voted in elections.

Patron - Cole

HB1261 Political campaign advertisements; disclosure requirements. Provides that advertisements on the Internet that do not contain sufficient space to display the required disclosure statement may meet disclosure require-

ments by providing a direct link to another Internet site that displays the required disclosure statement.

Patron - Englin

HB1262 Elections; absentee voting procedures. Deletes the requirement that domestic absentee voters must provide detailed information (i.e., full name and full address) in their sworn statement on the envelope in which they return their marked absentee ballot and thereby provides that the requirements for domestic voters will be the same as for military and overseas voters. This detailed information has already been provided in the application for the absentee ballot.

Patron - Surovell

HB1335 Elections; distribution of mail voter registration application forms. Provides that the State Board of Elections, in cooperation with the Board of Game and Inland Fisheries, will make mail voter registration application forms available where hunting licenses are sold.

Patron - Putney

HJ85 State Board of Elections; active military and overseas voters; absentee ballots. Requests the State Board of Elections to develop and implement secure procedures for active military and overseas voters to cast timely absentee ballots. The Board may consider new technology and the option of returning absentee ballots directly to the State Board. It shall summarize its progress in a public report by January 12, 2011.

Patron - Marshall, D.W.

SB48 Absentee ballot deadline; military voters. Increases the deadline for each electoral board to make absentee ballots available from 30 to 45 days for all elections in order to match the 45-day deadline that currently applies to any November general election or special election held at the same time. The State Board may withhold funds from an electoral board that has willfully and repeatedly failed to comply with this deadline and use such withheld funds for the training of electoral boards and general registrars. The bill also extends the time when an absentee ballot must be returned by an absentee voter who is eligible for an absentee ballot due to active duty military service, membership in the merchant marines, or temporary residence outside of the country, or the spouse or dependent residing with such a voter, from before the closing of the polls to 5:00 p.m. on the forty-fifth day after printed absentee ballots were made available if the absentee voter has requested an absentee ballot more than 45 days before the election. This bill was incorporated into SB 55.

Patron - Martin

SB83 Elections; absentee voting. Provides that qualified voters may vote absentee in person without providing an excuse or reason for not being able to vote in person on election day. The bill retains the present statutory list of specific reasons entitling a voter to cast an absentee ballot for those persons who vote absentee by mail.

Patron - Howell

SB134 Elections; voter identification requirements; absentee voting eligibility and procedures. Revises the list of items that a voter may show to prove identification at the polls. The bill adds to the list several items now allowed to prove the identity of first-time voters for federal elections: a copy of a current utility bill, bank statement, government check, or paycheck that shows the name and address of the voter. The bill deletes the provision that allows a voter to sign a sworn statement that he is the named registered voter he claims to be in lieu of showing identification and provides instead for the

voter to vote a provisional ballot if he cannot provide a required form of identification.

Patron - Obenshain

SB139 Elections; absentee voting. Provides that persons age 65 and older will be entitled to vote absentee.

Patron - Miller, J.C.

SB144 Absentee voting; application by electronic mail or other electronic means. Provides that the State Board of Elections shall implement a system to accept absentee ballot applications electronically. Currently, an applicant may request and receive, but not submit, an absentee ballot application electronically. The bill takes effect only if funds are appropriated by the 2010 Session of the General Assembly to effectuate its purposes. This bill incorporates SB 426.

Patron - Miller, J.C.

SB152 Absentee ballot deadline; military voters. Provides that an absentee ballot will be counted if received by 5:00 p.m. on the tenth day following an election if cast by a voter who is eligible for an absentee ballot due to active duty military service, membership in the merchant marines, or temporary residence outside of the country, or the spouse or dependent residing with such a voter, where the voter requested the ballot prior to the deadline for making printed absentee ballots available and such ballot was not mailed or delivered until after such deadline had elapsed. This bill was incorporated into SB 55.

Patron - Stuart

SB173 Bipartisan Redistricting Commission created. Establishes a seven-member temporary commission to prepare redistricting plans in 2011 and each tenth year thereafter for the House of Delegates, state Senate, and congressional districts. Appointments to the Commission shall be made one each by the four majority and minority party leaders of the House and Senate and by the state chairmen of the two major political parties. Those six appointees shall appoint the seventh member and chairman for the Commission. If they cannot agree, they shall submit the names of the two persons receiving the most votes to the Supreme Court for the Court to select the chairman. The Commission will prepare plans and submit them as bills to the General Assembly. The General Assembly shall then proceed to act on the bills in the usual manner. The bill provides for Commission comments on plans as they change in the legislative process. It also spells out the standards and process to be followed by the Commission in preparing plans, including limitations on the use of political data and opportunities for public comment on the plans. This bill incorporates SB 296 and SB 626.

Patron - Deeds

SB226 Elections; emergencies; extension of polling hours. Provides for a court-ordered extension of polling hours in emergency situations and situations that interfere with the ability of voters to travel to the polls. The bill provides that no extension shall exceed three hours and provides for notice by any petitioner for an extension to the other potential petitioners. The potential petitioners are the Secretary of the State Board of Elections and the state chairs of the political parties.

Patron - Barker

SB296 Virginia Redistricting Commission created. Establishes a five-member commission to prepare redistricting plans for the House of Delegates, state Senate, and congressional districts. Appointments to the Commission shall be made one each by the four majority and minority party leaders of the House and Senate. Those four appointees shall appoint the fifth member and chair of the Commission. If they cannot

agree, they shall submit the names of the two persons receiving the most votes to the Supreme Court for the Court to select the chairman. The Commission will prepare plans and submit them as bills to the General Assembly. The General Assembly shall then proceed to act on the bills in the usual manner. The bill provides for Commission comments on plans as they change in the legislative process. It also spells out the standards and process to be followed by the Commission in preparing plans, including limitations on the use of political data and opportunities for public comment on the plans. This bill was incorporated into SB 173.

Patron - Miller, J.C.

SB301 Voter identification requirements; provisional ballots. Eliminates the provision that allows a voter to sign a sworn statement that he is the named registered voter he claims to be in lieu of showing identification and provides instead for the voter to vote a provisional ballot if he cannot provide a required form of identification. The bill also provides that, in order to determine whether a person who cast a provisional ballot is a qualified voter, an electoral board may rely on a faxed copy of a person's identification. The bill also removes a Commonwealth of Virginia voter registration card from the list of forms of identification that a voter can present to demonstrate that he is a qualified voter.

Patron - Martin

SB302 Voter registration application; required information. Provides that the failure of an applicant to register to vote to provide the information required on the application form shall constitute a material error or omission and cause the applicant not to be registered. Whenever an application is thus rejected, the registrar shall notify the applicant in writing what is needed to complete the application. The applicant may submit a completed application not later than 11 days before the election. The usual deadline for registration is 21 days before the election.

Patron - Martin

SB303 Provisional and paper ballots; information to be made available on the Internet. Requires the State Board of Elections to make available on its website the total number of provisional and official paper ballots cast and counted for each precinct. This requirement does not apply where the official paper ballot is the only ballot used in the precinct.

Patron - Martin

SB304 Voter registration exchange; pilot program. Directs the State Board of Elections to conduct a pilot program with at least three other states by July 1, 2011, to determine the number of duplicate registrations and to report in September 2011, to the Committees on Privileges and Elections, on the number of duplicate registrations discovered and the steps taken by the Board to eliminate duplicate registrations.

Patron - Martin

SB305 Voter registration applications; material error or omission. Requires the State Board of Elections to promulgate rules and regulations for determining whether an error or omission made by a person on a voter registration application constitutes such a material error or omission that the rejection of the application would be required.

Patron - Martin

SB307 Absentee voting; signature; identification. Provides that individuals who vote absentee shall be requested to submit with the absentee ballot (i) a copy of a current and valid photo identification; or (ii) a copy of a current utility bill, bank statement, government check, paycheck, or other docu-

ment that shows the name and address of the voter. If an individual does not submit such identification, the individual's signature on the absentee ballot envelope shall be compared to the individual's signature on his voter registration. The ballot shall not be counted if there appears to exist a material discrepancy between these signatures, however such ballot shall be counted as a provisional ballot.

Patron - Martin

SB314 Absentee ballot return; drop boxes prohibited. Provides that absentee ballots returned in person must be physically delivered to and received by a member of the electoral board, the registrar, or an assistant registrar, and that deposit in drop boxes located outside the office of the board or registrar is deemed not to be an acceptable means of personal delivery.

Patron - Martin

SB359 State Board of Elections; fees for paper filings. Imposes an annual \$25 fee for filing a campaign finance statement of organization with the State Board of Elections. Requires Board to adopt regulation providing exemption for indigence.

Patron - Northam

SB416 Election laws; enforcement and prosecution. Gives the Attorney General the independent authority to enforce and prosecute violations of election laws in addition to the existing authority granted to the Attorney General pursuant to a unanimous vote of all members of the Board of Elections requesting the Attorney General to assist the attorney for the Commonwealth.

Patron - Vogel

SB426 Absentee voting; application by electronic mail or other electronic means. Provides that the State Board of Elections shall implement a system to accept absentee ballot applications electronically. Currently, an applicant may request and receive, but not submit, an absentee ballot application electronically. This bill has been incorporated into SB 144.

Patron - Herring

SB463 Primary schedule in 2011. Moves the June 14, 2011, primary date to September 13, 2011, in anticipation of the 2011 redistricting process and adjusts various deadlines for filings and election preparations to accommodate the new primary date.

Patron - Howell

SB482 Deadline for making absentee ballots available; military voters. Increases the deadline for each electoral board to make absentee ballots available from 45 to 50 days prior to any November general election or special election held at the same time, and from 30 to 35 days prior to any other general, special, or primary election. Each electoral board must report to the State Board of Elections whether it has complied with these deadlines no later than five days after absentee ballots are made available. The bill also provides that making absentee ballots available includes mailing the ballot or electronic transmission of the ballot to an absentee voter who is eligible for an absentee ballot due to active duty military service, membership in the merchant marines, or temporary residence outside of the country, or to the spouse or dependent residing with such a voter, and that absentee ballots shall be provided to such voters within three business days upon receiving the voter's application. The bill further provides that absentee ballots cast by such voters will still be counted even if received after the close of the polls on election day if the ballot was

received before the State Board meets to ascertain the results of the election. This bill was incorporated into SB 55.

Patron - Hurt

SB626 Bipartisan Redistricting Commission created. Establishes a seven-member temporary commission to prepare redistricting plans in 2011 and each tenth year thereafter for the House of Delegates, state Senate, and congressional districts. Appointments to the Commission shall be made one each by the four majority and minority party leaders of the House and Senate and by the state chairmen of the two major political parties. Those six appointees shall appoint the seventh member and chairman of the Commission. If they cannot agree, they shall submit the names of the two persons receiving the most votes to the Supreme Court for the Court to select the chairman. The Commission will prepare plans and submit them as bills to the General Assembly. The General Assembly shall then proceed to act on the bills in the usual manner. The bill provides for Commission comments on plans as they change in the legislative process. It also spells out the standards and process to be followed by the Commission in preparing plans, including limitations on the use of political data and opportunities for public comment on the plans. This bill was incorporated into SB 173.

Patron - Vogel

SB683 Elections; absentee voting procedures. Deletes the requirement that domestic absentee voters must provide detailed information concerning their legal residence in Virginia in their sworn statement on the envelope in which they return their marked absentee ballot. The bill retains the requirement that the statement contain the voter's full name (last, first, and middle).

Patron - Barker

SB690 Voter registration drives; payment or receipt of compensation; penalty. Provides that voter registration drives, defined as a coordinated effort by two or more individuals to provide assistance to 1,000 or more members of the general public in completing and submitting voter applications, must register with the State Board of Elections and fulfill the training requirements established by the State Board. The State Board shall maintain a list of all voter registration drives that have been registered and shall post this list on its website. The bill also provides that a person assisting an applicant with the completion and return of a voter registration application shall not disclose or copy the day and month of the applicant's birth, except as authorized by law. The bill also makes it a Class 1 misdemeanor to influence a person to register to vote by bribery or force and makes it a Class 1 misdemeanor to pay or receive compensation on a fee-per-signature basis or on a basis related to the number of signatures obtained for circulating election-related petitions or completing and submitting voter registration applications.

Patron - Obenshain

SB732 Elections; acquisition of voting equipment by localities. Deletes the provision enacted in 2007 that prohibits the acquisition of direct recording electronic (DRE) machines by any locality on and after July 1, 2007.

Patron - Whipple

Carried Over

HB59 General registrar; qualifications. Allows an electoral board to appoint a general registrar who is a qualified voter of a county or city adjoining jurisdiction for which he is appointed. This bill incorporates HB 772.

Patron - Putney

HB743 Elections; ballot security. Prohibits any person from reproducing or copying a ballot that has been cast in an election, except in response to a court order explicitly requiring otherwise.

Patron - Cleaveland

HB1057 Elections; qualifications of candidates. Directs the State Board of Elections or the general registrar, as appropriate, to evaluate whether a person meets the residency requirements to qualify as a candidate and entitle him to have his name printed on the ballot in a general, primary, or special election. In determining residency, the Board or general registrar may consider the applicant's driver's license, motor vehicle registration, and the state and locality to which income and personal property taxes are filed as prima facie evidence of domicile. The State Board, in accepting or failing to accept the qualification of any candidate for election to statewide office, the United States House of Representatives, or the General Assembly shall be considered a case decision and subject to the Administrative Process Act. Any proposed candidate whose statement of qualification was not accepted, or the opponent of a candidate whose statement of qualification was accepted, shall have standing to challenge the action of the State Board in such instance.

Patron - Armstrong

SB119 Campaign finance; contribution limits. Imposes limits on contributions to candidates for Governor, Lieutenant Governor, Attorney General, and the General Assembly. The limits are \$20,000 per general or special election and \$10,000 per primary election for contributions by persons and \$50,000 and \$25,000, respectively, for political action committees. However, if contributions are made by a person or political action committee for a primary, then that person or committee is limited to contributions of \$10,000 and \$25,000, respectively, for the general or special election. There are no limits on contributions by political party committees or by a candidate to his own campaign. Civil penalties for violations of the limits may equal up to two times the excess contribution amounts.

Patron - Petersen

SB505 Political parties to determine method of nominating candidates. Provides that only political parties may determine the method by which it nominates candidates for office and eliminates exceptions that allowed incumbents in certain cases to determine the method of nomination.

Patron - Smith

SB624 State Board of Elections; voter lists. Rewrites the provisions stating who may obtain the lists of registered voters and lists of persons who voted in elections. Adds non-profit organizations that promote voter participation and registration to the persons who may obtain the lists of persons voting at primaries and elections.

Patron - Howell

Eminent Domain

Passed

HB81 Compensation of condemnation jurors. Equalizes the pay of jurors in condemnation cases with that of regular jurors. Currently, regular jurors are paid \$30 per day once summoned and appearing for jury duty, and condemnation jurors are paid \$60 per day only if they are empanelled on

the jury. This bill would pay each juror \$30 per day for being summoned and appearing, whether for regular jury service or for service as a condemnation juror.

Patron - Knight

HB651 Use of commissioners in eminent domain cases. Reinstates the option of the landowner to choose between commissioners and juries to hear an eminent domain case. The option to choose commissioners was eliminated by Chapter 586 of the 2006 Acts of Assembly. The provisions of this bill apply only to actions filed on or after July 1, 2010.

Patron - Armstrong

HB997 Eminent domain; application to Norfolk. Extends the expiration date, from June 30, 2010, to December 31, 2010, for the exemption to requirements applicable to the exercise of the power of eminent domain by the City of Norfolk or the Norfolk Redevelopment and Housing Authority. The exemption was created in the 2007 legislation that, among other things, established limitations on what constituted a public use for which private property could be acquired by exercise of the power of eminent domain.

Patron - Howell, A.T.

Failed

HB652 Eminent domain; just compensation; restricted access. Provides that any restriction, change, or loss of access to or from property taken under the power of eminent domain shall be considered as an element in assessing the damages to the residue for the purposes of determining just compensation. The bill states that an emergency exists and that the bill is effective upon passage.

Patron - Armstrong

Fiduciaries Generally

Passed

HB56 Testamentary trustees; relief of duty to file an inventory or annual accounts. Provides that any trustee under a will of a decedent probated on or after July 1, 2010, shall be relieved of the duty to file an inventory or annual accounts with the commissioner of accounts if the will does not direct the filing of such inventory or accounts and the trustee (i) obtains the written consent of all adult beneficiaries and the consent of all incapacitated beneficiaries, other than the trustee, to whom income or principal of the trust could be currently distributed, after providing those beneficiaries or, in the case of incapacitated beneficiaries, their representatives with certain documents and information; and (ii) files those consents with the commissioner on or before the date on which the inventory or next required accounting would otherwise be due. The commissioner of accounts shall be allowed a fee of \$25 for receiving and filing such consents. The bill also provides form language that may be included in a will that would require the trustee to file annual account. This bill is identical to SB 43.

Patron - Cole

HB719 Uniform Power of Attorney Act (UPOAA). Establishes in the Code of Virginia the Uniform Act that was adopted by the National Conference of Commissioners on Uniform State Laws in 2006. The UPOAA consists of default rules that can be modified if the principal desires. Powers of attorney will be durable unless drafted to expire upon a specified date or event. The UPOAA addresses creation and use, good faith reli-

ance, limitations of agent's powers, refusal to recognize, judicial review, notification of resignation, and other matters. The UPOAA contains an optional statutory form that may be used by an agent to certify facts concerning a power of attorney. This bill is identical to SB 159.

Patron - Peace

SB43 Testamentary trustees; relief of duty to file an inventory or annual accounts. Provides that any trustee under a will of a decedent probated on or after July 1, 2010, shall be relieved of the duty to file an inventory or annual accounts with the commissioner of accounts if the will does not direct the filing of such inventory or accounts and the trustee (i) obtains the written consent of all adult beneficiaries and the consent of all incapacitated beneficiaries, other than the trustee, to whom income or principal of the trust could be currently distributed, after providing those beneficiaries or, in the case of incapacitated beneficiaries, their representatives with certain documents and information; and (ii) files those consents with the commissioner on or before the date on which the inventory or next required accounting would otherwise be due. The commissioner of accounts shall be allowed a fee of \$25 for receiving and filing such consents. The bill also provides form language that may be included in a will that would require the trustee to file annual account. This bill is identical to HB 56.

Patron - Stuart

SB159 Uniform Power of Attorney Act (UPOAA). Establishes in the Code of Virginia the Uniform Act that was adopted by the National Conference of Commissioners on Uniform State Laws in 2006. The UPOAA consists of default rules that can be modified if the principal desires. Powers of attorney will be durable unless drafted to expire upon a specified date or event. The UPOAA addresses creation and use, good faith reliance, limitations of agent's powers, refusal to recognize, judicial review, notification of resignation, and other matters. The UPOAA contains an optional statutory form that may be used by an agent to certify facts concerning a power of attorney. This bill is identical to HB 719. This bill incorporates SB 204.

Patron - Edwards

Failed

HB664 Commissioner of accounts; prohibiting General Assembly members from serving. Prohibits any attorney who is a member of the General Assembly or any attorney who is an employee or member of the same law firm or corporate law department as the General Assembly member from being appointed or serving as a commissioner of accounts.

Patron - Gear

SB204 Uniform Power of Attorney Act (UPOAA). Establishes in the Code of Virginia the Uniform Act that was adopted by the National Conference of Commissioners on Uniform State Laws in 2006. The UPOAA consists of default rules that can be modified if the principal desires. Powers of attorney will be durable unless drafted to expire upon a specified date or event. The UPOAA addresses creation and use, good faith reliance, limitations of agent's powers, refusal to recognize, judicial review, notification of resignation, and other matters. The UPOAA contains an optional statutory form that may be used by an agent to certify facts concerning a power of attorney. This bill was incorporated into SB 159.

Patron - Blevins

Fire Protection

Passed

HB290 Fire programs; donated equipment; liability. Provides that any fire/EMS department of a city, town, or county, or any fire/EMS company donating equipment for fighting fires or performing emergency medical services to any fire/EMS department or any fire/EMS company, which equipment met existing engineering and safety standards at the time of its purchase by the donating entity, shall be immune from civil liability unless the organization acted with gross negligence or willful misconduct.

Patron - Griffith

HB1162 Statewide Fire Prevention Code; State Fire Marshal; regulation of pyrotechnicians and fireworks operators. Provides for the State Fire Marshal to establish a certification program for pyrotechnician or fireworks operator to design, setup, conduct or supervise the design, setup or conducting of any fireworks display, either inside a building or outdoors. The bill also (i) adds a definition of fireworks operator or pyrotechnician, (ii) requires that at least one person holding a valid certification is present at the site where the fireworks display is being conducted, (iii) provides clarifies that the certification requirement does not apply to the use or display of permissible fireworks or in connection with any fireworks display conducted by a volunteer fire department provided one member of the volunteer fire department holds a valid certification. The bill is identical to SB 8.

Patron - Cosgrove

SB8 Statewide Fire Prevention Code; State Fire Marshal; regulation of pyrotechnicians and fireworks operators. Provides for the State Fire Marshal to establish a certification program for pyrotechnician or fireworks operator to design, setup, conduct or supervise the design, setup or conducting of any fireworks display, either inside a building or outdoors. The bill also (i) adds a definition of fireworks operator or pyrotechnician, (ii) requires that at least one person holding a valid certification is present at the site where the fireworks display is being conducted, (iii) provides clarifies that the certification requirement does not apply to the use or display of permissible fireworks or in connection with any fireworks display conducted by a volunteer fire department provided one member of the volunteer fire department holds a valid certification. The bill is identical to HB 1162.

Patron - Blevins

Failed

HB1160 Statewide Fire Prevention Code; administration and enforcement; fees. Moves authority to set fees to cover the actual cost of administering and enforcing the Statewide Fire Prevention Code from the Board of Housing and Community Development to the Virginia Fire Services Board. The bill also provides that the fee increases may not occur more than once in any given fiscal year.

Patron - Cosgrove

Carried Over

SB685 Statewide Fire Prevention Code; use of fireworks on residential property. Limits the exception from application of the Statewide Fire Prevention Code to the use of permissible fireworks on residential property. The current

exception applies to the sale or use of permissible fireworks on private property.

Patron - Martin

Fisheries and Habitat of the Tidal Waters

Passed

HB138 Aquaculture opportunity zones. Requires the Marine Resources Commission to establish by regulation aquaculture opportunity zones off the shores of the Northern Neck, Middle Peninsula, and Tangier Island for the propagation of commercial shellfish. The regulations are to establish the location of the zones, the procedures for maintaining zones, and penalties for violating the regulations. The Commission may set a single fee for the application and use of the zones.

Patron - Pollard

HB142 Menhaden harvest cap. Continues the annual menhaden harvest quota of 109,020 metric tons for the Virginia portion of the Chesapeake Bay until January 1, 2014, three years beyond the original sunset date. Fisheries receive a credit to be applied in the following year if the actual harvest does not meet the harvest quota and a deduction if the actual harvest exceeds the harvest quota. This bill is identical to SB 47.

Patron - Pollard

HB296 Water safety zones. Authorizes marine patrol divisions of police departments in Tidewater localities and conservation police officers of the Department of Game and Inland Fisheries to patrol those tidal waters that have been designated as federal safety zones and federal restricted areas. This bill is identical to SB 398.

Patron - Cosgrove

HB373 Hunting, trapping, and fishing; penalties. Clarifies that courts may revoke licenses and privileges to hunt, trap, and fish upon the conviction of violations of laws and regulations related to those activities.

Patron - Shuler

HB1291 Fisheries; nonresident harvester's license. Prohibits the Marine Resources Commission from selling a commercial fishing license to a nonresident whose state of residence does not offer for sale the same or similar license to a resident of the Commonwealth. This bill is similar to SB 192.

Patron - Lewis

SB47 Menhaden harvest cap. Continues the annual menhaden harvest quota of 109,020 metric tons for the Virginia portion of the Chesapeake Bay until January 1, 2014, three years beyond the original sunset date. Fisheries receive a credit to be applied in the following year if the actual harvest does not meet the harvest quota and a deduction if the actual harvest exceeds the harvest quota. This bill is identical to HB 142.

Patron - Stuart

SB192 Fisheries; nonresident harvester's license. Prohibits the Marine Resources Commission from selling a commercial fishing license to a nonresident whose state of residence does not offer for sale the same or comparable license to a resident of the Commonwealth.

Patron - Northam

PSB398 Water safety zones. Authorizes marine patrol divisions of police departments in Tidewater localities and conservation police officers of the Department of Game and Inland Fisheries to patrol those tidal waters that have been designated as federal safety zones and federal restricted areas. This bill is identical to HB 296.

Patron - Wagner

PSB668 Saltwater recreational fishing; conformance with national registry. Directs the Virginia Marine Resources Commission to establish the Fisherman Identification Program, which is to be consistent with the National Saltwater Angler Registry Program. In order to pay for the program, a one-time fee increase of not more than \$10 will be placed on the saltwater recreational boat license. Those persons who purchase a saltwater fishing license are not required to register with the program.

Patron - Northam

PSB726 Ballast Water Control Report. Changes name from Hampton Roads Maritime Association to Virginia Maritime Association.

Patron - Blevins

Failed

FHB194 Filled subaqueous land. Requires the person who purchases filled state-owned subaqueous lands to pay the cost of preparing and recording the transfer documents. Currently, a person to whom filled subaqueous lands owned by the state is being conveyed has to pay 25 percent of the assessed value of the parcel.

Patron - Cosgrove

FHB294 Menhaden fishery. Directs the Virginia Marine Resources Commission to adopt regulations to implement the Interstate Fishery Management Plan for Atlantic Menhaden. The bill also requires that any moratorium on the fishery be subject to legislative review and repeals the Governor's authority to implement menhaden management measures by proclamation.

Patron - Cosgrove

FHB1029 Special species fishing license. Requires the Board of Game and Inland Fisheries and the Marine Resources Commission to establish a special fishing license to catch or take those species of fish that are a threat to the viability of other fisheries, or may have a significant ecological or economic impact.

Patron - Pollard

FSB185 Menhaden fishery. Directs the Virginia Marine Resources Commission to adopt regulations to implement the Interstate Fishery Management Plan for Atlantic Menhaden. The bill also requires that any moratorium on the fishery be subject to legislative review and repeals the Governor's authority to implement menhaden management measures by proclamation.

Patron - Northam

FSB202 Marine Resources Commission; state-owned bottomlands; fees. Authorizes the Marine Resources Commission to require nonrefundable application and permit fees for the use of state-owned bottomlands. Existing permit fees for use of state-owned bottomlands are increased to \$100 for projects less than \$10,000; \$200 for projects greater than \$10,000; and \$500 for projects greater than \$50,000.

Patron - Blevins

FBSB447 Shellfish sanitation; inspections; fees; penalty. Requires any person who operates an establishment for the processing of crabmeat or shellfish to have a permit from the State Health Commissioner. Permit fees shall be paid into a fund that supports the shellfish sanitation program.

Patron - Quayle

Carried Over

CHB1163 Bottomlands rents and royalties. Removes the authority of the Virginia Marine Resources Commission to charge a rent or royalty as a term or condition of a permit for use of state-owned bottomlands. The only royalty that may be assessed is the one established by statute for the removal of bottom material.

Patron - Cosgrove

CHB1268 Recreational gill net license. Establishes a new recreational gear license for owners of piers who want to affix a staked gill net to their pier. The gill net cannot exceed 300 feet. The cost of the license is \$25.

Patron - Gear

Game, Inland Fisheries and Boating

Passed

FHB128 Special fishing license. Authorizes the Department of Game and Inland Fisheries to issue free fishing licenses to disabled, active duty military personnel who are receiving inpatient or outpatient medical treatment from a veterans or military hospital in Virginia, an adjoining state, or the District of Columbia. There is no cost for the license, and it is valid for one year.

Patron - Cox, M.K.

FHB131 Hunters For The Hungry. Directs the Department of Game and Inland Fisheries to include in any application form for obtaining a hunting license or permit language allowing hunters to donate at least \$2 to Hunters For The Hungry. Currently, the level of voluntary contribution in the permit application is set at \$2.

Patron - Pollard

FHB399 Bear, deer, and wildlife kill permits. Requires any person who kills a bear, deer, or other wildlife pursuant to a kill permit issued by the Director of the Department of Game and Inland Fisheries to utilize the animal only for human consumption. Such practices as mounting or displaying the carcass in some other manner are prohibited. In addition, if the animal is not going to be consumed, it must be disposed of within 24 hours.

Patron - Lohr

FHB486 Impeding hunting. Makes it a Class 3 misdemeanor for any person to knowingly and intentionally facilitate or attempt to cause a violation of the baiting law by putting out bait or salt in a place used or occupied by hunters.

Patron - Lingamfelter

FHB487 Board of Game and Inland Fisheries; regulatory authority. Expands the authority of the Board of Game and Inland Fisheries to adopt regulations on the feeding of any game, game animals, or fur-bearing animals. Currently, the

Board has the authority to adopt regulations pertaining to the hunting, taking, capture, killing, possession, sale, purchase, and transportation of any wild bird, wild animal, or inland water fish.

Patron - Lingamfelter

PHB488 Model bow hunting ordinance; penalty. Directs the Board of Game and Inland Fisheries to develop model bow hunting ordinances for those counties and cities where the deer population is overabundant, resulting in conflicts between humans and deer. The ordinances are to include the times of day in which such hunting can occur and limits on how many deer can be killed. The localities adopting one of the model ordinances may impose a Class 3 misdemeanor on those persons violating the ordinance.

Patron - Lingamfelter

PHB801 License to fish; South Holston Reservoir. Adds a license for state residents to fish and to harvest trout in the interstate waters of South Holston Reservoir.

Patron - Johnson

PHB940 Department of Forestry; hunting and trapping violations. Reduces the penalty for violations of hunting and trapping laws or regulations administered by the State Forester. Currently such a violation is punishable as a Class 1 misdemeanor and could include confinement in jail for not more than 12 months and a fine of not more than \$2,500. Under the new provision, a violation would be punishable as a Class 3 misdemeanor and would include only the possibility of a fine of not more than \$500.

Patron - Abbitt

PHB1218 Waterfowl blinds; licenses. Shifts the times to obtain waterfowl blind licenses to earlier in the year and distinguishes between nonriparian licenses for stationary blinds that have or have not been licensed the previous year. The provisions of the bill will become effective on January 1, 2011.

Patron - Pollard

PHB1283 Possession of shed antlers. Allows a person to possess shed deer antlers.

Patron - Edmunds

SB243 Fishing license exemption. Exempts active duty military personnel who are residents and on leave from having to obtain a basic fishing license so long as they can show proof that they are on leave. Such an exemption does not extend to such persons to fish in waters stocked with trout.

Patron - Watkins

SB289 Infant lifetime hunting and fishing licenses. Establishes lifetime hunting and fishing licenses for residents and nonresidents who are younger than two years of age. The cost for infant lifetime licenses for hunting and fishing is \$125 each for residents and \$250 each for nonresidents. The original license remains valid even if the licensee changes his place of residency.

Patron - Deeds

SB546 Landowner liability arising from recreational activities; railroad rights-of-way. Ensures that railroad rights-of-way may be used for recreational purposes and for access to lands being used for recreational purposes without the easement holder owing a duty of care to the user. This exemption from civil liability already exists for landowners, but does not explicitly include railroad rights-of-way. The exemption does not apply if the landowner charges a fee for the use of the lands and does not include gross negligence or will-

ful or malicious failure to guard or warn against a dangerous condition.

Patron - Edwards

Failed

HB74 Boating safety education course. Exempts persons from having to take a boating safety course, if they have in the past possessed a valid operator's license issued by the U.S. Coast Guard.

Patron - Carrico

HB168 Personal flotation devices required for children; civil penalty. Requires children 12 years of age or younger to wear a Type I, II, III, or V U.S. Coast Guard-approved personal flotation device (life jackets) on recreational vessels. This requirement applies only in those waters where there is concurrent state and federal jurisdiction. The Director of Game and Inland Fisheries may assess any recreational vessel operator found in violation of this provision a civil penalty of up to \$100. However, this penalty may be waived if the person completes a boating safety education course. All penalties collected are to be paid to the Motorboat and Water Safety Fund of the Game Protection Fund. The bill does not apply to a recreational vessel that is moored or anchored, or to children below deck or in an enclosed cabin. The enactment of the bill is delayed until January 1, 2011.

Patron - Pogge

HB544 Free hunting license; active duty military service. Authorizes the Department of Game and Inland Fisheries to issue a state resident basic hunting license at no cost to residents who are on active military service.

Patron - Marshall, D.W.

HB578 Trapping of rabbits. Clarifies that a person can use a box trap to trap a rabbit and transport it for release or restocking purposes onto another property within Virginia.

Patron - Cole

HB802 Antique motorboats. Establishes a special one-time \$100 registration fee for antique motorboats. These are vessels that are essentially as originally constructed, are used for noncommercial purposes, and are at least 30 years old. The registration has to be renewed every three years but at no additional costs. Instead of having identification numbers painted on the bow of the motorboat, the owner will be given a plaque by the Department of Game and Inland Fisheries that contains the identification number and language designating the vessel as an antique motorboat, to place on the bow.

Patron - Poindexter

HB1181 Special hunting license for permanently disabled. Establishes a special lifetime license for permanently disabled persons to hunt in all counties and cities of the Commonwealth, and to hunt (i) bear, deer and turkey, (ii) with a bow and arrow during the special archery seasons, (iii) with a crossbow during special archery seasons, and (iv) with a muzzleloader during the special muzzleloading seasons. The cost of the license is \$100.

Patron - Phillips

SB40 Duty of care; flying fields and landing areas. Exempts owners of privately owned flying fields and landing areas used for operating aircraft or ultralight vehicles from any duty of care to keep the premises safe for entry or use by others if the landowner does not charge a fee to use his property.

Patron - Stuart

FSB93 Personal flotation devices required for children; civil penalty. Requires children 12 years of age or younger to wear a Type I, II, III, or V U.S. Coast Guard-approved personal flotation device (life jackets) on recreational vessels. This requirement applies only in those waters where there is concurrent state and federal jurisdiction. The Director of Game and Inland Fisheries may assess any recreational vessel operator found in violation of this provision a civil penalty of up to \$100. However, this penalty may be waived if the person completes a boating safety education course. All penalties collected are to be paid to the Motorboat and Water Safety Fund of the Game Protection Fund. The bill does not apply to a recreational vessel that is moored or anchored, or to children below deck or in an enclosed cabin. The enactment of the bill is delayed until January 1, 2011.

Patron - Quayle

FSB217 Local boat and watercraft registration fees. Permits a locality, beginning January 1, 2011, to impose by ordinance a registration fee on recreational boats or watercraft. The registration fee may not be imposed any more frequently than every three years. Any tangible personal property tax imposed on motorboat will be credited against the registration fee. For purposes of the amount of the fee (i) privately owned pleasure motorboats (a) under 18 feet and weighing less than five tons and (b) used for recreational purposes only, (ii) all other privately owned pleasure motorboats under 18 feet and weighing less than five tons, (iii) motorboats 18 feet or over and weighing less than five tons, and (iv) motorboats weighing five tons or more shall be separate classifications of property. The local ordinance may require decals be displayed on the motorboats indicating the last month and year the registration is valid.

Patron - Locke

FSB500 Hunting and fishing licenses; active military. Allows any active member of the military to obtain a resident license to hunt, trap, or fish in the Commonwealth.

Patron - Hurt

FSB575 Endangered and threatened species. Authorizes the Board of Game and Inland Fisheries to adopt regulations that allows the (i) taking, possession, exportation, transportation, or release of animals occurring in experimental populations as designated in conservation plans developed by the Department of Game and Inland Fisheries; and (ii) incidental taking of certain endangered or threatened species of fish and wildlife so long as the project enhances the long-term survival of the species and the taking is at a minimum level. The bill exempts the incidental taking of animals from designated experimental populations from the currently authorized prohibitions and penalties. Currently, the Board may only permit the taking, transportation, exportation or possession of any endangered or threatened species of fish or wildlife for zoological, educational, scientific, or preservation purposes.

Patron - Ticer

Carried Over

CHB795 Dams and fishways. Exempts Harvell Dam in Petersburg from fish passageway requirements.

Patron - Dance

General Assembly

Passed

P HB42 Transportation programs; performance audit by Joint Legislative Audit and Review Commission (JLARC). Requires JLARC to administer a performance audit of the Commonwealth's transportation programs. JLARC shall issue an RFP to initiate the procurement process for a management consulting firm to conduct the audit. A final report on the findings of the performance audit shall be submitted to the Joint Commission on Transportation Accountability and the Governor no later than December 31, 2010. This bill is identical to SB 201.

Patron - Oder

P HB199 MEI Project Approval Commission; work of the Commission. Expands the scope of incentive packages to be reviewed by the MEI Project Approval Commission by eliminating the limitation that the Commission may only review incentive packages for MEI projects that are proposed to be funded by bonds of the Virginia Public Building Authority and by providing for the Commission to review incentive packages (including but not limited to incentive packages for MEI projects) for which (i) one or more of the incentives in the incentive package is not authorized under current law or (ii) an amendment by the General Assembly is being sought to one or more currently existing incentives included as part of the incentive package. A Major Employment and Investment project is defined under current law as a regional economic development project in which a private entity is expected to make a capital investment exceeding \$250 million in the Commonwealth and to create more than 400 new full-time jobs. As part of its review, the Commission may endorse certain incentive packages for approval by the General Assembly.

Patron - Cox, M.K.

P HB428 Bills required to be introduced by first day of a session. Repeals the provisions requiring the following types of bills to be filed no later than the first day of a legislative session: charter, claims, optional county form of government, corrections impact, local fiscal impact, sales tax exemption, and Virginia Retirement System.

Patron - Griffith

P HB589 Virginia Code Commission. Expands the Commission membership by one or two optional nonlegislative citizens, as may be recommended by the Commission. Those members must have demonstrated legal knowledge in the codification of session laws and the recodification of statutes. Both are to receive the same compensation and privileges as other members of the Commission.

Patron - Landes

P HB655 General Assembly Conflicts of Interests Act; House and Senate Ethics Advisory Panels. Opens ethics inquiries to the public after a preliminary investigation. During the preliminary investigation, the Panel will require that (i) the facts stated in the complaint taken to be true are sufficient to show a violation of the Conflicts of Interests Act, (ii) the complainant to appear and testify under oath as to the complaint and the allegations, and (iii) such violation has occurred by a preponderance of the evidence. Once the Panel determines to proceed with an inquiry into the conduct of any legislator, the Panel shall complete its investigations notwithstanding the resignation of the legislator during the course of the Panel's

proceedings. This bill incorporates HB 644, HB 657 and HB 814.

Patron - Armstrong

HB740 General Assembly Conflicts of Interests Act; disclosure of salary. Requires a member of the General Assembly to disclose in his annual disclosure of personal interests any salary and wages in excess of \$10,000 paid to him or his immediate family for employment with a state or local government or advisory agency, except for his salary received as a member of the General Assembly. This bill incorporates HB 321.

Patron - Janis

HB933 General Assembly Conflicts of Interests Act; disposition of cases. Provides that if the Senate or House Ethics Advisory Panel refers a case to the member's respective house based on the conclusion that the member has violated § 30-108 (failing to disqualify himself from taking part in an official action of the General Assembly on a matter in which he has a personal interest) or subsection C of § 30-110 (failing to disclose such personal interest), and the respective house determines that such a violation was made knowingly, the house shall refer the matter to the Attorney General for possible prosecution. Currently, the house may refer the matter to the Attorney General, but is not required to do so.

Patron - Bell, Robert B.

HB1227 Brown v. Board of Education Scholarship Program. Provides that scholarships awarded through the Brown v. Board of Education Scholarship Program may be used to cover the costs of professional degree programs and mandatory fees. This bill also clarifies that awards may be granted for part-time or full-time attendance in approved education programs for no more than the minimum number of credit hours required to complete the program requirements. The bill makes certain clarifying technical amendments to facilitate the Committee's work. This bill is a recommendation of the Brown v. Board of Education Scholarship Awards Committee.

Patron - Dance

SB101 Public-Private Partnership Advisory Commission. Provides that the Division of Legislative Services shall provide legal and research services to the Public-Private Partnership Advisory Commission with technical assistance being provided by the staffs of the House Committee on Appropriations, the Senate Finance Committee, and the Auditor of Public Accounts. The bill also clarifies that responsible public entities required to submit copies of detailed proposals under the Public-Private Education Facilities and Infrastructure Act must submit the copies to the chairman of the Commission.

Patron - Stosch

SB184 MEI Project Approval Commission; work of the Commission. Expands the scope of incentive packages to be reviewed by the MEI Project Approval Commission by eliminating the limitation that the Commission may only review incentive packages for MEI projects that are proposed to be funded by bonds of the Virginia Public Building Authority and by providing for the Commission to review incentive packages for which (i) one or more of the incentives in the incentive package is not authorized under current law or (ii) an amendment by the General Assembly is being sought to one or more currently existing incentives included as part of the incentive package. A Major Employment and Investment project is defined under current law as a regional economic development project in which a private entity is expected to make a capital investment exceeding \$250 million in the Com-

monwealth and to create more than 400 new full-time jobs. As part of its review, the Commission may endorse certain incentive packages for MEI projects for approval by the General Assembly.

Patron - Colgan

SB201 Auditor of Public Accounts. Requires the Joint Legislative Audit and Review Commission to issue a request for proposals for a management consulting firm to conduct a performance audit of the Commonwealth's transportation programs. This bill is identical to HB 42.

Patron - Blevins

SB350 Virginia Commission on the Centennial of Woodrow Wilson's Presidency. Establishes in the legislative branch of state government a commission charged with planning, developing, and implementing statewide appropriate programs and activities to commemorate the centennial of Woodrow Wilson's election and presidency from 1912 to 1921. The Commission will be composed of 11 members consisting of legislative and nonlegislative citizen members, and is authorized to appoint an advisory council to assist it with its work. The Advisory Council will be composed of persons who have knowledge and expertise concerning the life, scholarship, elections, and presidency of Woodrow Wilson, and the historical significance of his presidency on the American presidency, scholarship, international and domestic relations, and political and social systems. Members of the Advisory Council must be residents of Virginia and must agree to serve in a voluntary capacity without compensation or reimbursement. The work of the Commission shall not commence until private funding is secured. The Commission will expire on July 1, 2014.

Patron - Hanger

SB431 State Government Spending Accountability Act. Directs the Auditor of Public Accounts to include on a searchable database a register of all funds expended for major agencies of the Commonwealth. In regard to the registry, the database would include the vendor name, date of payment, and a description of the expense, including also credit card purchases with the same information. The bill also requires the Auditor of Public Accounts to conduct a review of searchable databases used by other states and incorporate best practices for ease of use and transparency of state agency expenditures.

Patron - Herring

SB512 General Assembly Conflicts of Interests Act; disclosure of salary paid by government. Requires a member of the General Assembly to disclose in his annual disclosure of personal interests any salary and wages in excess of \$10,000 paid to him or his immediate family for employment with a state or local government or advisory agency. This bill incorporates SB 4 and SB 14.

Patron - Norment

SB516 Commission on Electric Utility Regulation. Extends the Commission on Electric Utility Regulation until July 1, 2012. Under current law, the Commission would expire on July 1, 2010.

Patron - Norment

Failed

HB62 General Assembly; Budget Bill(s). Requires the Chairman of the House Appropriations Committee and the Chairman of the Senate Finance Committee to issue reports concurrently with the budget conference report that specifically identify (i) any nonstate appropriation, (ii) any item in the conference report that was not included in the Budget Bill(s) as

passed by either the House or the Senate, and (iii) any item that represents legislation that failed in either house during the regular or a special session.

Patron - Toscano

HB321 General Assembly Conflicts of Interests Act; disclosure of government employment. Requires a member of the General Assembly to disclose any wages or salary paid to him or an immediate member of his family, regardless of the amount, by a state or local government or advisory agency employer. The member must also disclose the nature of his employment duties with such employer. This bill has been incorporated into HB 740.

Patron - Plum

HB328 General Assembly Conflicts of Interests Act; disclosure database. Provides that the Clerks of the House and Senate shall each establish a searchable electronic database, available to the public through the Internet, containing the information from the disclosure of personal interests statements filed by legislators, legislators-elect, and candidates for the General Assembly.

Patron - Plum

HB330 General Assembly Conflicts of Interests Act; jurisdiction of House and Senate Ethics Advisory Panels. Expands the jurisdiction of the House Ethics Advisory Panel to include a member's current term and the immediately preceding five years rather than the preceding two-year term in office. This bill has been incorporated into HB 617.

Patron - Plum

HB344 Efficiency in Government Advisory Councils. Establishes an Efficiency in Government Advisory Council for each secretariat of state government to review the operations of the agencies within the assigned secretariat for the purposes of identifying efficiencies and determining specific operational areas where savings may be realized. Under the bill, all recommendations that result in identifiable monetary savings among agencies within the assigned secretariat shall be presented in the form of a bill or budget amendment. Savings resulting from implementation of the recommendations will go to the Transportation Efficiency Fund to be used to (i) supplement transportation projects that are aimed at reducing congestion, increasing the efficiency of mass transit, or reducing harmful emissions associated with vehicle traffic and (ii) facilitate economic development associated with transportation projects.

Patron - Marshall, R.G.

HB400 Virginia Commission on the Centennial of Woodrow Wilson's Presidency. Establishes in the legislative branch of state government a commission charged with planning, developing, and implementing statewide appropriate programs and activities to commemorate the centennial of Woodrow Wilson's election and presidency from 1912 to 1921. The Commission will be composed of 11 members consisting of legislative and nonlegislative citizen members, and is authorized to appoint an advisory council to assist it with its work. The Advisory Council will be composed of persons who have knowledge and expertise concerning the life, scholarship, elections, and presidency of Woodrow Wilson and the historical significance of his presidency on the American presidency, scholarship, international and domestic relations, and political and social systems. Members of the Advisory Council must be residents of Virginia and must agree to serve in a voluntary capacity without compensation or reimbursement. The Commission must submit an executive summary of its work and

findings to the Governor and General Assembly annually. The Commission will expire on July 1, 2014.

Patron - Bell, Richard P.

HB617 House and Senate Ethics Advisory Panels; proceedings. Provides that once the House or Senate Ethics Advisory Panel has initiated an investigation into the conduct of a legislator, it must complete its inquiry, report its findings, and dispose of the matter as provided by law, notwithstanding the resignation of the legislator from the General Assembly, or the completion of such legislator's term, during the course of the Panel's work. This bill incorporates HB 330, HB 643, and HB 816.

Patron - Lohr

HB642 General Assembly; allowance for office expenses and supplies. Provides that payments to a member for office expenses and supplies may be made only upon the member's submission of a voucher for the expenses. This bill also provides that five percent of the accounts for office expenses and supplies will be audited at random each year, and that the allowance for office expenses and supplies will not be counted toward retirement.

Patron - Armstrong

HB643 General Assembly Conflicts of Interests Act; former members. Provides that once the House or Senate Ethics Advisory Panel has initiated an investigation into the conduct of a legislator, it must complete its inquiry, report its findings, and dispose of the matter as provided by law, notwithstanding the death or resignation of the legislator during the course of the Panel's work. This bill has been incorporated into HB 617.

Patron - Armstrong

HB644 General Assembly Conflicts of Interests Act; knowing violations. Clarifies that a member of the General Assembly commits a knowing violation of the Act if he should have known that his conduct violated the provisions of the Act. This bill has been incorporated into HB 655.

Patron - Armstrong

HB657 General Assembly Conflicts of Interests Act; establishment of a General Assembly Ethics Review Panel. Establishes one five-member Review Panel in place of the present separate House and Senate Ethics Advisory Panels. The Panel will investigate complaints of violations of the GACOIA, and its proceedings following its preliminary investigation will be public. This bill has been incorporated into HB 655.

Patron - Armstrong

HB813 General Assembly Conflicts of Interests Act; review of Statement of Economic Interests by Ethics Advisory Panel. Requires the Ethics Advisory Panel for each house to review the Statement of Economic Interests filed by each member for its respective house on an annual basis. If the Statement is found to be inadequate, the Panel shall notify the Committee on Privileges and Elections for the appropriate house.

Patron - Abbott

HB814 General Assembly Conflicts of Interests Act; establishment of a General Assembly Ethics Review Panel. Establishes one five-member Review Panel in place of the present separate House and Senate Ethics Advisory Panels. The Panel will investigate complaints of violations of the GACOIA, and its proceedings shall be public. This bill has been incorporated into HB 655.

Patron - Abbott

HB815 Gifts to General Assembly members; bright-line rule. Provides that no member of the General Assembly may accept gifts from any business, government, or person, other than a relative, where the total amount of the gifts exceeds \$100.

Patron - Abbott

HB816 General Assembly Conflicts of Interests Act; former members. Provides that once the House or Senate Ethics Advisory Panel has initiated an investigation into the conduct of a legislator, it must complete its inquiry, report its findings, and dispose of the matter as provided by law, notwithstanding the death or resignation of the legislator during the course of the Panel's work. This bill has been incorporated into HB 617.

Patron - Abbott

HB1023 Telecommuting; employees of agencies within the legislative branch of state government. Requires the head of each agency within the legislative branch of state government to adopt a telecommuting and alternative work schedule policy for eligible employees. The policy shall authorize voluntary participation in telecommuting and alternative work schedule programs for up to eight days per month, provided such participation does not diminish employee performance or service delivery. The head of each legislative agency may authorize participation for more than eight days per month. No policy adopted pursuant to this Act shall authorize participation in either program during any session or special session of the General Assembly. The Capitol Police are exempt from the requirements of this Act.

Patron - Hugo

HB1053 Staffing for certain legislative study commissions. Provides that staffing support for the Virginia State Crime Commission, the Joint Commission on Health Care, the Virginia Commission on Youth, and the Virginia Housing Commission will be provided by the Division of Legislative Services and Clerks Offices of the General Assembly.

Patron - Armstrong

HB1157 General Assembly; office allowances. Changes the nonvouchered office expense allowance arrangement for members of the General Assembly to an accountable plan within the meaning of the Internal Revenue Code regulations. Beginning January 11, 2012, members will be required to substantiate their business expenditures on a quarterly basis and return any amount in excess of the substantiated expenses. The bill also provides a separate office equipment allowance not to exceed \$2,000 during a two-year period. Members will be required to submit a voucher and accompanying receipts prior to receiving payment for equipment expenses. The Clerk of the House of Delegates and the Clerk of the Senate, under the direction of their respective Rules Committee, are required to establish policies in their houses regarding the transfer of office equipment purchased with the allowance to the Commonwealth when the equipment falls into disuse or the member leaves office. The Clerks must submit by January 1, 2011, the policies and forms needed to implement the bill to their respective Rules Committees for approval.

Patron - Brink

HB1200 Virginia Slave Commission. Establishes the Virginia Slave Commission in the legislative branch of state government for the purpose of addressing political, economic, educational, and societal issues and public policies whose roots lie in the transatlantic slave trade. The Commission, among other things, must (i) identify the vestiges and assess the effects of the transatlantic slave trade on African

Americans, the Commonwealth, and modern societal problems and public policies, (ii) explore and showcase the contributions of African Americans in building Virginia and the nation, (iii) determine the educational and economic value to the Commonwealth of preserving sites and facilities of historic and archaeological significance to African American culture and contributions, and (iv) recommend feasible and appropriate options to resolve lingering societal problems whose roots lie in slavery.

Patron - McQuinn

HB1215 General Assembly Conflicts of Interests Act; penalties. Makes it a Class 6 felony to knowingly violate § 30-103, which lists 11 categories of prohibited conduct for General Assembly members, if the violation involves a monetary value of more than \$250. Current law makes a knowing violation of the Act a Class 1 misdemeanor.

Patron - Lohr

HB1386 Constitutional amendments; information provided to voters. Provides that the State Board of Elections will make information about pending constitutional amendments available on its website rather than by publishing it at length in newspapers.

Patron - Cole

HR2 Posting recorded votes to the legislative information system. Directs the Clerk of the House of Delegates to post recorded committee and floor votes of the members of the House to the electronic legislative information system, beginning with the 2011 Regular Session of the General Assembly. The Clerk of the House must submit an executive summary and report of his progress in meeting the directive of this resolution to the 2012 Regular Session of the General Assembly.

Patron - LeMunyon

SB4 General Assembly Conflicts of Interests Act; disclosure of salary paid by government. Requires a member of the General Assembly to disclose in his annual disclosure of personal interests any salary and wages in excess of \$10,000 paid to him or his immediate family for employment with a state or local government or advisory agency. This bill was incorporated into SB 512.

Patron - Smith

SB5 General Assembly; consideration of certain documents related to the Budget. Provides that no legislative action may be taken on (i) committee amendments to the budget, (ii) any conference committee report on the budget, and (iii) any Governor's recommendations on the budget until each has been posted on the General Assembly's website for at least 72 hours. Under the bill each house may vote by two-thirds majority to override the posting requirement.

Patron - Smith

SB14 General Assembly Conflicts of Interests Act; disclosure of salary paid by government. Requires a member of the General Assembly to disclose in his annual disclosure of personal interests any salary and wages in excess of \$10,000 paid to him or his immediate family for employment with a state or local government or advisory agency. This bill was incorporated into SB 512.

Patron - Howell

SB118 General Assembly; conflict of interest disclosure. Specifies that disclosure forms filed by members of the General Assembly shall be posted on the website of the clerk of the appropriate house for the five years that they are maintained as public records.

Patron - Petersen

SB267 Virginia Commission on Energy and Environment. Requires the Division of Energy to present drafts of updates to the Virginia Energy Plan to the Commission on Energy and Environment; ensures the Commission's responsibility to review and consider the direct and indirect impacts of energy production and use on the Commonwealth's environment and natural resources; and allows the Commission to review and consider the impact of environmental laws, regulations, and initiatives on the Commonwealth's energy supplies.

Patron - Whipple

SB508 House and Senate Ethics Advisory Panels; proceedings. Provides that once the House or Senate Ethics Advisory Panel has initiated an investigation into the conduct of a legislator, it must complete its inquiry, report its findings, and dispose of the matter as provided by law, notwithstanding the resignation of the legislator during the course of the Panel's work. This bill was incorporated into SB 186.

Patron - Smith

SB514 General Assembly; compensation during regular session extension. Specifies that members of the General Assembly receive neither per diem allowance nor mileage reimbursement if the session is extended past the date scheduled for adjournment sine die.

Patron - Norment

SB515 General Assembly; Budget Bill(s). Requires the Chairman of the House Appropriations Committee and the Chairman of the Senate Finance Committee to issue reports concurrently with the budget conference report that specifically identify (i) any nonstate appropriation, (ii) any item in the conference report that was not included in the Budget Bill(s) as passed by either the House or the Senate, and (iii) any item that represents a piece of legislation that failed during that session in either house.

Patron - Norment

SB524 General Assembly Conflicts of Interests Act; establishment of the General Assembly Ethics Review Panel. Establishes one five-member General Assembly Ethics Review Panel in place of the present separate House and Senate Ethics Advisory Panels to investigate complaints of violations of the Act. The Panel may institute a complaint against a member of the General Assembly on its own motion. Except during the preliminary investigation stage, the proceedings of the Panel shall be public and all reports of the Panel shall be public. The bill also provides that the Panel may impose a civil penalty of up to \$250 for filing a frivolous complaint and reiterates that the filing of a false complaint is punishable as perjury. This bill was incorporated into SB 186.

Patron - Norment

SB603 General Assembly Conflicts of Interests Act; penalties. Makes it a Class 6 felony to knowingly violate § 30-103, which lists 11 categories of prohibited conduct for General Assembly members, if the violation involves a monetary value of more than \$250. Current law makes a knowing violation of the Act a Class 1 misdemeanor.

Patron - Smith

SB618 Virginia Slave Commission. Establishes the Virginia Slave Commission in the legislative branch of state government for the purpose of addressing political, economic, educational, and societal issues and public policies whose roots lie in the transatlantic slave trade. The Commission, among other things, must (i) identify the vestiges and assess the effects of the transatlantic slave trade on African Americans, the Commonwealth, and modern societal problems and public policies,

(ii) explore and showcase the contributions of African Americans in building Virginia and the nation, (iii) determine the educational and economic value to the Commonwealth of preserving sites and facilities of historic and archaeological significance to African American culture and contributions, and (iv) recommend feasible and appropriate options to resolve lingering societal problems whose roots lie in slavery.

Patron - Lucas

SB707 Autism Advisory Council. Creates the Autism Advisory Council as an advisory council in the legislative branch of state government to promote coordination of services and resources among agencies involved in the delivery of services to Virginians with autism spectrum disorders and to increase public awareness of such services and resources. The Council shall sunset on July 1, 2014.

Patron - Houck

Carried Over

HB778 Publication of House and Senate voting records. Provides that, beginning with the 2011 Regular Session of the General Assembly, the Legislative Support Commission, through the Division of Legislative Automated Systems, from information and data provided by the Clerk of the House and the Clerk of the Senate, must post on the legislative electronic information system (LIS) the recorded committee, subcommittee, and floor votes of each member of the General Assembly on legislation acted upon in each house. The information pertaining to the voting records of legislative members must be electronically accessible to state agencies, political subdivisions, and the public.

Patron - LeMunyon

SB186 General Assembly Conflicts of Interests Act; establishment of a General Assembly Ethics Review Panel. Makes a number of revisions to the process followed by the Senate Ethics Advisory Panel, including requiring that proceedings beyond the preliminary investigation phase shall be public. This bill incorporates SB 508 and SB 524. This bill is continued to the 2011 Session.

Patron - Northam

General Provisions of Virginia Code

Passed

HB706 General Assembly deadlines; computation of time. Provides that when an act of the General Assembly or local governing body, order of the court, or administrative regulation or order requires an action to be completed or taken on a Saturday, Sunday, legal holiday, or any day or part of a day on which the state or local government office is closed, the act may be performed or the action may be taken on the next business day that is not a Saturday, Sunday, legal holiday, or day when the state or local government office is closed.

Patron - Peace

Failed

HB112 Constitutionally guaranteed rights of unborn children. Provides that persons, including unborn children at every stage of development, enjoy the inherent rights to the enjoyment of life and liberty guaranteed by Article

I, Section 1 of the Constitution of Virginia and the right to due process guaranteed in Article I, Section 11 of the Constitution of Virginia.

Patron - Marshall, R.G.

HB762 State song. Designates "O Virginia," by Pauline and Pauron Wheeler, as the interim official state song. The bill also contains a technical amendment.

Patron - McClellan

HB1082 Emblems of the Commonwealth; state soil. Designates "Pamunkey soil" as the official soil of the Commonwealth.

Patron - Crockett-Stark

HB1392 Emblems of the Commonwealth; Bohemian Czech and Slovak Historic Region of Virginia. Designates the New Bohemia Region of Prince George County as the Bohemian Czech and Slovak Historic Region of Virginia.

Patron - Ingram

SB6 Outlying landing fields. Amends the current Code to require approval by the General Assembly before the United States acquires property for an outlying landing field in localities that have no current military base at which aircraft squadrons are stationed. Currently, the law does not require such approval but instead gives conditional consent for all acquisition by the United States of any lands in the Commonwealth required for needful public buildings under clause 17, § 8, Article I of the United States Constitution.

Patron - Quayle

Health

Passed

HB11 Health services; peer utilization reviews. Clarifies that a health care provider may seek reconsideration or appeal of an adverse health care utilization review decision, and that written notification of an adverse decision must include instructions for requesting reconsideration or an appeal. This bill also provides that when a treating provider requests a peer review of an adverse decision during the reconsideration process, the request for reconsideration shall be vacated and the request shall be considered a request for an appeal, and that in any case under appeal, the case shall be reviewed by a peer of the health care provider proposing the treatment at issue who shall be board certified in the same or similar specialty as the treating health care provider. This bill contains a delayed enactment clause and shall not become effective until October 1, 2010.

Patron - Marshall, R.G.

HB85 Umbilical cord blood education. Requires the Commissioner of Health to make information relating to umbilical cord blood developed by the Parent's Guide to Cord Blood Foundation available to the public on a website maintained by the Department of Health. This bill also requires health care practitioners who provide prenatal care to make information about umbilical cord blood available to every pregnant patient prior to the beginning of the patient's third trimester of pregnancy or at the time of the patient's first visit, whichever is later.

Patron - Marshall, R.G.

HB173 EMS providers; vaccinations. Allows emergency medical services providers to administer vaccines to

adults and minors pursuant to a protocol approved by the Board of Nursing. This bill contains an emergency clause. This bill incorporates HB 798 and is identical to SB 328.

Patron - Pogge

HB270 Plan for the vaccination of school children. Requires the Department of Health to include in its vaccination plans procedures to ensure the prompt vaccination of all persons of school age in the Commonwealth, without preference regarding the manner of compliance with the compulsory school attendance law, upon declaration of an emergency involving a vaccine-preventable disease and consent of the parent of the person of school age, or the person of school age if such person is not a minor. This bill also requires the plans developed be consistent with applicable guidelines developed by the Centers for Disease Control and Prevention and be subject to the same review and update requirements as the State Emergency Operations Plan.

Patron - Englin

HB371 COPN exception; establishment of a psychiatric service. Provides that the Commissioner of Health shall accept and review applications in any certificate of public need Batch Group G review cycle and may issue certificates of public need for the establishment of psychiatric services resulting from a relocation of psychiatric beds from one hospital in Planning District 5 to another hospital in Planning District 5. This bill also provides that no psychiatric beds relocated from one hospital to another hospital in Planning District 5 pursuant to such certificate of public need shall be converted to any other use than inpatient psychiatric care. This bill contains an emergency clause.

Patron - Shuler

HB415 Certificate of Public Need; exception. Provides that the relocation of no more than 10 nursing home beds or 10 percent of the beds, whichever is less, from one facility to another facility under common ownership or control that is located in an adjacent planning district shall not constitute a "project" and shall be exempt from the requirement of a certificate of public need, provided that the facility to which the beds will be relocated is in compliance with all other laws governing such facilities and, as of December 31 of the year preceding the year in which relocation is proposed, (i) the occupancy rate of the facility from which beds are to be relocated was, based upon the total number of beds for which the facility is licensed, less than 90 percent for that preceding year; (ii) the average occupancy rate of the facility to which beds are to be relocated was, based upon the total number of beds for which the facility is licensed, 95 percent or more over the previous two years; and (iii) prior to the transfer, the facility to which the beds are to be relocated was licensed for 50 or fewer nursing home beds. This bill is identical to SB 470.

Patron - Oder

HB708 Home health aides; drug testing. Requires home health care organizations to establish policies for maintaining a drug-free workplace, which may include drug testing of employees, and requires home health care organizations to report any positive result of any drug test to the health regulatory boards responsible for licensing, certifying, or registering the person to practice, if any.

Patron - Peace

HB710 Health care data and reporting. Requires the Department of Health to take steps to increase public awareness of data and information related to health care quality that is available through a website maintained by a nonprofit organization with which the Department has entered into a contract, and to provide guidance regarding how such data and informa-

tion can be used to inform decisions about health care providers and services.

Patron - Peace

HB733 Medicaid fraud. Provides that a person will be guilty of Medicaid fraud and therefore punishable for causing certain acts, in addition to knowingly and willfully engaging in such acts. The bill also provides that the Director of the Department of Medical Assistance Services may terminate or deny Medicaid provider contracts for a violation of statutes setting forth the crimes constituting Medicaid fraud or any other felony, or for any other reason for which the U.S. Secretary of Health and Human Services may do the same. The bill also requires the Director of the Department of Medical Assistance Services to investigate options for a comprehensive system that utilizes external records search and analytic technologies for the collection and review of data from public and private sources, to detect, prevent and investigate fraud, waste and abuse in Virginia's medical assistance services program, and to report his findings by December 1, 2010.

Patron - Albo

HB1039 Notification of breach of medical information. Requires notification to residents of the Commonwealth if their unredacted or unencrypted medical information or health insurance information is the subject of a database breach. The notification required by this section would apply only to state and local government entities. This bill would become effective January 1, 2011. This bill incorporates HB 525. This bill is identical to SB 224.

Patron - Byron

HB1285 Certificate of public need; public notice. Clarifies the role of the Department of Health regarding public hearings, including public notification of a public hearing, for applications for certificates of public need in cases in which a regional health planning agency has not been designated.

Patron - Orrock

HB1304 Virginia Health Workforce Development Authority; creation. Creates the Virginia Health Workforce Development Authority to take over the duties of the Statewide Area Health Education Centers Program. The mission of the Authority is to facilitate the development of a statewide health professions pipeline that identifies, educates, recruits, and retains a diverse, appropriately geographically distributed and culturally competent quality workforce. The bill also exempts the Authority from the Virginia Personnel Act, the Virginia Public Procurement Act, and taxation. This bill is identical to SB 731.

Patron - Nutter

HB1378 Department of Medical Assistance Services; pilot program for the use of biometric data. Requires the Department of Medical Assistance Services to design and develop a plan for a pilot program for the use of biometric data to identify medical assistance services recipients and link services rendered to specific recipients, in order to (i) increase the quality of care provided to recipients of medical assistance services; (ii) improve the accuracy and efficiency in billing for medical assistance services by providers; and (iii) reduce the potential for identity theft and the unlawful use of recipients' identifying information.

Patron - Sickles

HJ56 Virginia Cancer Plan; report. Requests the Virginia Cancer Plan Action Coalition to report on changes to the Virginia Cancer Plan to the Governor, the General Assembly,

and the Joint Commission on Health Care in each year that changes are made to the Virginia Cancer Plan.

Patron - Dance

SB193 Medicaid provider agreements; authority to terminate. Allows the Director of the Department of Medical Assistance Services to refuse to enter into or renew, or elect to terminate an existing provider agreement or contract for any of the reasons the U.S. Secretary of Health and Human Services may do the same, makes clear that in cases in which a contract or agreement is terminated, the provider shall be entitled to an appeal of the decision, and that the director may consider aggravating or mitigating factors in determining the period of exclusion when a contract is terminated. This bill also requires the promulgation of emergency regulations.

Patron - Northam

SB265 Hospice and home health care; licensure. Amends hospice licensure standards to allow inspections of facilities that are exempt from licensure to the extent necessary to ensure public health and safety, and allows the Commissioner of Health to cause any hospice or home care organization facility that fails such inspection to be relicensed. The bill requires home care organizations approved for payments for home health or personal care services by the Department of Medical Assistance Services prior to July 1, 2010, and not exempt from licensure to apply for licensure within 180 days of the effective date of the act and provides that such organizations shall be exempt from licensure until July 1, 2012, or until such time as the Commissioner has acted upon their application for licensure, whichever occurs first. This bill also prohibits new home care organizations from being licensed until July 1, 2012, but allows the Commissioner of Health to issue a request for and accept applications for: (i) the establishment of home care organizations in federally designated Health Professional Shortage Areas or (ii) home care organizations approved for payments for home health or personal care services by the Department of Medical Assistance Services prior to July 1, 2010.

Patron - Whipple

SB328 EMS providers; vaccinations. Allows emergency medical services providers to administer vaccines to adults and minors pursuant to a protocol approved by the Board of Nursing. This bill contains an emergency clause. This bill is identical to HB 173.

Patron - Stuart

SB470 Certificate of Public Need; definition of project. Provides that the relocation of no more than 10 nursing home beds or 10 percent of the beds, whichever is less, from one facility to another facility under common ownership or control that is located in an adjacent planning district shall not constitute a "project" and shall be exempt from the requirement of a certificate of public need, provided that the facility to which the beds will be relocated is in compliance with all other laws governing such facilities and, as of December 31 of the year preceding the year in which relocation is proposed, (i) the occupancy rate of the facility from which beds are to be relocated was, based upon the total number of beds for which the facility is licensed, less than 90% for that preceding year; (ii) the average occupancy rate of the facility to which beds are to be relocated was, based upon the total number of beds for which the facility is licensed, 95% or more over the previous two years; and (iii) prior to the transfer, the facility to which the beds are to be relocated was licensed for 50 or fewer nursing home beds. This bill is identical to HB 415.

Patron - Miller, J.C.

SB540 Rights of patients in nursing homes. Requires a written acknowledgment that a nursing home patient is fully informed about the services available at the facility and the charges for such services, and adds a responsible party as defined in regulation to the list of persons who can act on behalf of an incapacitated person.

Patron - Newman

SB549 Virginia Network for Geospatial Health Research Authority; created. Requires the Secretaries of Health and Human Resources and Technology to evaluate opportunities to partner with nonprofit organizations and institutions of higher education in the Commonwealth to develop a network for geospatial health research, and to report on their findings to the Governor; the Senate Committees on Education and Health, Finance, and General Laws and Technology; and the House Committees on Appropriations, Health, Welfare, and Institutions, and Science and Technology no later than December 1, 2010.

Patron - Barker

SB653 Certificate of public need; exception. Allows the Commissioner of Health to accept and approve a request to amend the conditions of a certificate of public need issued to a continuing care provider registered with the State Corporation Commission in which nursing facility or extended care services are provided to allow such continuing care provider to continue to admit community patients, other than contract holders, to its nursing facility beds through December 31, 2013, if the following conditions are met: (i) the facility is located in the City of Norfolk and operated as a not-for-profit and (ii) the facility's contract holder occupancy rate is less than 85 percent at the time of such application.

Patron - Northam

SB731 Virginia Health Workforce Development Authority; creation. Creates the Virginia Health Workforce Development Authority to take over the duties of the Statewide Area Health Education Centers Program. The mission of the Authority is to facilitate the development of a statewide health professions pipeline that identifies, educates, recruits, and retains a diverse, appropriately geographically distributed and culturally competent quality workforce. This bill also exempts the Authority from the Virginia Personnel Act, the Virginia Public Procurement Act, and taxation. This bill is identical to HB 1304.

Patron - Reynolds

Failed

HB35 Health care data reporting; surgical complications. Requires any physician, regardless of whether he performed the surgical procedure, who treats a patient experiencing complications from an inpatient or outpatient surgical procedure which occur within 60 days of the performance of the procedure, to report to the Board of Health on such complications in accordance with the Board's regulations.

Patron - Marshall, R.G.

HB36 Disease prevention and control; Lyme disease. Adds Lyme disease to the list of diseases required to be reported to the Department of Health.

Patron - Marshall, R.G.

HB117 Continuing care retirement community board of directors; resident representation. Requires that no less than 20 percent of the members of the board of directors of a corporation providing continuing care at a facility shall be residents of the facility elected to serve as resident representa-

tives by the residents of the facility. This bill provides that resident representatives shall have the same voting rights as other members of the board, and that a corporation may comply with the requirement by increasing the number of directors on the board or by replacing sitting directors with resident representatives as their terms expire or vacancies arise.

Patron - Purkey

HB132 Alternative onsite sewage systems. Prohibits the Department of Health from issuing permits from alternative onsite sewage systems that are located in a wetland, (ii) setback less than 50 feet from any impaired waters, (iii) within one foot vertically of any groundwater resource, or (iv) discharging directly into a groundwater resource if located in the watershed of any impaired waters. The bill allows localities that include impaired waters to require maintenance standards and requirements for onsite sewage systems that exceed those established by the State Board of Health.

Patron - Pollard

HB148 Certificate of Public Need; exception. Requires the Commissioner of Health to accept and review applications and authorizes the Commissioner of Health to issue certificates of public need for the addition of up to 10 Medicaid-eligible beds for nursing homes that are operated not for profit, are located in Planning District 15 but accept patients from areas of the Commonwealth outside of the planning district, and provide care for patients regardless of ability to pay. This bill is identical to SB 58.

Patron - O'Bannon

HB189 Immunizations; philosophical exemption. Establishes a philosophical exemption from requirements for immunizations.

Patron - Purkey

HB287 Regulation of marinas. Requires issuance of a certificate to operate by the Department of Health for operation of a marina or other place where boats are moored. The bill establishes a procedure and fee structure for issuance of certificates and establishes the Marina Fund to receive fees collected to be used to support the Department of Health's Marina Program.

Patron - Dance

HB325 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 was incorporated into HB 464.

Patron - Plum

HB332 Alternative onsite sewage systems; routine testing; who may test. Prohibits the Department of Health from requiring that owners of alternative onsite sewer systems with flows of less than or equal to 1,000 gallons per day and serving a single-family dwelling provide analyzed samples of effluent on a routine and recurring basis. The Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals must develop licensure for (i) employees or agents of licensed operators and (ii) owner-operators of an individual single-family dwelling that have demonstrated the competence and knowledge to operate, monitor, and maintain their own alternative onsite sewage system. Any professional engineer with a current license in the Commonwealth may

elect to be deemed an owner-operator without the demonstration of further competence.

Patron - Marshall, R.G.

HB334 Abortion; informed consent. Requires information on the effects abortion may have on future pregnancies to be included in the information required for informed consent.

Patron - Marshall, R.G.

HB345 Medicaid; withdrawal upon passage of federal health reform. Requires the state to withdraw from the Medicaid program upon passage of federal health care reform that substantially diminishes the state's authority in administering medical services through the Medicaid program using one or more of the following measures: a reduced ability to serve the state's children through the SCHIP program rather than through Medicaid, requirements to cover individuals at higher income levels than currently required, increased federal review of reimbursements made to Medicaid providers, additional mandates of services currently allowed under the Medicaid program at the state's option, additional federal review of managed care networks, additional federal review of Medicaid eligibility determinations, and any other measure that, in the opinion of the Attorney General, substantially reduces the state's authority in administering medical assistance through the Medicaid program.

Patron - Marshall, R.G.

HB393 Abortion clinics; licensure and regulation. Requires all abortion clinics, defined as any facility other than a hospital or an ambulatory surgery center in which 25 or more first trimester abortions are performed in any 12-month period, to be licensed and regulated by the Board of Health.

Patron - Lohr

HB410 Certificate of Public Need; exception. Requires the Commissioner of Health to accept and review applications for certificates of public need and issue certificates of public need for the relocation of no more than 10 beds or 10 percent of the beds, whichever is less, from one facility to another facility under common ownership or control that is located in an adjacent planning district provided that it is in compliance with all other laws and regulations governing such facilities and, as of December 31 of the year preceding the year in which relocation is proposed, (i) the occupancy rate of the facility from which beds are to be relocated was, based upon the total number of beds for which the facility is licensed, less than 90% for that preceding year and (ii) the average occupancy rate of the facility to which beds are to be relocated was, based upon the total number of beds for which the facility is licensed, 95% or more over the previous two years.

Patron - Oder

HB452 Registration of limited service pregnancy centers. Requires the Department of Health to promulgate regulations for the registration of limited service pregnancy centers. This bill is identical to SB 188.

Patron - Herring

HB463 Hospital emergency departments; access to electronic health records. Requires the Board of Health to include in regulations a requirement that all hospitals operating emergency departments develop and maintain a health information system that allows for the creation of electronic health records for patients, and the sharing of electronic health records with other hospitals operating emergency departments.

Patron - Herring

HB525 Notification of breach of medical information. Requires notification to residents of the Commonwealth if their unredacted or unencrypted medical information or insurance information is the subject of a database breach. The notification required by this section would apply only to entities not subject to federal medical information database breach notification regulations. This bill has been incorporated into HB 1039.

Patron - Nixon

HB686 Eliminating requirement for HPV vaccine. Eliminates the requirement of the human papillomavirus vaccine (HPV) for females.

Patron - Miller, J.H.

HB842 Health care facilities; licensure fees. Allows the Board of Health to establish annual licensure and renewal fees for certain health care facilities and programs and to set additional fees to cover the cost of the licensure and inspection programs. Also, directs the Board to promulgate regulations establishing such fees by July 1, 2012, and sets temporary fees until that time.

Patron - Hope

HB897 Lyme disease; reporting and treatment. Requires the Board of Health to include Lyme disease on the list of diseases required to be reported, and allows a licensed physician to prescribe, administer or dispense long-term antibiotic therapy to a patient diagnosed with Lyme disease. Also specifies that the Board of Medicine shall not initiate a disciplinary action against a licensed physician solely for prescribing, administering, or dispensing long-term antibiotic therapy to a patient clinically diagnosed with Lyme disease, provided such clinical diagnosis and treatment has been documented in the patient's medical record by such licensed physician. This bill was incorporated into HB 512.

Patron - Comstock

HB1017 Lyme disease; reporting and treatment. Requires the Board of Health to include Lyme disease on the list of diseases required to be reported, and allows a licensed physician to prescribe, administer or dispense long-term antibiotic therapy to a patient diagnosed with Lyme disease. Also specifies that the Board of Medicine shall not initiate a disciplinary action against a licensed physician solely for prescribing, administering, or dispensing long-term antibiotic therapy to a patient clinically diagnosed with Lyme disease, provided such clinical diagnosis and treatment has been documented in the patient's medical record by such licensed physician. This bill was incorporated into HB 512.

Patron - Hugo

HB1025 Medical assistance services; provision of speech-language therapy. Requires the Board of Medical Assistance Services to include a provision for medical assistance for speech-language therapy services provided by an auditory verbal therapist or other qualified person under the supervision of a licensed audiologist or speech-language pathologist.

Patron - Hugo

HB1288 Lyme disease; reporting; registry. Provides that the Board of Health shall include Lyme disease on the list of diseases required to be reported, and directs the Department of Health to develop a Lyme Disease Registry to collect information about reported incidents of Lyme disease. This bill was incorporated into HB 512.

Patron - Plum

SB58 Certificate of Public Need; exception. Requires the Commissioner of Health to accept and review applications and authorizes the Commissioner of Health to issue certificates of public need for the addition of up to 10 Medicaid-eligible beds for nursing homes that are operated not for profit, are located in Planning District 15 but accept patients from areas of the Commonwealth outside of the planning district, and provide care for patients regardless of ability to pay. This bill is identical to HB 148.

Patron - Martin

SB188 Registration of limited service pregnancy centers. Requires the Department of Health to promulgate regulations for the registration of limited service pregnancy centers. This bill is identical to HB452.

Patron - Northam

SB224 Notification of breach of medical information. Requires notification to residents of the Commonwealth if their unredacted or unencrypted medical information or insurance information is the subject of a database breach. The notification required by this section would apply only to entities not subject to federal medical information database breach notification regulations. This bill has a delayed effective date of January 1, 2011. This bill is identical to HB 1039.

Patron - Barker

SB358 Certificate of public need; schedule of fees. Increases the maximum amount of fees for an application for a certificate of public need from \$20,000 to \$50,000 and provides that such fees shall be divided equally between the Department of Health and the regional health planning agencies, with the allocation among the regional health planning agencies based on population, except that when a region does not have a regional health planning agency, the Department shall retain fees that would have been distributed to that regional health planning agency.

Patron - Howell

SB438 Vital records; fees. Provides that the Board of Health shall prescribe a fee of \$20 for a certified copy of a vital record or for a search of the files or records and may assess a fee of \$9 plus any costs associated with online identity verification and expedited mailing for any request for an expedited vital records search. This bill also provides that \$8 of each fee collected shall be deposited into the special funds of the Division of Vital Records, \$8 into the special funds of the Office of the Chief Medical Examiner, \$2 into the special funds of the Department of Health to be used to fund health care services, and \$2 into the Vital Statistics Automation Fund.

Patron - Northam

SB448 Alternative onsite sewage systems. Allows any locality to enact an ordinance prohibiting the use of alternative onsite sewage systems that have been approved by the Virginia Department of Health for use in the particular circumstances and conditions in which the proposed system is to be operating when sewers or sewerage disposal facilities are not available.

Patron - Stuart

SB536 Health; water quality analysis. Adds Bedford County to the list of localities that may, by ordinance, establish testing requirements for compliance with existing federal or state drinking water quality standards for building permit applicants that propose to use private ground water wells.

Patron - Newman

Carried Over

HB301 Autopsy; retention and disposal of specimens. Authorizes the Chief Medical Examiner, assistant chief medical examiners, or their designees to perform an autopsy or examination they deem necessary and in the public interest to determine the identity or cause of death of the decedent, or to obtain evidence for forensic examination. This bill also provides that specimens collected during an autopsy or examination may be retained and shall be disposed of in accordance with state and federal law.

Patron - O'Bannon

HB347 Discharge of ambulatory individual following anesthesia. Requires all hospitals to develop written procedures for the discharge of individuals who have undergone procedures requiring general anesthesia or moderate or heavy sedation and who have expressed a wish to be transported from the hospital to their home or other location by public carrier or taxicab.

Patron - Watts

HB698 Licensure of nursing homes, assisted living facilities, adult day care centers, and child day centers; emergency plans. Requires applicants for licensure of any nursing home, assisted living facility, adult day care center, or child day center to submit emergency plans to the local emergency management agencies for review and acceptance before a license will be issued.

Patron - Bulova

HB1097 Local health directors. Provides that the Commissioner of Health may appoint a non-physician qualified by experience in the fields of public health and management to serve as local health director for a locality that has entered into a contract with the Board of Health for operation of the local health department or as district health director for a health district. This bill requires that when the Commissioner appoints a non-physician qualified by experience in the fields of public health and management to serve as local health director, the local governing body of the county or city shall adopt a resolution affirming the appointment of a non-physician to serve as local health director and agreeing to employ or contract with a physician licensed to practice medicine in the Commonwealth to carry out public health duties that require a license to practice medicine. When the Commissioner appoints a non-physician qualified by experience in the fields of public health and management to serve as district health director, the local governing body of each county or city included in the health district shall adopt the required resolution.

Patron - Sickles

SB266 FAMIS eligibility. Changes the eligibility for the Family Access to Medical Insurance Security Plan from children in families with an income at or below 200 percent of the federal poverty level to those with an income at or below 225 percent of the federal poverty level. The provisions of this act will only become effective upon an appropriation of funds effectuating the purposes of the act passed by the 2010 Session of the General Assembly.

Patron - Whipple

SB567 Adult adoptee access to original birth certificate. Grants adult adoptees 18 years of age or older by-right access to their original birth certificate.

Patron - Ticer

SB639 Health records; penalty for delay. Provides that any health care entity that fails to respond to a request for

copies of health records within 15 days, as required by law, shall be subject to a fine, as set by the Board of Health.

Patron - McEachin

CSB697 Medicaid; managed care. Directs the Department of Medical Assistance Services to continue efforts to expand managed care of Medicaid recipients throughout the Commonwealth, to the extent possible. The Department shall have a goal of achieving statewide managed care by July 1, 2012.

Patron - McWaters

Highways, Bridges and Ferries

Passed

P HB197 Acceptance of subdivision streets into state secondary highway system. Provides that any street or segment of a street within a network addition that meets one or more of the public service requirements addressed in the regulations can be accepted into the secondary system, provided that the network addition satisfies all other requirements adopted pursuant to this section. In cases where a majority of the lots along the street or street segment remain undeveloped and construction traffic is expected to utilize that street or street segment after acceptance, the bonding requirement for such street or street segment may be required by VDOT to be extended for up to one year beyond that required in the secondary street acceptance requirements.

Patron - Ware, R.L.

P HB209 Outdoor signs and advertising. Provides that all penalties and costs collected for violations of advertising provisions when the locality has entered into an agreement with the Commonwealth Transportation Commissioner shall be paid to the affected locality. Excludes signs and advertising erected only from Saturday through the following Monday from those agreements with the Commissioner.

Patron - Bulova

P HB214 HOV lanes; use by vehicle with clean special fuel license plates. Extends until July 1, 2011, the sunset on use of HOV lanes by clean special fuel vehicles, regardless of the number of occupants. This bill incorporates HB 320 and HB 980.

Patron - Greason

P HB222 Secondary highway system design standards. Provides that for urban and urban development areas in jurisdictions using the urban county executive form of government, the Virginia Department of Transportation shall work in conjunction with the jurisdiction and the Department of Rail and Public Transportation to review new design standards for state secondary highway system components that the jurisdiction proposes.

Patron - Watts

P HB402 Hampton Roads Bridge-Tunnel; unsolicited proposals. Directs the Virginia Department of Transportation to accept for review unsolicited proposals to add capacity to the Hampton Roads Bridge-Tunnel.

Patron - Oder

P HB418 Commonwealth Transportation Board; rules and regulations. Provides that any rules and regulations promulgated by the Commonwealth Transportation Board shall

be developed in accordance with the Administrative Process Act. This bill is the same as SB 255.

Patron - Oder

P HB421 Allocation by CTB of funds for transit projects. Provides that prior to the annual adoption of the Six-Year Improvement Program, the Commonwealth Transportation Board may allocate up to 20 percent of the funds in the Commonwealth Mass Transit Fund designated for capital purposes to transit operating assistance if operating funds for the next fiscal year are estimated to be less than the current fiscal year's allocation, to attempt to maintain transit operations at approximately the same level as the previous fiscal year.

Patron - Hope

P HB516 Condemnations; highway construction. Identifies VDOT as the party responsible for compiling interest accrued when the amount of an award in a highway construction-related condemnation proceeding is greater than that deposited with the court or through a certificate of deposit. This bill is the same as SB 405.

Patron - Rust

P HB530 "Historic Route 1." Designates U.S. Route 1 in Virginia as "Historic Route 1."

Patron - Nixon

P HB564 Norfolk/Virginia Beach light rail project. Provides that funds for the Norfolk/Virginia Beach light rail project will be expended in accordance with Federal Transit Administration requirements, notwithstanding any contrary provision of law.

Patron - Tata

P HB631 Commonwealth Transportation Commissioner; advertising for bids; construction. Provides that the Commonwealth Transportation Commissioner may let projects costing below \$300,000 to contract. The bill further provides that the Commissioner may, at his discretion, build or maintain any of the roads by state or local employees as he may designate in cases of emergency or on projects costing not more than \$600,000. This bill is identical to SB 254.

Patron - Scott, E.T.

P HB759 HOV lanes; military personnel. Allows any active duty military member in uniform to use HOV lanes, regardless of the number of passengers, on Interstate Route 264 and Interstate Route 64 for the purposes of traveling to or from a military facility in the Hampton Roads Planning District. This bill incorporates HB 788 and is identical to SB 696.

Patron - Stolle

P HB806 Virginia Alternative Fuels Revolving Fund. Adds improvement of infrastructure such as refueling stations as a goal of the Fund. Requires that the Commissioner aggressively pursue grants and other sources of funding for the Fund.

Patron - Poindexter

P HB848 Improvements to Route 711. Provides that Buchanan County may enter into an agreement with Pike County, Kentucky, to improve Route 711. This bill is identical to SB 371.

Patron - Morefield

P HB1109 Virginia Route 27. Designates Virginia Route 27 adjacent to the Pentagon in Arlington County as the "9/11 Heroes Memorial Highway."

Patron - Brink

HB1241 Metropolitan planning organizations; membership. Provides that any metropolitan planning organization may vote, with the concurrence of the Governor, to have its membership expanded to include members of the House of Delegates, as selected by the Speaker of the House of Delegates, and members of the Senate, as selected by the Senate Committee on Rules.

Patron - Oder

SB254 Commonwealth Transportation Commissioner; advertising for bids; construction. Provides that the Commonwealth Transportation Commissioner may let projects costing below \$300,000 to contract. The bill further provides that the Commissioner may, at his discretion, build or maintain any of the roads by state or local employees as he may designate in cases of emergency or on projects costing not more than \$600,000. This bill is the same as HB 631.

Patron - Miller, Y.B.

SB255 Commonwealth Transportation Board; rules and regulations. Provides that any rules and regulations promulgated by the Commonwealth Transportation Board shall be developed in accordance with the Administrative Process Act. This bill is the same as HB 418.

Patron - Miller, Y.B.

SB371 Improvements to Route 711. Provides that Buchanan County may enter into an agreement with Pike County, Kentucky, to improve Route 711. This bill is identical to HB 848.

Patron - Puckett

SB405 Condemnations; highway construction. Identifies VDOT as the party responsible for compiling interest accrued when the amount of an award in a highway construction-related condemnation proceeding is greater than that deposited with the court or through a certificate of deposit. This bill is the same as HB 516.

Patron - Petersen

SB552 HOV lanes. Extends the "sunset" on use of HOV lanes by clean special fuel vehicles, regardless of the number of their occupants, until July 1, 2011, but only if they are not traveling on I-66, I-95, or I-395.

Patron - Barker

SB553 Increase transit use strategies. Requires the Secretary of Transportation to make an annual report to the General Assembly on actions taken to promote transit use, etc.

Patron - Barker

SB696 HOV lanes; military personnel. Allows uniformed military personnel to use HOV lanes in Hampton Roads regardless of the number of passengers. This bill is identical to HB 759.

Patron - McWaters

Failed

HB25 Statewide Transportation Plan. Requires that the Statewide Transportation Plan include quantifiable measures and achievable goals for greenhouse gas emissions.

Patron - Herring

HB95 Taking streets into state secondary highway system. Provides that if, on March 9, 2009, a subdivision was subject to a specific zoning requirement that prohibited a state-maintained stub road connection, such requirement will not

preclude acceptance of such road into the state secondary highway system.

Patron - Loupassi

HB134 Outdoor advertising. Provides that 501(c)(3) sponsorships that can be seen from highways are not to be deemed "advertising."

Patron - Pollard

HB224 Payments to cities and towns for maintenance. Equalizes municipal street payments to comparable amounts paid for state maintenance.

Patron - Watts

HB277 Washington Bypass transportation corridor. Requires the Commonwealth Transportation Board to establish a Washington Bypass transportation corridor.

Patron - Albo

HB320 HOV lanes; use by vehicle with clean special fuel license plates. Extends until July 1, 2011, the sunset on use of HOV lanes by clean special fuel vehicles, regardless of the number of occupants. This bill was incorporated into HB 214.

Patron - Plum

HB333 Naming highways, etc. Allows the Commonwealth Transportation Board to name a highway, bridge, transportation facility, or interchange for a living person, group, or business entity if (i) the cost of construction of the bridge, highway, transportation facility, or interchange is paid by the person, group, or business entity and (ii) the highway, bridge, transportation facility, or interchange has not already been named for a deceased individual.

Patron - Marshall, R.G.

HB391 Payments to cities and towns for maintenance of certain highways. Reduces unrestricted right-of-way widths from 50 to 40 feet and hard-surface widths from 30 to 22 feet before payment can be made by the Commissioner to any city or town for maintenance of certain highways if such highway was constructed on or after January 1, 2011, and is classified as a local street.

Patron - Lohr

HB404 Transportation funding and administration. Provides for transportation funding and administration in Hampton Roads, Northern Virginia, the Richmond Highway Construction District, the Staunton Highway Construction District, and the Salem Highway Construction District. The amount of funding is based on: (i) for Northern Virginia, a portion of the growth in certain state tax revenues in Northern Virginia; (ii) for Hampton Roads, a portion of the growth in certain state tax revenues generated or facilitated by the marine terminals in Hampton Roads; (iii) for the Richmond Highway Construction District, a portion of the growth in certain state tax revenues generated or facilitated by the Port of Richmond; (iv) for the Staunton Highway Construction District, a portion of the growth in certain state tax revenues generated or facilitated by the Inland Port at Front Royal; and (v) for the Salem Highway Construction District, a portion of the growth in certain state tax revenues expected to be generate or facilitated by the Elliston Intermodal Facility.

Patron - Oder

HB506 Roy D. Smith, III Memorial Bridge. Names the Island Ford Road bridge over the Shenandoah River in the City of Harrisonburg the "Roy D. Smith, III Memorial Bridge."

Patron - Gilbert

HB540 Transportation funding; the Salem Highway Construction District. Provides funds for transportation in the Salem Highway Construction District by allocating revenue attributable to a portion of economic growth due to or facilitated by the Inland Port in Montgomery County.

Patron - Marshall, D.W.

HB584 Highway rest areas and welcome centers. Requires VDOT to reopen closed highway rest areas and residency offices and prohibits closure of highway welcome centers.

Patron - Landes

HB666 Commonwealth of Virginia Transportation Capital Projects Revenue Bonds. Provides that at least 50 percent of the proceeds of Commonwealth of Virginia Transportation Capital Projects Revenue Bonds would be used for new road or highway construction projects. The bill defines a new road or highway construction project as the construction of, enhancement of, or addition to a road or highway (or a portion or segment of a road or highway), which construction, enhancement, or addition did not commence prior to January 1, 2010. Commonwealth of Virginia Transportation Capital Projects Revenue Bonds were authorized for issuance in 2007 pursuant to House Bill No. 3202. This bill is identical to SB 541.

Patron - May

HB779 Northern Virginia transportation projects. Requires VDOT to evaluate and make periodic reports on transportation improvement projects in the Northern Virginia highway construction district.

Patron - LeMunyon

HB788 HOV lanes; military personnel. Allows military personnel to use HOV lanes in Hampton Roads regardless of the number of passengers. This bill was incorporated into HB 759.

Patron - Villanueva

HB818 Commonwealth Transportation Board (CTB); composition. Changes the composition of the CTB: one will be appointed from each of Virginia's 11 Congressional Districts (as they were on January 1, 2010, four more will be at-large appointees: one representing seaports, one representing aviation, one representing railroads, and one representing mass transit; the three ex officio members remain unchanged.

Patron - Surovell

HB948 HOT lanes. Requires VDOT to conduct a NEPA study prior to any HOT lane construction on any portion of I-95 or I-395.

Patron - Englin

HB968 HOT lanes. Provides that HOT lane violations are traffic infractions. Penalties for violations are no longer civil penalties and are not payable to the HOT lane operator.

Patron - Englin

HB980 HOV lanes; clean special fuel vehicles. Extends until July 1, 2011, the sunset provision allowing vehicles bearing clean special fuel license plates to use HOV lanes regardless of the number of passengers. This bill was incorporated into HB 214.

Patron - Hugo

HB1047 Commonwealth Mass Transit Fund. Increases the percentage of Transportation Trust Fund reve-

nues flowing into the Commonwealth Mass Transit Fund from 14.7 to 19 percent.

Patron - Kory

HB1081 Highway rest areas and welcome centers. Requires VDOT to reopen closed highway rest stops and prohibits closure of highway welcome centers.

Patron - Crockett-Stark

HB1103 Primary system highway construction funds allocation. Allocates primary system highway construction funds among the nine highway construction districts on the basis of the ratio of vehicle miles traveled on primary highways divided by the lane miles of primary highways in each highway construction district, weighted 90%, and a need factor, weighted 10%.

Patron - Sickles

HB1124 Street maintenance payments. Provides for increased payments where traffic volumes exceed the statewide average by more than 20 percent.

Patron - Keam

HB1131 Composition of Commonwealth Transportation Board (CTB); formulas for allocating primary, urban, and secondary highway system construction funds.

Adds one member from the Northern Virginia highway construction district to the CTB. The bill also provides for allocation of highway construction funds within primary, urban, and secondary systems by the CTB on the basis of (i) population, (ii) traffic congestion, (iii) ambient air quality, (iv) functional classifications of highways, and (v) other important objectives as determined by the CTB, with each such factor being given equal weight.

Patron - Keam

HB1158 Regional VDOT construction accounts. Provides for the establishment of regional accounts, one for each highway construction district, whereby new transportation revenues not previously in existence generated on and after July 1, 2010 shall be deposited, to be used by the Commonwealth Transportation Board for allocation of funds for specific transportation projects within the region wherein the revenue is generated. This system of allocation is to be in addition to and not a replacement for other transportation construction fund allocation formulas.

Patron - Oder

HB1223 HOT lanes. Requires that, in designating HOT lanes, lane shoulder widths are sufficient for safe operation of transit vehicles and levels of performance of existing HOV facilities do not deteriorate. The bill further mandates that local governments' concerns with congestion at points of access and egress and on parallel local streets are openly and meaningfully addressed.

Patron - Ebbin

HB1334 Littering; cigarette butts. Prohibits disposal of cigarettes or any portion thereof on public property. Any person convicted of violation shall be subject to a civil penalty of \$75. However, in lieu of appearing in court, the violator may mail or personally deliver payment of \$75 to the clerk of the court.

Patron - Morgan

HB1369 VDOT Secondary Street Acceptance Requirements. Requires VDOT to reconsider its Secondary Street Acceptance Requirements effective July 1, 2009, with specific focus on the connectivity index and the means by

which an exception can be granted. The reconsideration is also to focus on the unique challenges in rural applications.

Patron - Poindexter

SB76 Transportation funding; the Salem Highway Construction District. Provides funds for transportation in the Salem Highway Construction District by allocating revenue attributable to a portion of economic growth due to or facilitated by the Inland Port in Montgomery County.

Patron - Reynolds

SB164 Revenues of the Commonwealth; transportation funding. Creates additional sources of revenue for transportation by increasing the motor vehicle sales and use tax by one-half percent and the motor vehicle rental tax by one percent, and by imposing a five percent tax on the wholesale price of gasoline. The new revenue sources will be directed to the Rail Enhancement Fund, the Transportation Trust Fund, the Highway Maintenance and Operating Fund for transportation projects and needs of the Commonwealth, and certain priority transportation projects, as designated by the Commonwealth Transportation Board, in Northern Virginia and Hampton Roads. The bill would also eliminate the one-half percent sales tax on food currently going to the Transportation Trust Fund, and would raise the allowed credit for low-income taxpayers.

Patron - Edwards

SB285 Unpaved secondary road fund. Provides that in any year in which the Commonwealth Transportation Board has not allocated funding for nonsurface treated secondary roads, no penalty will be applied to transfers of funding from unpaved roads to other secondary road projects.

Patron - Deeds

SB351 Transportation programs; performance audit by Secretary of Transportation. Requires the Secretary of Transportation to arrange for a performance audit of the Commonwealth's transportation programs.

Patron - Obenshain

SB365 HOT lane construction contracts. Requires that HOT lane construction contracts contain requirements for minimum average speed for vehicles using the facility.

Patron - Barker

SB541 Commonwealth of Virginia Transportation Capital Projects Revenue Bonds. Provides that at least 50 percent of the proceeds of Commonwealth of Virginia Transportation Capital Projects Revenue Bonds would be used for new road or highway construction projects. The bill defines a new road or highway construction project as the construction of, enhancement of, or addition to a road or highway (or a portion or segment of a road or highway), which construction, enhancement, or addition did not commence prior to January 1, 2010. Commonwealth of Virginia Transportation Capital Projects Revenue Bonds were authorized for issuance in 2007 pursuant to House Bill No. 3202. This bill is identical to HB 666.

Patron - Newman

SB634 Commonwealth Transportation Board (CTB); composition. Changes the composition of the CTB: one will be appointed from each of Virginia's 11 Congressional Districts (as they were on January 1, 2010), four more will be at-large appointees: one representing seaports, one representing aviation, one representing railroads, and one representing mass transit; the three ex officio members remain unchanged.

Patron - Marsden

SB717 Regional VDOT construction accounts. Provides for the establishment of regional accounts to be used by the Commonwealth Transportation Board for allocation of funds for specific transportation projects within the region wherein the revenue is generated. This system of allocation is to be in addition to and not a replacement for other transportation construction fund allocation formulas.

Patron - Petersen

Carried Over

HB245 Gate City Bypass. Requires the Commonwealth Transportation Board to allow the Town of Gate City to provide access roads connecting U.S. Route 23 (southbound) with the north side of Clinch Mountain.

Patron - Kilgore

HB259 Transportation-disadvantaged persons. Requires the Commonwealth to develop plans and programs to assist the transportation disadvantaged.

Patron - McClellan

HB276 Highway maintenance funds. Provides that when allocating funds for the interstate system of highways, the primary system of state highways, and the secondary system of state highways maintained by the Commonwealth, the Commonwealth Transportation Board shall consider achieving a minimal level of disparity among highway construction districts in meeting asset performance standards. Prior to such allocation, the Board shall release for public review a comparison of the proposed allocation of funds by highway construction district with an allocation of funds based entirely on specific asset performance standards by highway construction district.

Patron - Albo

HB876 Fences along Interstate highways. Requires VDOT to adhere to local policies in installing and maintaining fences along Interstate Highway System components.

Patron - Cline

HB1275 Virginia High-Speed Rail Commission. Establishes the Virginia High-Speed Rail Commission to promote and augment the state's competitive stance for matters related to high-speed passenger rail service in Virginia. The Commission is to study, assess, and advise the General Assembly and the Secretary of Transportation on effective and competitive design, planning, financing, construction, and operations involving high-speed rail service. The Commission is, further, to coordinate high-speed rail programs with neighboring states and federal and regional entities. This Commission shall replace the Virginia-North Carolina High Speed Rail Compact.

Patron - Cosgrove

HB1313 Prince William County Metro Rail Improvement District. Creates the Prince William County Metro Rail Improvement District to provide a means of financing an extension of commuter rail service from Fairfax County into Prince William County.

Patron - Torian

HB1323 Hampton Roads; tolls. Provides for tolls at the Monitor Merrimac Memorial Bridge-Tunnel and the Hampton Roads Bridge-Tunnel.

Patron - May

CSB200 Rumble strips. Provides that rumble strips shall be installed on highways in the Commonwealth having speed limits of at least 55 MPH.

Patron - Blevins

CSB435 TransDominion Express Commission. Establishes the TransDominion Express Commission, to be responsible, within the TransDominion Corridor, for identifying needed construction, reconstruction, improvements of or repairs to railroads and their facilities, and equipment to provide enhanced passenger rail service coordinated with freight rail opportunities within the corridor.

Patron - Edwards

Homestead and Other Exemptions

Passed

PHB1192 Homestead deeds for personal property; previous filings. Adds to the homestead deed for personal property form the following questions: (i) how many homestead deeds has the householder filed previously, (ii) what was the amount of the exemption, and (iii) what jurisdiction were they in.

Patron - Griffith

Failed

PHB817 Garnishment; deposit of earnings. Provides that a depository shall not withhold any earnings for garnishment that have been deposited into an individual's account after the date of receipt of the garnishment summons by the depository.

Patron - Abbott

Hotels, Restaurants, Summer Camps, and Campgrounds

Passed

PHB495 Serving of meals by churches. Exempts churches serving meals consisting of food prepared in the homes of members or in the kitchen of the church from licensure requirements applicable to restaurants. This bill is identical to SB 117.

Patron - Lingamfelter

PSB117 Serving of meals by churches. Exempts churches serving meals consisting of food prepared in the homes of members or in the kitchen of the church from licensure requirements applicable to restaurants. This bill is identical to HB 495.

Patron - Petersen

Housing

Passed

PHB312 Uniform Statewide Building Code; appeals to the local board of Building Code appeals and the State Building Code Technical Review Board. Clarifies that any person aggrieved by a local building official's application of the Uniform Statewide Building Code may appeal to the local board of Building Code appeals. The bill also provides the State Building Code Technical Review Board authority to hear appeals from decisions arising under application of the Virginia Manufactured Housing Construction and Safety Standards Law and the Virginia Certification Standards adopted by the Board of Housing and Community Development.

Patron - McClellan

PHB313 Industrialized Building Safety Law. Provides that any person aggrieved by the Department of Housing and Community Development's application of the Industrialized Building Safety Law may appeal to the State Building Code Technical Review Board. Currently only local building officials, compliance assurance agencies, and industrialized building manufacturers are listed as being allowed such appeals. In addition, the bill deletes references to model code writing entities (except the National Fire Protection Association) and replaces them with the International Code Council.

Patron - McClellan

PHB517 Uniform Statewide Building Code; violations; nonresidential property. Provides that a court may order violations of the Uniform Statewide Building Code on nonresidential buildings or structures be abated or otherwise remedied if the violations remain when the court is authorized to assess civil penalties. Currently the court is required to order abatement for residential buildings or structures but is not authorized to do so if the building or structure is nonresidential.

Patron - Rust

PHB605 Board of Housing and Community Development; powers; Virginia Building Code Academy. Provides that the levy of two percent of building permit fees for the support of the Virginia Building Code Academy is not limited to building permits but also applies to permits issued in connection with the enforcement of amusement device regulations.

Patron - Merricks

PHB687 Uniform Statewide Building Code; penalty for violation. Increases the civil penalty for a second or subsequent violations from \$150 to \$350 and the total for violations arising from the same operative set of facts from \$3,000 to \$4,000. This bill incorporates HB 299 and HB 493.

Patron - Miller, J.H.

PHB1101 Statewide Fire Prevention Code; appeal from local fire code decisions. Provides that any local fire code may provide for an appeal to the local board of appeals for fire code violations, and if no such local board exists, to the State Building Code Technical Review Board.

Patron - Sickles

PHB1174 Housing authorities; compensation of commissioners. Provides that a commissioner shall receive such compensation as may be determined by a locality for each

meeting of the authority attended by the commissioner. Currently, that amount cannot exceed \$75.

Patron - Phillips

HB1260 Uniform Statewide Building Code; buildings or structures built on state-owned property. Provides that the Uniform Statewide Building Code shall also apply to buildings or structures built on state-owned property. The bill requires the Department of General Services to act as the building official for all buildings or structures built on state-owned property. The bill provides that the Building Code shall not apply to uninhabitable structures, equipment, or wiring owned by a public service company, a certificated provider of telecommunications services, or a franchised cable operator that are built on rights-of-way owned or controlled by the Commonwealth Transportation Board.

Patron - Brink

HB1374 Manufactured Housing Licensing and Transaction Recovery Fund Law. Clarifies that when the buyer of a manufactured home that is a single section unit fails to accept delivery, the manufactured home dealer may retain actual damages of \$1,000. The bill also provides that the authority of the Manufactured Housing Board to authorize up to five percent of the Manufactured Housing Transaction Recovery Fund balance for educational purposes and to pay staff expenses related to regulatory functions shall expire on July 1, 2011.

Patron - Scott, J.M.

Failed

HB103 Fair Housing Law; exemption removed. Removes private individuals who sell or rent by owner, without a real estate agent, and who do not own more than three single family homes, from being exempt from the Virginia Fair Housing Law.

Patron - Loupassi

HB264 Housing authorities; no trespass notices. Requires housing authorities to adopt written policies concerning the "no trespass" policy or barment from the premises owned by the authority, which shall include written notice of the policy to the tenant, signs posted on the premises about the policy, and a right to a hearing by the individual alleged to have violated the "no trespass" policy, as well as an appeal process. The bill provides that an individual may waive the rights granted by the bill.

Patron - Englin

HB299 Uniform Statewide Building Code; penalty for violation. Increases the civil penalty for an initial violation from \$100 to \$200; for each subsequent violation from \$150 to \$500; and the total for violations arising from the same operative set of facts from \$3,000 to \$5,000. This brings the Uniform Statewide Building Code in line with civil penalties for violation of zoning ordinances. This bill was incorporated into HB 687.

Patron - Torian

HB369 Uniform Statewide Building Code; rental inspections; posting of signs. Provides that a rental inspection ordinance may include a provision that requires the owners of any multifamily residential development in a rental inspection district, which development contains more than 10 dwelling units and is managed by a property manager or managing agent of the owner, to post signs on such property conspicuous to public view identifying the name, address, and telephone num-

ber of the property manager or managing agent of the owner. The building department may develop a form for such purpose.

Patron - Ware, O.

HB422 Uniform Statewide Building Code; regulations of the Board of Housing and Community Development. Requires the Board of Housing and Community Development to adopt regulations establishing standards for new construction of single-family residential buildings to meet minimum standards for accessibility for persons with disabilities, including provision for (i) doorway entrances of at least 32 inches in width; (ii) accessible pathways of at least 36 inches in width throughout the first floor; (iii) at least one accessible no-step main floor entryway; (iv) accessible environmental controls, including electrical outlets at least 18 inches above the floor and light switches at least 44 inches above the floor; and (v) at least one bathroom on the first floor that is capable of supporting the installation of grab bars and other assistive equipment. The bill provides that such standards may include reasonable exemptions from such requirements as deemed appropriate by the Board.

Patron - Hope

HB451 Department of Housing and Community Development; rental assistance pilot project. Requires the Department of Housing and Community Development to establish a three-year rental assistance pilot project and to report its findings and recommendations to the Governor and the Housing Commission.

Patron - Herring

HB493 Uniform Statewide Building Code; penalty for violation. Increases the civil penalty for an initial violation from \$100 to \$200; for each subsequent violation from \$150 to \$500; and the total for violations arising from the same operative set of facts from \$3,000 to \$5,000. This brings the Uniform Statewide Building Code in line with civil penalties for violation of zoning ordinances. This bill was incorporated into HB 687.

Patron - Lingamfelter

HB735 Virginia Fair Housing Law; recovery of penalties for violation. Provides that in a civil action for fair housing violations, no fair housing organization or civil rights organization may recover any damages or costs or seek any other relief against a private individual owner who is exempt from fair housing law and who is renting a room in a shared living space or a separate living unit within the single family house in which the owner resides for an alleged discriminatory notice, statement or advertisement.

Patron - Albo

HB954 Uniform Statewide Building Code; rental inspections; penalty. Increases the penalty for the willful failure of an owner of a dwelling unit, who is using the dwelling unit for residential rental purposes, to provide written notification of the residential rentals to the local governing body from a maximum of \$50 to a maximum of \$250.

Patron - Howell, A.T.

HB1126 Uniform Statewide Building Code; grading limitations. Provides that the Uniform Statewide Building Code shall not supersede counties', municipalities', and other political subdivisions' grading regulations prescribing maximum slopes in the construction or substantial renovation of single-family detached dwelling units located on lots not exceeding one-half acre.

Patron - Keam

HB1280 Virginia Fair Housing Law; unlawful discriminatory housing practices. Provides that it is an unlawful discriminatory housing practice for any political jurisdiction or its employees or appointed commissions to discriminate in the application of local land use ordinances or guidelines, or in the permitting of housing developments, on the basis of race, color, religion, national origin, sex, elderliness, familial status, handicap, or because the housing development contains or is expected to contain affordable housing units occupied or intended for occupancy by families or individuals with incomes at or below 80 percent of the median income of the area where the housing development is located or is proposed to be located. The bill also requires the Fair Housing Board, after consultation with the Attorney General, instead of issuing a charge for a violation, to immediately refer the matter to the Attorney General for civil action in the appropriate circuit court for appropriate relief.

Patron - McClellan

Carried Over

SB290 Board for Housing and Community Development; Green Building Code. Requires the Board for Housing and Community Development to promulgate a Green Building Code as a part of the Uniform Statewide Building Code.

Patron - Deeds

Insurance

Passed

HB10 Individual health insurance coverage; requirement to obtain. Provides that a resident of the Commonwealth shall not be required to obtain or maintain a policy of individual insurance coverage. This applies regardless of whether the person has or is eligible for health insurance coverage under any policy or program provided by or through his employer or a plan sponsored by the Commonwealth or the federal government. The measure also states that no provision of Title 38.2 renders a resident liable for any penalty, assessment, fee, or fine as a result of his failure to procure or obtain health insurance coverage. The measure does not apply to individuals voluntarily accepting coverage under a state-administered Medicare or Medicaid program. This bill incorporates HB 576 and HB 722.

Patron - Marshall, R.G.

HB77 Credit life insurance disclosures. Requires that a debtor, when buying a credit life insurance policy paid in advance or by a single premium, shall be provided with a notice of his right to a refund if the insurance is terminated prior to its scheduled maturity or the insured indebtedness is terminated or paid off early. The same disclosure requirement currently exists for insurance contracts on a debtor paid by a single premium.

Patron - Ware, R.L.

HB93 Uninsured motorist insurance coverage. Permits a liability insurer to be relieved of the costs of defending the owner or operator in a claim involving property damage or bodily injury, including death, incurred after the liability insurer makes an irrevocable written offer to pay the limits of its policy and notifies any insurer providing underinsured motorist coverage with respect to the claim. The insurer or insurers providing underinsured motorist coverage shall reim-

burse the liability insurer or insurers for the costs of defending the underinsured motor vehicle owner or operator. The liability insurer retains the duty to defend its insured. If underinsured motorist coverage is provided by more than one insurer, the cost to defend shall be assumed in the same order of priority as applies to payments of underinsured benefits. The provisions of this bill shall not apply in the event of either a jury verdict being returned in an amount equal to or less than the total liability coverage available for payment or a dispositive ruling dismissing the plaintiff's complaint. The provisions of the bill shall not apply to costs incurred in connection with an appeal.

Patron - Kilgore

HB116 Pharmacy benefits; freedom of choice.

Authorizes accident and sickness insurers proposing to issue preferred provider policies or contracts, health maintenance organizations, corporations providing preferred provider subscription contracts, and health care plans for state employees to select a single mail order pharmacy provider as an exclusive provider of pharmacy services that are delivered to the covered person's address by mail, common carrier, or delivery service. SB 535 is identical.

Patron - Purkey

HB258 Individual health insurance coverage.

Expands the scope of who is an eligible person for purposes of guaranteed availability of individual health insurance coverage regardless of health status to include persons whose most recent prior creditable coverage was under the Commonwealth's Medicaid plan.

Patron - McClellan

HB260 Insurance; restitution. Authorizes the State Corporation Commission to require a person to make restitution in the amount of the direct actual financial loss if the person improperly withholds, misappropriates, or converts any money or property received in the course of conducting business. Currently, the Commission's authority to order restitution is limited to cases where an insurer charges an excessive rate or discriminatory premium or fails to pay undisputed amounts required under an insurance contract.

Patron - McClellan

HB315 Health insurance; continuation of coverage under group policy.

Expands the ability of a person who becomes ineligible for coverage under a group health insurance policy to exercise the option to continue coverage under the group policy. The measure (i) extends the maximum length of continued coverage from 90 days to 12 months; (ii) allows premiums to be paid monthly; and (iii) requires the policyholder to inform the persons insured under the group policy of the option. The notice shall be provided within 14 days of the policyholder's knowledge of the covered person's loss of eligibility under the group policy. The measure also retains the policyholder's option to have the issuer issue an individual policy to the covered person who loses eligibility, and the maximum period for applying for such a policy is extended from 31 to 60 days after loss of eligibility.

Patron - McClellan

HB317 Group health insurance; enrollment opportunities.

Requires group health insurance policies, health services plans, and health care plans to offer enrollment opportunities for employees and dependents who are eligible for coverage under, but not enrolled in, such policies or plans upon their (i) losing eligibility for coverage under the Commonwealth's Medicaid or FAMIS program or (ii) becoming eligible for premium assistance under either program. In order to enroll, the employee or dependent must request coverage within 60 days of being terminated from coverage under the

state program or 60 days of becoming eligible for premium assistance. Employers providing such policies or group plans are required to notify employees of their potential eligibility for premium assistance under these state programs and to disclose to the Department of Medical Assistance Services, upon request, information to permit the Department to determine the cost-effectiveness of any premium assistance provided. The measure implements certain provisions of the federal Children's Health Insurance Program Reauthorization Act of 2009, and applies to corporations issuing subscription contracts, health maintenance organizations, and insurers.

Patron - McClellan

HB352 Group life insurance coverage. Allows coverage under a group life insurance policy to be extended to insure any person in whom the insured group member has an insurable interest, as may mutually be agreed upon by the insurer and the group policyholder. SB 465 is identical.

Patron - Rust

HB448 Virginia Life, Accident and Sickness Insurance Guaranty Association. Updates and expands the scope of the Virginia Life, Accident and Sickness Insurance Guaranty Association. The Association provides a system for the protection of policy owners, annuitants, and other persons against failure in an insurer's performance of its contractual obligations under life and accident and sickness insurance policies and annuity contracts as a result of the insurer's impairment or insolvency. This bill incorporates HB 574.

Patron - Ware, R.L.

HB531 Insurance rate filings; trade secrets. Exempts insurance rate-related information filed with the State Corporation Commission from public inspection and copying if it constitutes a trade secret as defined in the Uniform Trade Secrets Act. The insurer or other person filing the information has the burden of persuading the Commissioner of Insurance that information is a trade secret.

Patron - Nixon

HB532 Home service contract providers. Exempts any home service contract provider that has a net worth in excess of \$100 million from the provisions of Article 2 of Chapter 26 of Title 38.2 of the Virginia Code, which provides for the licensure regulation of such providers by the State Corporation Commission. SB 439 is identical.

Patron - Nixon

HB548 Group health insurance policies; wellness programs. Allows group health insurance policies to provide a discount to employers who institute employee wellness programs. The bill also allows an employer instituting and maintaining an employee wellness program to require any employee wishing to enroll to undergo a health assessment as a condition of enrollment.

Patron - Marshall, D.W.

HB554 COBRA continuation coverage. Requires small employers providing group health insurance coverage to offer to certain employees whose employment is involuntarily terminated the option to continue their coverage for any additional period, extending beyond the nine months of COBRA continuation coverage that is currently required, as may be specified by future amendments to the American Recovery and Reinvestment Act. The measure will take effect upon its passage.

Patron - Marshall, D.W.

HB556 Availability of basic health insurance. Authorizes health maintenance organizations to offer and sell

to small employers group health care plans for health care services that do not include all of the state-mandated health insurance benefits. Currently, such limited coverage may be offered by health insurers and corporations providing policies, subscription contracts, or evidence of coverage. SB 642 is identical.

Patron - Marshall, D.W.

HB800 Insurance; life and annuities licenses. Removes the requirement that a nonresident insurance agent obtain a life and annuities license from the State Corporation Commission's Bureau of Insurance as a condition to obtaining a variable contract license. The existing requirement applies even if the nonresident agent does not plan to sell non-variable life or annuities products. The measure also updates an obsolete reference to the examination licensees are required to pass.

Patron - Plum

HB939 Insurance agents; continuing education program. Requires that the guidelines governing appeals of actions by the insurance continuing education board allow any person aggrieved by an action of the board or program administrator to appeal a decision to the Bureau of Insurance and then to the State Corporation Commission. Currently only a licensee aggrieved by an action that has the potential to affect the licensee's status has the right to appeal decisions beyond the insurance continuing education board.

Patron - Abbitt

HB1018 Insurance policies; countersignature requirements. Repeals a provision that prohibits insurance policies from containing any provision that deems the policy to be invalid due to the absence of the signature or countersignature of an agent or company representative.

Patron - Hugo

HB1095 Individual health insurance coverage; COBRA period. Sets the parameters of the period an individual is not covered by health insurance as beginning the day after an individual's termination of coverage and ending when an application for coverage is submitted. When an application is submitted by mail, the date of the postmark is the date the application is submitted.

Patron - Sickles

HB1263 Dental plans; reimbursement for health care services. Prohibits a contract between a dental plan and a dentist or oral surgeon from establishing the fee or rate that the dentist or oral surgeon is required to accept for the provision of health care services, or from requiring that a dentist or oral surgeon accept the reimbursement paid by the dental plan as payment in full, unless the services are covered services under the dental plan. The measure applies to contracts entered into, amended, extended, or renewed on or after July 1, 2010. The State Corporation Commission does not have jurisdiction to adjudicate individual controversies arising out of this measure. SB 622 is identical.

Patron - Ware, R.L.

HB1375 Prescription drug benefits; standard reference compendia. Replaces obsolete publications from the list of standard reference compendia with existing approved publications. The measure revises the compendia for both private health insurance and the state employee's health insurance plan.

Patron - Garrett

HB1377 Health services plan; program for residents of other state. Provides that, if another state enacts a law that requires a nonprofit health service plan operating in Vir-

ginia to provide a specified program for residents of the other state, the State Corporation Commission (SCC) may hold a hearing to evaluate the impact of the law on the health services plan. The SCC shall direct the Commissioner of Insurance to conduct an examination of the health services plan. The measure authorizes the SCC to issue orders to protect residents of the Commonwealth.

Patron - Sickles

SB163 Health savings accounts; exemption from creditors' claims. Exempts moneys paid into or out of, the assets of, and the income of a health savings account from creditor process. Such assets shall not be liable to attachment, garnishment, or other process and shall not be seized, taken, appropriated, or applied by any legal or equitable process or operation of law to pay any debt or liability of the participant or beneficiary of the account.

Patron - Edwards

SB283 Individual health insurance coverage; requirement to obtain. Provides that a resident of the Commonwealth shall not be required to obtain or maintain a policy of individual insurance coverage except as required by a court or the Department of Social Services where the individual is named a party in a judicial or administrative proceeding. This applies regardless of whether the person has or is eligible for health insurance coverage under any policy or program provided by or through his employer or a plan sponsored by the Commonwealth or the federal government. The measure also states that no provision of Title 38.2 renders a resident liable for any penalty, assessment, fee, or fine as a result of his failure to procure or obtain health insurance coverage. The measure does not apply to individuals voluntarily accepting coverage under a state-administered Medicare or Medicaid program, or to students required by institutions of higher education to be insured as a condition of enrollment. The measure states that it does not impair the rights of persons to privately contract for health insurance for current or former family members. SB 311 and SB 417 are identical.

Patron - Quayle

SB311 Individual health insurance coverage; requirement to obtain. Provides that a resident of the Commonwealth shall not be required to obtain or maintain a policy of individual insurance coverage except as required by a court or the Department of Social Services where the individual is named a party in a judicial or administrative proceeding. This applies regardless of whether the person has or is eligible for health insurance coverage under any policy or program provided by or through his employer or a plan sponsored by the Commonwealth or the federal government. The measure also states that no provision of Title 38.2 renders a resident liable for any penalty, assessment, fee, or fine as a result of his failure to procure or obtain health insurance coverage. The measure does not apply to individuals voluntarily accepting coverage under a state-administered Medicare or Medicaid program, or to students required by institutions of higher education to be insured as a condition of enrollment. The measure states that it does not impair the rights of persons to privately contract for health insurance for current or former family members. SB 283 and SB 417 are identical.

Patron - Martin

SB417 Individual health insurance coverage; requirement to obtain. Provides that a resident of the Commonwealth shall not be required to obtain or maintain a policy of individual insurance coverage except as required by a court or the Department of Social Services where the individual is named a party in a judicial or administrative proceeding. This applies regardless of whether the person has or is eligible for

health insurance coverage under any policy or program provided by or through his employer or a plan sponsored by the Commonwealth or the federal government. The measure also states that no provision of Title 38.2 renders a resident liable for any penalty, assessment, fee, or fine as a result of his failure to procure or obtain health insurance coverage. The measure does not apply to individuals voluntarily accepting coverage under a state-administered Medicare or Medicaid program, or to students required by institutions of higher education to be insured as a condition of enrollment. The measure states that it does not impair the rights of persons to privately contract for health insurance for current or former family members. SB 283 and SB 311 are identical.

Patron - Vogel

SB439 Home service contract providers. Exempts any home service contract provider that has a net worth in excess of \$100 million from the provisions of Article 2 of Chapter 26 of Title 38.2 of the Virginia Code, which provides for the licensure regulation of such providers by the State Corporation Commission. HB 532 is identical.

Patron - Saslaw

SB465 Group life insurance coverage. Allows coverage under a group life insurance policy to be extended to insure any person in whom the insured group member has an insurable interest, as may mutually be agreed upon by the insurer and the group policyholder. HB 352 is identical.

Patron - Howell

SB477 Group health insurance policies; small employers. Clarifies that group accident and sickness policies and contracts sold to a small employer are required to include coverage for mammograms, pap smears, PSA testing, and colorectal cancer screening. The measure reconciles an inconsistency in 2009 legislation that arose when it was amended at the Governor's request during the reconvened session to require such policies to include these four mandated procedures.

Patron - Watkins

SB535 Pharmacy benefits; freedom of choice. Authorizes accident and sickness insurers proposing to issue preferred provider policies or contracts, health maintenance organizations, corporations providing preferred provider subscription contracts, and health care plans for state employees to select a single mail order pharmacy provider as an exclusive provider of pharmacy services that are delivered to the covered person's address by mail, common carrier, or delivery service. HB 116 is identical.

Patron - Newman

SB622 Dental plans; reimbursement for health care services. Prohibits a contract between a dental plan and a dentist or oral surgeon from establishing the fee or rate that the dentist or oral surgeon is required to accept for the provision of health care services, or from requiring that a dentist or oral surgeon accept the reimbursement paid by the dental plan as payment in full, unless the services are covered services under the dental plan. The measure applies to contracts entered into, amended, extended, or renewed on or after July 1, 2010. The State Corporation Commission does not have jurisdiction to adjudicate individual controversies arising out of this measure. HB 1263 is identical.

Patron - Wampler

SB642 Availability of basic health insurance. Authorizes health maintenance organizations to offer and sell to small employers group health care plans for health care services that do not include all of the state-mandated health insurance benefits. Currently, such limited coverage may be offered

by health insurers and corporations providing policies, subscription contracts, or evidence of coverage. HB 556 is identical.

Patron - Reynolds

SB675 Health insurance; mandated coverage for telemedicine services. Requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the cost of such health care services provided through telemedicine services. "Telemedicine services" means the use of interactive audio, video, or other electronic media for the purpose of diagnosis, consultation, or treatment. Utilization review may be undertaken to determine the appropriateness of telemedicine services.

Patron - Wampler

SB706 Health insurance; coverage for mental health and substance abuse services. Requires that group health insurance coverage issued to large employers provide mental health and substance use disorder benefits in parity with the medical and surgical benefits contained in the coverage, in accordance with the Mental Health Parity and Addiction Equity Act of 2008.

Patron - Houck

Failed

HB28 Credit default insurance. Establishes requirements for the conduct within the Commonwealth of the business of credit default insurance. The measure prohibits "naked" credit default swaps and establishes a regulatory framework for "covered swaps" and the credit default insurance market. The measure is based on model legislation adopted by the National Conference of Insurance Legislators. Elements include requirements regarding company licensing; contingency, loss, and unearned premium reserves; policy forms and rates; and reinsurance.

Patron - Marshall, R.G.

HB31 Health benefits plans offered by foreign health insurers. Authorizes any foreign health insurer approved by any other state to sell a group health benefits plan that is offered in the insurer's domiciliary state to sell to persons in Virginia any health benefits plan that has been approved by another state.

Patron - Marshall, R.G.

HB34 Health insurance; mandated coverage for autism spectrum disorder. Requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the diagnosis and treatment of autism spectrum disorder in individuals under age 21.

Patron - Marshall, R.G.

HB44 Insurance coverage; Chinese drywall. Declares that exclusions in an insurance policy on an owner-occupied dwelling for property damage from environmental pollution or from defects in material, construction, or design or from deterioration shall not be construed in a manner that limits or excludes coverage for property damage resulting from sulfur compounds released from Chinese drywall or for the replacement of the Chinese drywall. The measure also provides that an insurance policy is not subject to cancellation on grounds that the dwelling is vacant or unoccupied beyond a period of 60 consecutive days if the dwelling's vacancy is due to either (i) work to remove or replace Chinese drywall or (ii) the dwelling posing a substantial risk to human health as a

result of gas released from the Chinese drywall. The measure will be in force from its passage.

Patron - Oder

HB45 Homeowners insurance; Chinese drywall. Prohibits an insurance company from canceling, refusing to renew, or increasing rates on a policy on an owner-occupied dwelling solely because the dwelling was built using Chinese drywall.

Patron - Oder

HB87 Medical incident compensation; penalties. Establishes a system for determining the liability of physicians and hospitals for medical injury caused by an unintended or unexpected adverse consequence or unanticipated outcome of (i) health care rendered or provided to the patient or (ii) the failure of a health care provider to render or provide health care to the patient. This system is the exclusive remedy for covered injuries; however, civil actions are permitted against a health care provider where there is clear and convincing evidence that the health care provider intentionally or willfully caused or intended to cause an injury. A claimant need not establish that the health care provider's negligence or breach of contract caused the injury. A claimant whose injury is found to be covered by the measure is eligible to be compensated for (i) expenses of medical and hospital, rehabilitative, therapeutic, nursing, attendant, residential, and custodial care; (ii) loss of earnings for the period that the claimant is unable to perform the functions of any job for which he was reasonably qualified at the date of the medical incident, based on his training and experience at a rate equal to the statewide average weekly wage; (iii) permanent loss or disfigurement as provided in the Workers' Compensation Act; (iv) if the injury is fatal, burial expenses and a death benefit not to exceed \$100,000; (v) vocational rehabilitation services; and (vi) reasonable expenses, including reasonable attorney fees. Total awards are subject to the limit currently applicable in medical malpractice actions. Determinations of liability and damages will be made by a three-member Medical Injury Compensation Board. Claims will be reviewed by a panel of three qualified and impartial physicians drawn from a specialty appropriate to the facts of a particular case, whose members are selected by the deans of the schools of medicine of the Eastern Virginia Medical School, University of Virginia School of Medicine, and Medical College of Virginia of Virginia Commonwealth University, which panel will prepare a report regarding whether the claimant's medical injury does or does not satisfy the criteria of a covered injury. Health care providers are required to insure the payment of compensation to injured patients through a policy of medical incident insurance. Failure to insure is punishable by civil and criminal penalties. The expenses of the Board will be paid from an administrative fund maintained by a premium tax levied on liability insurance carriers. An Uninsured Providers' Fund is established to pay awards against uninsured health care providers. The measure applies to all claims for covered injuries occurring in this Commonwealth on and after July 1, 2012.

Patron - Marshall, R.G.

HB198 Pharmacy contracts; audits. Establishes requirements for audit procedures with respect to contracts between a health insurance carrier and its pharmacy benefits administrator, or between a carrier and a participating pharmacy provider or its contracting agent. Requirements address notice of audits, nondiscrimination, use of a licensed pharmacist to assist the auditor, provision of preliminary audit reports, use of extrapolations, charging interest, recovery or setoff for any overpayment or denial of claims, and related matters. Such contracts shall include a claims review process. The measure

applies to contracts entered into, amended, extended, or renewed on or after January 1, 2011.

Patron - Ware, R.L.

HB205 Property insurance; repairing damages. Requires fire or miscellaneous property insurance policies on residential property to provide that the duty to repair, rebuild, or replace damaged portions of the property includes the obligation to paint or otherwise repair the undamaged portion of the property that is adjacent to or in the immediate area of the damaged portion of the property, in the same manner and with the same material as is used to repair the damaged portion of the property. This obligation applies if necessary to avoid creating unreasonable differentiations in the appearance of the damaged and the undamaged portions of the property as a result of making repairs to the damaged portion of the property.

Patron - Alexander

HB265 Medicare supplement policies for individuals under age 65. Requires insurers issuing Medicare supplement policies in the Commonwealth to make standardized Medicare Supplement Plans A, C, and J available to any Medicare enrollee under 65 years of age who is eligible for Medicare due to disability or end-stage renal disease. A Medicare supplement policy issued to such an individual may not exclude benefits based on a preexisting condition if the individual has a continuous period of creditable coverage of at least six months as of the date of application for coverage. The enrollment period for an individual is the six-month period following the month the individual became eligible for Medicare or during the 63-day period following termination of coverage under a group health insurance policy.

Patron - Englin

HB303 Health insurance; mandated coverage for autism spectrum disorder. Requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the diagnosis and treatment of autism spectrum disorder in individuals from the date of diagnosis until they reach 10 years of age. This requirement does not apply to individual or small group policies, contracts, or plans, and will not apply to the state employees' health insurance plan until July 1, 2015.

Patron - O'Bannon

HB339 Foreign insurers; reciprocal licensing. Requires the State Corporation Commission to issue a license authorizing a foreign insurer to transact the business of insurance in Virginia if the foreign insurer's home state issues licenses to insurers incorporated or organized under Virginia's laws on the same basis, whenever the foreign insurer presents proof that it is currently licensed and is in good standing in its home state, submits a request for licensure and any required fee, and provides the application for licensure that the foreign insurer submitted to its home state. Reciprocal licensure is not contingent upon the other state's laws being substantially similar to the licensure requirements imposed by Virginia on its domestic insurers. A license issued to a foreign insurer under this reciprocal provision authorizes a foreign insurer to write the classes of insurance that it is authorized to write in its home state. The measure authorizes the Commissioner of Insurance to enter into agreements for reciprocal licensure of insurers with his counterparts of other states. A foreign insurer receiving a license under this reciprocity provision will not be required to file, or to receive approval for, policy forms and rates if the supervising insurance official of the foreign insurer's home state certifies that the insurer has received all necessary approvals required under the laws of that state to use the forms and rates in that state, or if the form relates to a product that has been approved by the Interstate Insurance Product

Regulation Commission established pursuant to the Interstate Insurance Product Regulation Compact.

Patron - Marshall, R.G.

HB574 Virginia Life, Accident and Sickness Insurance Guaranty Association. Increases the maximum amount of coverage provided by the Virginia Life, Accident and Sickness Insurance Guaranty Association for life insurance policies from \$300,000 to \$500,000. This bill was incorporated into HB 448.

Patron - Cole

HB576 Individual health insurance coverage; requirement to obtain. Provides that a resident of the Commonwealth shall not be required to obtain or maintain a policy of individual insurance coverage. This applies regardless of whether the person has or is eligible for health insurance coverage under any policy or program provided by or through his employer or a plan sponsored by the Commonwealth or the federal government. The measure also states that no provision of Title 38.2 renders a resident liable for any penalty, assessment, fee, or fine as a result his failure to procure or obtain health insurance coverage. This bill was incorporated into HB 10.

Patron - Cole

HB722 Individual health insurance coverage; elective. Provides that a resident of the Commonwealth shall not be required to obtain or maintain a policy of individual health insurance coverage. This applies regardless of whether the person is eligible for health insurance coverage under any policy or program provided by or through his employer or a plan sponsored by the Commonwealth or the federal government. The measure also states that no provision of Title 38.2 renders a resident liable for any penalty, assessment, fee, or fine as a result of his failure to procure or obtain health insurance coverage. This bill was incorporated into HB 10.

Patron - Peace

HB1054 Health insurance coverage funded by localities. Authorizes the governing body of any locality that self-funds a health insurance program for its officers and employees to extend coverage under such program to any other class of persons.

Patron - Scott, J.M.

HB1074 Motor vehicle insurance; consideration of driving record. Requires the issuer of a motor vehicle insurance policy to examine the driving record of the insured when underwriting or re-underwriting a policy. The insurer is further required to consider the information when setting the premium for the insured's policy.

Patron - Kilgore

HB1075 Motor vehicle insurance; premiums based on credit information. Prohibits insurers from setting rates for motor vehicle insurance on the basis of a person's credit history or credit score. The measure will become effective January 1, 2011.

Patron - Kilgore

HB1173 Insurance companies; Virginia Public Safety Fund assessment. Imposes an assessment on property and casualty insurance companies in the amount of one-half percent of the total direct gross premium income for such insurance. Moneys collected pursuant to the assessment shall be credited to the Virginia Public Safety Fund.

Patron - Phillips

HB1182 Health insurance; mandated coverage for telemedicine services. Requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the cost of telemedicine services when the services are appropriately provided through such means. "Telemedicine services" means the use of interactive audio, video, or other telecommunications technology by a health care provider to deliver health care services at a site other than the site where the patient is located, including the use of electronic media for consultation relating to the health care diagnosis or treatment of the patient.

Patron - Phillips

HB1294 Health insurers; efficiency information. Requires the Commissioner of Insurance to collect, from health insurers, health maintenance organizations, and corporations providing accident and sickness subscription contracts, data regarding the efficiency of operations in Virginia. The Commissioner is required to compile and organize the data in a manner that permits the public to compare and track the efficiency of each health insurer.

Patron - Marshall, R.G.

HB1333 Preneed funeral contracts; authority of State Corporation Commission. Authorizes the State Corporation Commission to oversee the sale of preneed funeral contracts that are to be funded by the proceeds of a life insurance policy. The measure prohibits an insurer issuing policies to fund preneed funeral contracts from using or employing another person to entice an individual to purchase a product or to direct the course of action and choice of the buyer in a preneed funeral contract sale. The measure also provides that life insurance policies that are marketed or sold through the use of application or marketing materials that include information regarding costs associated with a funeral, including a casket or vault, in a manner that implies a connection between the amount of coverage and the cost of a funeral, are subject to regulation as life insurance policies used to fund preneed funeral contracts. Finally, the measure directs the State Corporation Commission to review its regulations to ensure that life insurance policies associated with the costs of funerals are not marketed through the use of deceptive or misleading practices.

Patron - Morgan

HB1354 Uninsured motorist insurance coverage. Provides that a nonresident motor vehicle that is insured under a motor vehicle liability insurance policy issued in another state with coverage limits that are less than those required for Virginia-registered motor vehicles shall not be deemed to be an uninsured vehicle, although it may be underinsured. The measure also provides that a vehicle is underinsured when, and to the extent that, coverage available for payment from all liability insurance sources for bodily injury and property damage is less than the coverage afforded an injured person.

Patron - Cline

SB36 Property insurance; repairing damages. Requires fire or miscellaneous property insurance policies on residential property to provide that the duty to repair, rebuild, or replace damaged portions of the property includes the obligation to restore the undamaged portion of the property that is adjacent to or in the immediate area of the damaged portion of the property. This obligation applies if repairing only the damaged portion of the property would create differences, not existing prior to the insured loss, between the appearances of the damaged and the undamaged portions of the property.

Patron - Miller, Y.B.

SB298 Homeowners insurance; defective drywall. Prohibits an insurance company from canceling, refusing to renew, or increasing rates on a policy on an owner-occupied dwelling solely because the dwelling was built using defective drywall.

Patron - Miller, J.C.

SB399 Motor vehicle insurance; premiums based on credit information. Prohibits insurers from setting rates for motor vehicle insurance on the basis of a person's credit history or credit score.

Patron - Wagner

SB460 Uninsured motorist insurance coverage. Provides that a nonresident motor vehicle that is insured under a motor vehicle liability insurance policy issued in another state with coverage limits that are less than those required for Virginia-registered motor vehicles shall not be deemed to be an uninsured vehicle.

Patron - McEachin

SB464 Health insurance; mandated coverage for autism spectrum disorder. Requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the diagnosis of autism spectrum disorder (ASD) and for treatment of ASD in individuals from age two to six, subject to an annual maximum benefit of \$35,000. This requirement does not apply to individual or small group policies, contracts, or plans, and will not apply to the state employees' health insurance plan until July 1, 2015. This measure will not apply to an insurer, corporation, or health maintenance organization if the costs associated with coverage exceed one percent of premiums charged over the experience period.

Patron - Howell

SB466 Insurance companies; Virginia Public Safety Fund assessment. Imposes an assessment on property and casualty insurance companies in the amount of one-half percent of the total direct gross premium income for such insurance. Moneys collected pursuant to the assessment shall be credited to the Virginia Public Safety Fund.

Patron - Howell

SB511 Notification of settlement payment. Requires an insurer to provide notice to a judgment creditor or claimant upon the payment of at least \$5,000 in settlement or satisfaction of a third-party liability claim to the attorney or representative of the judgment creditor or claimant.

Patron - Norment

SB664 Insurance information disclosures. Requires an insurance institution, agent, or insurance-support organization to disclose information about an insurance policy on the life of a deceased policyholder to a funeral service licensee, when requested in order to arrange for the final disposition of the deceased policyholder.

Patron - Miller, J.C.

Carried Over

HB12 Group health insurance; coverage for children. Allows coverage under a group accident and sickness insurance policy to be extended to an insured group member's child who is under the age of 27. Currently, such coverage may be extended to a child who is under the age of 19, or the age of 25 if the child is a dependent or full-time student. Coverage

may also be extended beyond this age limit if agreed by the insurer and policyholder.

Patron - Marshall, R.G.

☐HB89 Virginia Wind Underwriting Association; wind insurance pool. Establishes the Virginia Wind Underwriting Association consisting of all insurers licensed to write property insurance in the Commonwealth. The Association is created to provide insurance against loss to property in Accomack and Northampton Counties and the Cities of Chesapeake, Hampton, Norfolk, and Virginia Beach from the risk of wind-storm, in accordance with a plan of operation to be approved by the Commission.

Patron - Kilgore

☐HB440 Accident and sickness insurance policies; coverage of children. Provides that a group health insurance policy that provides coverage for dependent children shall make available such coverage, at the option of the insured group member, for one or more of the member's children who are under age 27 and without certain types of health coverage. An insured group member who opts to provide coverage for such children is required to pay any additional premium. The measure also increases the maximum age of dependent children who may be covered under a group accident and sickness insurance policy from 24 to 25 years, unless otherwise agreed. Finally, the measure expands who constitutes an eligible family member under an individual accident and sickness insurance policy to include children not greater than 25 years and children who meet the measure's qualifications for coverage with respect to a group policy.

Patron - Toscano

☐HB536 Health benefits plans offered by foreign health insurers. Authorizes any foreign health insurer approved by any other state to sell a group health benefits plan that is offered in the insurer's domiciliary state to sell health benefits plans to employers in the Commonwealth that have at least two but not more than 50 employees.

Patron - Marshall, D.W.

☐HB539 Group accident and sickness insurance coverage; minimum number of covered persons. Provides that a decrease in the number of persons covered by a group accident and sickness insurance policy to fewer persons than the minimum group size, during the term of the policy, will not constitute grounds for the insurer to cancel the policy or otherwise affect the policy with regard to any remaining covered person. Currently, a group accident and sickness insurance policy is required to cover at least two persons other than spouses or minor children, unless the spouse or minor child is an eligible employee.

Patron - Marshall, D.W.

☐HB541 Group accident and sickness insurance coverage. Allows coverage under a group accident and sickness insurance policy to be extended to insure any parent of the insured group member, if such parent (i) is not engaged in any position of employment or in any business activity and (ii) resides in the same household as the insured group member.

Patron - Marshall, D.W.

☐HB720 Health benefits plans offered by foreign health insurers. Authorizes health insurers licensed to sell health benefits plans in any other state to sell health benefits plans to residents of the Commonwealth if the foreign health insurer offers the same plans in its domiciliary state, is in compliance with the laws of that state, obtains a certificate of authority to do business in the Commonwealth, and participates in the Virginia Life, Accident and Sickness Insurance

Guaranty Association. Foreign health insurers offering such plans in the Commonwealth will be subject to existing provisions regarding unfair trade practices, capital and surplus requirements, and taxes and assessments imposed on domestic health insurers selling individual and group health insurance policies.

Patron - Peace

☐HB730 Health insurance; early intervention services; autism. Prohibits an insurer that provides coverage for early intervention services from denying coverage for medically necessary speech and language therapy, occupational therapy, physical therapy, applied behavior analysis, and assistive technology services and devices because a covered minor dependent has been diagnosed with autism.

Patron - Albo

☐HB1094 Health insurance; mandated benefits for colorectal cancer screening. Prohibits a health insurance policy from requiring a separate copayment, coinsurance, or deductible for any diagnostic or surgical procedure performed in conjunction with and at the time of a colorectal cancer screening that involves the removal or collection of cells, tissue, or polyps for diagnostic or curative purposes.

Patron - Sickles

☐HB1367 Health benefits plans providing coverage for treatment of autism spectrum disorder offered by foreign health insurers. Authorizes a foreign health insurer to sell to persons in Virginia a health benefits plan providing coverage for treatment for autism spectrum disorder if the insurer offers a health benefits plan with substantially identical coverage for treatment for autism spectrum disorder in its domiciliary state.

Patron - LeMunyon

Juvenile Justice

Failed

☐HB873 Juvenile correctional facilities; nonviolent offenders. Requires the Department of Juvenile Justice to maintain at least one juvenile facility for nonviolent juvenile offenders.

Patron - Cline

☐SB585 Appointment of counsel for juveniles in correctional facilities. Provides that the judge of a juvenile and domestic relations district court in a jurisdiction where a state juvenile correctional facility is located shall, on motion of the attorney for the Commonwealth who has been requested to make such motion by the superintendent of the correctional facility, appoint for no more than one year, one or more attorneys to assist indigent individuals confined to such facilities with legal matters relating to their confinement. The attorney shall be paid from the criminal fund. The bill will not become effective unless funds for its implementation are included in the 2010 Appropriations Act.

Patron - Marsden

Carried Over

☐HB483 Juvenile correctional centers; appointment of counsel. Provides for the appointment of an attorney to

assist individuals confined in a juvenile correctional center regarding any legal matter relating to their incarceration.

Patron - BaCote

Labor and Employment

Passed

HB737 E-Verify Program. Requires agencies of the Commonwealth to enroll in the E-Verify Program by December 1, 2012, and to use the Program for each newly hired employee who is to perform work within the Commonwealth.

Patron - Albo

Failed

HB455 Discrimination by public employers based on genetic characteristics prohibited. Prohibits the Commonwealth and other public bodies from taking adverse employment actions based on genetic testing or genetic characteristics. Such actions are currently prohibited if taken by private employers.

Patron - Herring

HB937 Boiler and pressure vessels; fees for certification. Authorizes the Safety and Health Codes Board to establish all fees required under the Boiler and Pressure Vessel Safety Act except the fee for an inspection certificate under subsection B of § 40.1-51.10, which is set at \$30. The measure repeals limitations on the discretion of the Board in setting certain fees.

Patron - Alexander

SB281 Child labor; animal welfare organizations. Authorizes the participation by children of any age in all activities of any nonprofit entity organized to provide for the care and welfare of animals. However, children aged 13 and younger may participate only if accompanied by a parent.

Patron - Quayle

Carried Over

SB34 Worker Misclassification Act; penalties. Prohibits an employer from classifying an individual as an independent contractor if he is an employee. An individual shall be considered an employee of the party which pays that remuneration, for purposes of Titles 40.1 (Labor and Employment), 60.2 (Unemployment Compensation), and 65.2 (Workers' Compensation) unless and until it is shown to the satisfaction of the Department of Labor and Industry that (i) the individual has been and will continue to be free from direction and control of the employer, both under his contract of service and in fact, (ii) the service is outside the usual course of the business of the employer, and (iii) the individual is customarily engaged in an independently established trade, occupation, profession, or business, both under his contract of service and in fact. Discrimination or taking adverse action against any person in retaliation for exercising rights protected under this measure is also prohibited. Violators are subject to criminal penalties, civil penalties, debarment from public contracts, private actions, and stop-work orders.

Patron - Lucas

SB377 Workplace Fraud Act. Establishes penalties for employers providing construction services that wrongly classify their employees as independent contractors. The mea-

sure authorizes the Commissioner of Labor and Industry to initiate an investigation under specified circumstances to determine whether specified violations occurred, requires the Commissioner to enforce specified provisions by issuing citations, and establishes the method of determining whether an employer-employee relationship exists for purposes of proper classification under specified circumstances. The measure imposes civil penalties on employers who violate its provisions.

Patron - Puckett

Libraries

Failed

HB929 State Library Board; retention of certificates of occupancy. Requires the State Library Board to adopt regulations increasing the minimum mandatory period for the retention of certificates of occupancy to 15 years.

Patron - Bell, Robert B.

Carried Over

SB581 State Law Library; access; database. Requires the Supreme Court to require and oversee the State Law Library's creation of the Commonwealth Law Library Database (the database). The database shall include a list of resources contained in the law libraries located at the George Mason University School of Law, the Marshall-Wythe School of Law of the College of William and Mary, and the University of Virginia, and all other public law libraries located in the Commonwealth. The bill requires that the database be maintained on the website of the Supreme Court and be accessible to the public. The librarian of the State Law Library or his designee shall be the administrator of the database and shall update the database quarterly. The bill also grants access right to the State Law Library to the staff of members of the General Assembly.

Patron - Marsden

Mechanics' and Certain Other Liens

Passed

SB105 Mechanics' and materialmen's liens. Removes the definitional requirement that one must give consent in writing in order to be a "mechanics' lien agent." The bill also authorizes any person entitled to claim a lien to notify the mechanics' lien agent that he seeks payment for labor performed or material furnished if the building permit contains the name, mailing address, and telephone number of the mechanics' lien agent. Current law provides that any person entitled to claim a lien may notify the mechanics' lien agent that he seeks payment for labor performed or material furnished only if, at the time of issuance, the building permit contains the name, mailing address, and telephone number of the mechanics' lien agent.

Patron - McDougale

Military and Emergency Laws

Passed

HB46 Virginia Disaster Response Fund; hazardous materials in dwellings. Creates the Virginia Defective Dry-wall Correction and Restoration Assistance Fund to promote the correction and restoration of residential property affected by the environmental problems attributable to defective dry-wall used in new construction or renovation that occurred between 2001 and 2008. The fund will be administered by the shall be Virginia Resources Authority and the Department of Housing and Community Development. Under the bill, the Department of Housing and Community Development would develop guidelines for the distribution of loans or grants from the Fund to particular recipients. The grants and loans may be used to pay the reasonable and necessary costs associated with (i) the remediation of a contaminated property to remove hazardous substances, hazardous wastes, or solid wastes, (ii) the stabilization or restoration of such structures or (iii) the demolition and removal of the existing structures or other work necessary to remediate or reuse the real property.

Patron - Oder

HB1233 State active military duty; health care coverage. Allows a member of the Virginia National Guard called to state active duty by the Governor to continue his health care coverage, at the member's expense. This bill is identical to SB 613.

Patron - Miller, P.J.

SB349 Reemployment rights of members of Virginia National Guard, Virginia State Defense Force, or naval militia. Extends the period in which a member of the Virginia National Guard, Virginia State Defense Force, or naval militia is required to apply for reinstatement in his former job to 90 days following his release from duty or from hospitalization following release, if the length of the member's absence by reason of service in the uniformed services exceeds 180 days. If the duration of his absence does not exceed 180 days, such notice must be given within 14 days, which is the current period allowed in all instances regardless of the duration of the absence. This notice period is consistent with that provided under the federal Uniformed Services Employment and Reemployment Rights Act for service members deployed for 181 days or longer.

Patron - Hanger

SB613 State active military duty; health care coverage. Allows a member of the Virginia National Guard called to state active duty by the Governor to continue his health care coverage, at the member's expense. This bill is identical to HB 1233.

Patron - Wampler

Failed

HB1070 Carrying of concealed handguns in emergency shelters. Provides that a person who has a valid concealed handgun permit may not be barred from carrying a concealed handgun in any place or facility designated or used by the Governor, any political subdivision of the Commonwealth, or any other governmental entity as an emergency shelter or for the purpose of sheltering persons.

Patron - Athey

HB1089 Cold War Service Medal. Authorizes the Adjutant General to issue a service medal, to be known as the Cold War Service Medal, to any person (i) who (a) served on active duty in the Virginia National Guard for not less than 24 consecutive months during the Cold War, (b) was deployed as a member of the Virginia National Guard outside the continental United States for a period of at least 30 days during the Cold War, or (c) performed such other service in the Virginia National Guard during the Cold War as the Adjutant General may prescribe and (ii) who, if discharged or released from the Virginia National Guard, was so discharged or released under conditions after service in the Virginia National Guard characterized as honorable.

Patron - Crockett-Stark

SB523 Virginia Disaster Response Fund; hazardous materials in dwellings. Authorizes funds from the Virginia Disaster Response Fund to be disbursed to political subdivisions to political subdivisions, for costs incurred for the removal of Chinese drywall hazardous materials, from, and subsequent repair of, dwelling units. Under the bill, in order to qualify for disbursements from the fund, the existence of the hazard in the dwelling unit must be certified by the political subdivision and the application for the funds must be made by the political subdivision on behalf of the owner of the dwelling unit constructed in the calendar years 2006 and 2007.

Patron - Norment

Mines and Mining

Passed

HB1179 Coalbed methane gas; presumption regarding estate of owner of surface rights. Provides that a conveyance, reservation, or exception of coal shall not be deemed to include coalbed methane gas. The presumption does not affect (i) a coal operator's right to vent coalbed methane gas for safety purposes or release coalbed methane gas in connection with mining operations or (ii) any settlement of any dispute, or any judgment or governmental order, as to the ownership or development of coalbed methane gas made or entered prior to the enactment of this provision. The Auditor of Public Accounts is required to conduct an operational and performance review of the accounting policies and procedures for the collection and disbursement of the escrow accounts by the Virginia Gas and Oil Board. The review will include (i) best practices for the collection of funds from gas operators to ensure that the Virginia Gas and Oil Board receives all moneys owing under law and allocates such moneys to entitled owners; (ii) best management practices for the disbursement of funds to ensure that entitled owners are promptly notified and able to access their funds; and (iii) recommendations for statutory or regulatory changes governing the management and accounting of all escrow funds under the control of the Virginia Gas and Oil Board. The bill declares that an emergency exists and that the bill is effective upon passage. This bill is identical to SB 376.

Patron - Phillips

HB1185 Coal mine safety. Makes several changes to the Coal Mine Safety Act. Surface foremen must take, at minimum, a 24-hour course of instruction in advanced first aid taught by a certified advanced first aid instructor and pass an examination approved by the Board of Coal Mining Examiners. Mine operators are required to review the substance abuse screening program with all miners at the time of employment

and annually thereafter. Rules for the design and marking of dumping stations and the placement of explosives are changed in certain instances. This bill is identical to SB 561.

Patron - Phillips

HB1344 Coalbed methane gas; conflicting claims of ownership; arbitration. Requires that the Virginia Gas and Oil Board order arbitration to resolve conflicting claims of ownership over coalbed methane upon the written request of all parties claiming ownership. The arbitrator shall be appointed by the circuit court from a list of qualified persons maintained by the Department of Mines, Minerals, and Energy. To qualify as an arbitrator, a candidate (i) shall be an attorney licensed in the Commonwealth; (ii) shall have at least 10 years of experience in real estate law, including substantial expertise in mineral title examination; and (iii) shall disclose to the Board whether he has been engaged within the preceding three years by any person in matters subject to the jurisdiction of the Board or the Department. The arbitrator shall make a determination within six months and, after receiving notice of the written determination, the Gas and Oil Board must disburse any proceeds held in escrow and owing to the owner of the coalbed methane gas interest. The costs of the arbitrator shall be paid from the accrued interest on general escrow account funds. If the Department finds, at the outset of the request for arbitration, that there are insufficient funds to pay the estimated costs of the arbitration, the claimants may, by unanimous agreement, proceed with the arbitration process, notify the Board of such agreement, and bear the costs to the extent of the insufficiency. If the parties do not agree, the arbitration shall be delayed until such funds are available.

Patron - Kilgore

SB376 Coalbed methane gas; presumption regarding estate of owner of surface rights. Provides that a conveyance, reservation, or exception of coal shall not be deemed to include coalbed methane gas. The presumption does not affect (i) a coal operator's right to vent coalbed methane gas for safety purposes or release coalbed methane gas in connection with mining operations or (ii) any settlement of any dispute, or any judgment or governmental order, as to the ownership or development of coalbed methane gas made or entered prior to the enactment of this provision. The Auditor of Public Accounts is required to conduct an operational and performance review of the accounting policies and procedures for the collection and disbursement of the escrow accounts by the Virginia Gas and Oil Board. The review will include (i) best practices for the collection of funds from gas operators to ensure that the Virginia Gas and Oil Board receives all moneys owing under law and allocates such moneys to entitled owners; (ii) best management practices for the disbursement of funds to ensure that entitled owners are promptly notified and able to access their funds; and (iii) recommendations for statutory or regulatory changes governing the management and accounting of all escrow funds under the control of the Virginia Gas and Oil Board. The bill declares that an emergency exists and that the bill is effective upon passage. This bill is identical to HB 1179.

Patron - Puckett

SB561 Coal mine safety. Makes several changes to the Coal Mine Safety Act. Surface foremen must take, at minimum, a 24-hour course of instruction in advanced first aid taught by a certified advanced first aid instructor and pass an examination approved by the Board of Coal Mining Examiners. Mine operators are required to review the substance abuse screening program with all miners at the time of employment and annually thereafter. Rules for the design and marking of

dumping stations and the placement of explosives are changed in certain instances. This bill is identical to HB 1185.

Patron - Puckett

Failed

HB1171 Coal mine license fee. Increases the coal mine license fee from \$180 to \$450.

Patron - Phillips

HB1183 Mineral mining; license fees. Increases the license fee for a mineral mine license from \$180 to \$450 and the license fee for any person engaged in mining sand or gravel on an area of five acres or less from \$48 to \$120.

Patron - Phillips

HB1184 Gas and oil wells. Establishes a \$50 annual permit renewal fee for wells producing gas and oil.

Patron - Phillips

SB171 Clean Energy Manufacturing Incentive Grant Program. Repeals the Solar Photovoltaic Manufacturing Incentive Grant Program and creates a program to provide financial incentives to companies that manufacture or assemble equipment, systems, or products used to produce renewable energy, nuclear energy, or energy efficiency products. To be eligible for a grant, the manufacturer must make a capital investment greater than \$50 million and create at least 200 full-time jobs. The program would be managed by the Director of the Department of Mines, Minerals and Energy. This bill was incorporated into SB 129.

Patron - Deeds

SB247 Regulation of the geologic storage of carbon dioxide; penalty. Authorizes the geologic storage of carbon dioxide by permit issued by the Director of the Department of Mines, Minerals and Energy. Operators must pay fees established by the Department to fund the administration of the regulatory program including compliance inspections; testing, and monitoring the geologic storage facility; and any mechanisms needed to ensure the public health and environment subsequent to the closure of operations. After 10 years, the operator may be released from liability stemming from the geologic storage of carbon dioxide if he is able to demonstrate the integrity of the facility. Title to the carbon dioxide and any liability related to the project then passes to the Commonwealth.

Patron - Watkins

SB558 Coal mine license fee. Increases the coal mine license fee from \$180 to \$450.

Patron - Puckett

SB559 Mineral mining; license fees. Increases the license fee for a mineral mine license from \$180 to \$450 and the license fee for any person engaged in mining sand or gravel on an area of five acres or less from \$48 to \$120.

Patron - Puckett

SB560 Gas and oil wells. Establishes a \$50 annual permit renewal fee for wells producing gas and oil.

Patron - Puckett

SB564 Coal surface mining; refuse control. Prohibits the issuing of a permit for coal surface mining operations unless the applicant affirmatively demonstrates, and the Director finds in writing, that no spoil, refuse, silt, slurry, tailings, or other waste materials from coal surface mining and reclama-

tion operations will be disposed of in any intermittent, perennial, or ephemeral stream.

Patron - Ticer

Carried Over

HB1037 Clean Energy Manufacturing Incentive Grant Program. Repeals the Solar Photovoltaic Manufacturing Incentive Grant Program and creates a program to provide financial incentives to companies that manufacture or assemble equipment, systems, or products used to produce renewable energy, nuclear energy, or energy efficiency products. To be eligible for a grant, the manufacturer must make a capital investment greater than \$50 million and create at least 200 full-time jobs. The program would be managed by the Director of the Department of Mines, Minerals and Energy.

Patron - Byron

SB129 Clean Energy Manufacturing Incentive Grant Program. Repeals the Solar Photovoltaic Manufacturing Incentive Grant Program and creates a program to provide financial incentives to companies that manufacture or assemble equipment, systems, or products used to produce renewable or nuclear energy, or products used for energy conservation, storage, or grid efficiency purposes. To be eligible for a grant, the manufacturer must make a capital investment greater than \$50 million and create at least 200 full-time jobs that pay at least the prevailing wage. The program would be managed by the Director of the Department of Mines, Minerals and Energy. This bill incorporates SB 129.

Patron - Stosch

Motor Vehicles

Passed

HB61 DMV records; release of photographs. Provides for release by DMV of a hard copy image of any photographs of deceased persons who held driver's licenses or special identification cards when requested by members of the deceased person's family or the executor of his estate.

Patron - Toscano

HB97 Restricted driving privilege for out-of-state drivers. Provides that when the driver of any motor vehicle not licensed to drive in Virginia, but who has a valid driver's license from another jurisdiction, is convicted in Virginia of a violation for which license suspension and issuance of a restricted license is authorized, the court may issue a restricted driving privilege in Virginia upon the same conditions as if the person held a valid Virginia license.

Patron - Loupassi

HB98 Restricted learner's permit. Authorizes the Department of Motor Vehicles to issue a restricted learner's permit if the person is 25 years of age or older and a court has authorized restricted driving privileges to the person. This bill is identical to SB 107.

Patron - Loupassi

HB163 Vehicles driving abreast. Provides that the prohibition on vehicles driving abreast does not apply to vehicles lawfully overtaking and passing vehicles traveling in the same direction in a separate lane.

Patron - Orrock

HB190 Motor vehicle buyer's order. Revises the kinds of notice that dealers are required to provide customers in transactions that involve dealer-arranged financing.

Patron - Cosgrove

HB350 Distribution of handbills, etc., and sale of merchandise or services on highways. Makes the power to regulate and prohibit distribution of handbills, etc., and solicitation of contributions, and sale of merchandise on highways or public roadways and medians a statewide authority. The bill also adds the sale of services or attempted sale of services as a prohibited activity. This bill incorporates HB 162, HB 534, HB 1139, and HB 1284 and is identical to SB 35.

Patron - Rust

HB365 Local vehicle licenses; agreements with DMV. Provides that DMV will refuse registration or renewal of registration of a vehicle if any parking citation fees are owed to any county, city, or town, not just the county, city, or town that has entered into an agreement with DMV to deny registrations to persons who owe that particular locality the fee.

Patron - Ware, O.

HB378 Golf carts. Provides that in towns with a population of 2,000 or less, a golf cart or utility vehicle may cross a highway at an intersection conspicuously marked as a golf cart crossing by signs posted by the Virginia Department of Transportation if the highway has a posted speed limit of no more than 35 miles per hour and the crossing is required as the only means to provide golf cart access from one part of the town to another part of the town.

Patron - Lewis

HB445 DMV eye exams. Allows DMV greater flexibility in assessing applicants' and licensees' horizontal fields of vision.

Patron - Ware, R.L.

HB473 Weight limits for trucks hauling gravel, etc. Extends "sunset" on increased weight limits applicable to trucks hauling gravel and certain other cargoes in coal-producing counties to July 1, 2011.

Patron - Carrico

HB504 Maximum speed limit on nonsurface treated highways for certain counties. Adds Rappahannock County to the list of counties where the unposted maximum speed limit on nonsurface treated highways (dirt roads) is 35 miles per hour.

Patron - Gilbert

HB513 Administrative impoundment of motor vehicles. Provides for a three-day administrative impoundment of a motor vehicle when driving without an operator's license if the person has previously been convicted of driving without a license. A person who knowingly authorizes the operation of a motor vehicle by a person who he knows has no operator's license and who he knows has been previously convicted of driving without a license is guilty of a Class 1 misdemeanor. The provisions of the bill do not apply to a person whose license has been expired for less than one year prior to the offense or a person under 18 years of age at the time of the offense.

Patron - Rust

HB538 Motor vehicle equipment; amber warning lights. Allows non-tow trucks owned by towing and recovery

businesses to be equipped with amber warning lights, provided the lights are lit only at towing and recovery sites.

Patron - Marshall, D.W.

HB549 Licenses and special identification cards; legal presence requirements. Exempts individuals placed under medical review by the Department of Motor Vehicles from legal presence requirements for the renewal, duplication, or reissuance of a driver's license or special identification card.

Patron - Marshall, D.W.

HB580 Local vehicle license fees. Allows localities to exempt members of certain authorized sheriff's volunteer citizen support units from local vehicle license fees. To qualify for this exemption, vehicle owners must have served at least 10 years in the locality.

Patron - Cole

HB692 Parking violations. Adds Prince William County to existing provisions that grant certain localities authority to provide by ordinance that whenever any motor vehicle against which there are three or more outstanding unpaid or otherwise unsettled parking violation notices is found parked upon private property, the vehicle may be removed or immobilized. The county previously had the authority granted under this provision but was inadvertently omitted from the rewrite of this section in 2007 by a bill that sought to replace locality descriptions with locality names. This bill incorporates HB 298 and HB 492.

Patron - Miller, J.H.

HB742 Impoundment of vehicle for driving while license suspended. Allows vehicle impoundment for a violation of § 18.2-272 (driving on a suspended license when suspended for driving for DUI or a DUI-related crime) and provides that a motor vehicle impounded or immobilized by the police following an arrest for driving on a suspended license, when suspended for DUI or a DUI-related crime, may be impounded or immobilized for an additional 90 days by the court upon conviction of that offense.

Patron - Cleaveland

HB746 Toll payments; penalty. Provides that the operator of any toll facility or the locality within which such toll facility is located may install and operate or cause to be installed and operated a video-monitoring system in conjunction with an automatic vehicle identification system on facilities for which tolls are collected for the use of such toll facility for enforcement of toll collection.

Patron - Rust

HB810 Vehicle lengths. Increases the allowable length of triple saddle mount combination vehicles operated on National Highway System components to 97 feet.

Patron - Scott, E.T.

HB841 DMV records. Authorizes the Department of Motor Vehicles to use the National Change of Address System to update its customer records. This bill is identical to SB 479.

Patron - Stolle

HB849 Off-road recreational vehicles. Authorizes localities embraced by the Southwest Regional Recreation Authority to allow over-the-road operation of "off-road recreational vehicles" within their boundaries. This bill incorporates HB 1175 and is identical to SB 373.

Patron - Morefield

HB856 Highway speed limits. Increases the general highway speed limit on highways where it is presently 65 mph

to 70 mph. This bill incorporates HB 176 and is identical to SB 537.

Patron - Carrico

HB916 Commercial driver's license; disqualification. Provides that the Commissioner shall disqualify for a period of five years any person convicted of voluntary or involuntary manslaughter, where the death occurred as a direct result of the operation of a commercial motor vehicle.

Patron - Bell, Robert B.

HB975 Motor vehicle titles. Exempts "Special construction and forestry equipment" from having to be titled in Virginia.

Patron - Knight

HB1012 Motor vehicle dealers and manufacturers. Expands the definition of "franchised motor vehicle dealer" to include used car dealerships operating under the trademark of a manufacturer. The bill also defines the relevant market area applicable to dealers of heavy trucks and limits the certain control that may be exercised over the development and operation of a motor vehicle dealer's premises due to its franchise relationship with the manufacturer. The bill also addresses certain practices relating to warranty and sales incentive audits to guarantee motor vehicle dealers the right to return parts sent by automated ordering system. It also limits the power of a manufacturer to coerce the waiver of a motor vehicle dealer's rights under any contract or other law; and clarifies hearing procedures. This bill is almost identical to SB 527 except that SB 527 contains an emergency clause.

Patron - Athey

HB1159 "Move over" law. Requires drivers to move left on a four lane highway when approaching vehicles displaying flashing blue, red, or amber lights. The offense is punished as a traffic infraction, formerly a Class 1 misdemeanor. A second or subsequent violation, when such violation involved a vehicle with flashing, blinking, or alternating blue or red lights, is punishable as a Class 1 misdemeanor. These provisions shall not apply in highway work zones. This bill incorporates HB 403.

Patron - Oder

HB1240 Roof signs and markings for taxicabs. Requires taxicabs to bear roof signs and markings identifying them as taxicabs.

Patron - Oder

HB1269 Motor vehicle dealers; demonstrator vehicles; vehicle buyer's orders. Establishes conditions under which dealers may sell demonstrator vehicles. This bill is identical to SB 293.

Patron - Janis

HB1277 Vehicle exempt from registration. Limits certain exemptions from registration to pickup trucks, panel trucks, sport utility vehicles, and vehicles having a gross vehicle weight rating greater than 7,500 pounds.

Patron - Scott, E.T.

HB1295 Dulles Access Highway. Provides for the enforcement of the use of a photo-monitoring system or automatic identification system on the Dulles Access Highway. This bill is the same as SB 667.

Patron - Rust

SB18 Special license plates. Authorizes the issuance of special license plates (i) to supporters of the Virginia Kids Eat Free program, (ii) to supporters of the Professor Garfield

Foundation, (iii) bearing the legend: TRUST WOMEN/RESPECT CHOICE, (iv) bearing the legend: BUY LOCAL, (v) to supporters of the Virginia Recycling Association, (vi) and to supporters of the Washington Capitals hockey team. This bill incorporates SB 37, SB 168, SB 453, SB 704, and SB 709.

Patron - Lucas

SB35 Distribution of handbills, etc., and sale of merchandise or services on highways. Makes the power to regulate and prohibit distribution of handbills, etc., and solicitation of contributions, and sale of merchandise on highways or public roadways and medians a statewide authority. The bill also adds the sale of services or attempted sale of services as a prohibited activity. This bill is identical to HB 350.

Patron - Lucas

SB45 Disabled parking; windshield placard contents. Provides that permanent and removable windshield placards shall not show the name, age, and sex of the person to whom issued. Instead, holders of permanent windshield placards are required to carry Disabled Parking Placard Identification Cards issued by DMV.

Patron - Stuart

SB96 Eluding police; penalty. Provides that a person who attempts to escape or elude a law-enforcement officer who has given a signal to bring the motor vehicle to a stop is guilty of a Class 2 misdemeanor whether the attempt to escape or elude is on foot, in the vehicle or by any other means.

Patron - Quayle

SB107 Restricted learner's permit. Provides that a restricted learner's permit may be issued to a person who is at least 25 years of age who has been granted restricted driving privileges by a court. Such permit shall be subject to all of the restrictions ordered by the court. This bill is identical to HB 98.

Patron - McDougle

SB172 Maximum speed limit on nonsurface treated highways for certain counties. Adds Nelson County to the list of counties where the unposted maximum speed limit on nonsurface treated highways (dirt roads) is 35 miles per hour.

Patron - Deeds

SB219 Safety belt use for persons under 18 years of age. Requires safety belt use by those under 18 years of age who are occupying the rear seats of motor vehicles. This bill incorporates SB 229.

Patron - Howell

SB293 Motor vehicle dealers; demonstrator vehicles; vehicle buyer's orders. Establishes conditions under which dealers may sell demonstrator vehicles. This bill is identical to HB 1269.

Patron - McDougle

SB321 Motorcycles driving two abreast; law-enforcement officers. Allows law-enforcement officers on official duty to drive motorcycles two abreast in a single lane.

Patron - Reynolds

SB373 Off-road recreational vehicles. Authorizes localities embraced by the Southwest Regional Recreation Authority to allow over-the-road operation of "off-road recreational vehicles" within their boundaries. This bill is identical to HB 849.

Patron - Puckett

SB404 HOV lanes; clean special fuel vehicles; government use. Removes requirement that the Commissioner provide written regulations before the Department of Motor Vehicles may issue government-use license plates for clean special fuel vehicles.

Patron - Petersen

SB406 Salvage vehicles; maintenance and contents of records; reports. Clarifies items that must be contained in the records that licensees maintain on receipt of any vehicles and allows governing body of any locality to require that the records be reported to the police. The bill further provides that licensees hold onto vehicles for up to 10 days before crushing them.

Patron - Stuart

SB479 DMV records. Authorizes the Department of Motor Vehicles to use the National Change of Address System to update its customer records. This bill is the same as HB 841.

Patron - Watkins

SB522 Motorcycle dealers. Increases the radius of "relevant market areas" as that term applies to motorcycle dealers.

Patron - Norment

SB527 Motor vehicle dealers and manufacturers. Expands the definition of "franchised motor vehicle dealer" to include used car dealerships operating under the trademark of a manufacturer. The bill also defines the relevant market area applicable to dealers of heavy trucks and limits the certain control that may be exercised over the development and operation of a motor vehicle dealer's premises due to its franchise relationship with the manufacturer. The bill also addresses certain practices relating to warranty and sales incentive audits to guarantee motor vehicle dealers the right to return parts sent by automated ordering system. It also limits the power of a manufacturer to coerce the waiver of a motor vehicle dealer's rights under any contract or other law; and to clarify hearing procedures. This bill contains an emergency clause, but is otherwise identical to HB 1012.

Patron - Norment

SB537 Highway speed limits. Increases the general highway speed limit on highways where it is presently 65 mph to 70 mph. This bill is the same as HB 856.

Patron - Newman

SB646 Connection between vehicles; tow trucks. Provides that, when one vehicle is towing another, the fifth wheel, drawbar, trailer hitch, or similar device must (i) be structurally adequate for the weight being drawn, (ii) be properly and securely mounted, (iii) provide for adequate articulation at the connection without excessive slack, and (iv) be provided with a locking device that prevents accidental separation of the vehicles.

Patron - Watkins

SB667 Dulles Access Highway. Provides for the enforcement of the use of a photo-monitoring system or automatic identification system on the Dulles Access Highway. This bill is identical to HB 1295.

Patron - Herring

Failed

HB22 Use of handheld personal communications devices; penalty. Prohibits any use of a handheld personal communications device while operating a motor vehicle, bicy-

cle, electric personal assistive mobility device, electric power-assisted bicycle, or moped on the highways in the Commonwealth and makes such use a primary offense.

Patron - Howell, A.T.

EHB37 Overload and overweight permits; fees. Revises the fees for vehicle overload and overweight permits to conform to recommendations of the Virginia Transportation Research Council.

Patron - Marshall, R.G.

EHB58 Wireless telecommunications devices in motor vehicles. Extends prohibition on use of wireless telecommunications devices in motor vehicles to talking on such device, unless the device is configured for hands-free operation and is being used in the hands-free mode.

Patron - Dance

EHB124 Possession of open container of alcohol in a motor vehicle; penalty. Provides that no person shall possess an alcoholic beverage in the passenger area of a motor vehicle upon a public highway of the Commonwealth in other than the manufacturer's unopened, original container. The bill punishes violators with a civil penalty of \$25.

Patron - Purkey

EHB127 Overweight permits for haulers of coal, etc. Makes "carriers" (rather than "owners or operators") responsible for obtaining the permits and complying with other requirements. A definition of "carrier" is provided. Overweight penalties are changed to civil penalties, and the amount of time allowed for load shifting is limited to one hour.

Patron - Kilgore

EHB145 Reflectors on trailers. Requires reflectors or reflectorized material on all trailers that have an empty weight of 3,000 pounds or less.

Patron - O'Bannon

EHB162 Distribution of handbills, etc., solicitation of contributions, and sale of merchandise on highways and medians. Adds medians to list of places certain localities can prohibit distribution of handbills, solicitations of contributions, and sale of merchandise. This bill was incorporated into HB 350.

Patron - Orrock

EHB176 Speed limits. Provides for a 70 mph speed limit on (i) I-295 between Williamsburg Road in Henrico County and the I-295/I-95 interchange in Prince George County and (ii) I-95 between the I-295/I-95 interchange in Prince George County and North Carolina. This bill was incorporated into HB 856.

Patron - Morrissey

EHB212 Use of handheld personal communications devices in motor vehicles; penalty. Makes texting while driving a primary offense.

Patron - Bulova

EHB221 Careless driving. Provides that a person is guilty of careless driving, a Class 3 misdemeanor, if he commits a moving violation under Title 46.2 while using a handheld personal communications device, unless he is using such communications device in hands-free mode.

Patron - Watts

EHB229 Provisional driver's license; passenger restrictions. Provides that the holder of a provisional driver's license may transport up to three children under the age of 15,

provided the driver has written permission from a parent or guardian, the driving takes place during daylight hours, and driving the children is work-related.

Patron - Watts

EHB298 Removal of motor vehicles; outstanding parking violations. Adds Prince William County to the list of localities that may provide by ordinance that any motor vehicle with three or more parking violations parked on private property may be removed or immobilized. This bill was incorporated into HB 692.

Patron - Torian

EHB381 Motor vehicle titles. Exempts "Special construction and forestry equipment" from having to be titled in Virginia.

Patron - Knight

EHB395 Motorcycles; helmet use. Removes exception that allows operators and passengers riding on motorcycles with wheels of eight inches or less to ride without wearing a helmet.

Patron - Lohr

EHB403 "Move over" law. Requires drivers to move left on a four lane highway when approaching stationary tow trucks and highway maintenance/construction vehicles if these vehicles are displaying amber lights. (Current law does not include vehicles showing amber lights, only red or blue "emergency" lights.) The offense for all vehicles displaying lights would be punished as a traffic infraction, formerly a Class 1 misdemeanor. The bill makes second or subsequent violations Class 1 misdemeanors. This bill was incorporated into HB 1159.

Patron - Oder

EHB459 Pedestrians and drivers; responsibilities. Sets out the responsibilities of pedestrians and drivers at marked and unmarked crosswalks.

Patron - Herring

EHB462 Aftermarket exhaust system components. Prohibits sale of aftermarket exhaust components that, when used, would result in violation of exhaust system noise limits.

Patron - Dance

EHB472 Special license plates. Authorizes issuance of special license plates bearing the legends FRIENDS OF COAL and TRUST WOMEN/RESPECT CHOICE and special license plates for supporters of the Washington Capitals hockey team. The bill also repeals authorizations for issuance of special license plates for which the required minimum number of pre-paid orders was never received. The affected plates are those for persons awarded the Air Medal or the Air Medal with a "V" for valor; for members of the Air Force Association; to benefit the children of victims of the September 11, 2001, attack on the Pentagon; for supporters of the Canine Health Foundation; and for supporters of adoption programs. This bill incorporates HB 593 and HB 1232.

Patron - Carrico

EHB492 Removal of motor vehicles; outstanding parking violations. Adds Prince William County to the list of localities that may provide by ordinance that any motor vehicle with three or more parking violations parked on private property may be removed or immobilized. This bill was incorporated in HB 692.

Patron - Lingamfelter

HB534 Distribution of handbills, etc., solicitation of contributions, and sale of merchandise on highways. Grants Chesterfield County the power to regulate and prohibit distribution of handbills, leaflets, bulletins, etc., the solicitation of contributions, and the sale of merchandise on highways located within its boundaries and on public roadways and medians. This bill was incorporated into HB 350.

Patron - Nixon

HB593 Special license plates; expired authorizations. Repeals authorizations for issuance of special license plates for which the required minimum number of prepaid orders was never received. The affected plates are those for persons awarded the Air Medal or the Air Medal with a "V" for valor; for members of the Air Force Association; to benefit the children of victims of the September 11, 2001, attack on the Pentagon; for supporters of the Canine Health Foundation; and for supporters of adoption programs. This bill was incorporated into HB 472.

Patron - Landes

HB674 Radar detectors; allow use. Repeals prohibition on use of radar detectors in motor vehicles.

Patron - May

HB752 Traffic lights. Allows motorcycle, moped, and bicycle riders, in certain situations, to proceed through intersections controlled by traffic lights showing steady red signals.

Patron - Greason

HB783 Wireless telecommunications devices in motor vehicles. Extends prohibition on use of wireless telecommunications devices in motor vehicles to talking on such device, unless the device is configured for hands-free operation and is being used in the hands-free mode. Further provides that any violation found to be a contributing factor in an accident shall be punishable as a Class 3 misdemeanor.

Patron - LeMunyon

HB901 Motor vehicle safety belts. Makes nonuse of motor vehicle safety belts a primary offense.

Patron - Barlow

HB915 Board of Towing and Recovery Operators; regulation exemptions. Requires that the Board of Towing and Recovery Operators exempt from its regulations "automobile or watercraft transporters," "stinger-steered automobiles or watercraft transporters," or "tractor trucks" as defined in § 46.2-100 of the Code of Virginia when such transporters are capable of transporting four or more vehicles and have appropriate and required interstate operating authority, but only when such transporters are not responding to motor vehicle crashes and breakdowns.

Patron - Bell, Robert B.

HB957 Limited access highways; keep right except to pass. Requires traffic on limited access highways to drive in the right-most lane, except to pass.

Patron - Ingram

HB991 Truck weights; vehicles hauling wood pellets. Exempts vehicles hauling wood pellets from weight limits, overweight permits, and permit fees.

Patron - Nutter

HB1048 Following too closely; passing other vehicles. Adds bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, and mopeds to the

list of vehicles that the driver of a motor vehicle shall not follow more closely than is reasonable. Also increases passing distance for passing bicycles from two to three feet.

Patron - Kory

HB1068 Overweight vehicle penalties. Provides that, in assessing penalties for vehicles whose weight exceeds that authorized in an overweight permit issued for the vehicle, the amount of the penalty is to be based on the amount by which the weight of the vehicle exceeds that authorized by the permit, not the amount by which its weight exceeds the weight limit that would have been applicable had no overweight permit been issued.

Patron - Athey

HB1083 Mopeds. Prohibits driving mopeds on highways with speed limits greater than 45 mph.

Patron - Crockett-Stark

HB1084 Mopeds. Requires moped riders to wear helmets.

Patron - Crockett-Stark

HB1096 Vehicles towed because of medical emergencies involving the driver. Provides for written notice, within 24 hours, to owners of vehicles that are towed because of medical emergencies involving the driver.

Patron - Sickles

HB1108 Special license plates; TRUST WOMEN/RESPECT CHOICE. Authorizes the issuance of revenue-sharing special license plates bearing the legend: TRUST WOMEN/RESPECT CHOICE. The annual surcharge for these plates would be \$25, instead of the standard \$10 for most other nonrevenue-sharing special license plates. For each set of plates issued (after the first 1,000 sets), \$15 will go to the Virginia Pregnant Women Support Fund, pursuant to § 32.1-11.6.

Patron - Brink

HB1117 Speeding in highway work zones; penalty. Increases from \$500 to \$1,000 the penalty for speeding in a highway work zone. Further provides that any violation resulting in the injury of a construction worker is punishable by imprisonment of up to one year and any violation resulting in the death of a construction worker is punishable by imprisonment of up to 15 years.

Patron - Ebbin

HB1125 Administrative impoundment of motor vehicles. Provides for the administrative impoundment of motor vehicles when charged with driving without an operator's license for a second or subsequent time.

Patron - Keam

HB1139 Local regulation of handbill distribution and others activities on highways. Adds the Town of West Point to existing provisions that allow certain localities to prohibit or regulate the distribution of handbills, and other similar activities, to the occupants of motor vehicles. This bill was incorporated into HB 350.

Patron - Morgan

HB1175 Off-road recreational vehicles. Authorizes localities embraced by the Southwest Regional Recreation Authority to allow over-the-road operation of "off-road recreational vehicles" within their boundaries. This bill was incorporated into HB 849.

Patron - Phillips

HB1176 Vehicles of the Commonwealth; license plates. Adds the Cumberland Plateau Regional Housing Authority to vehicles that shall use state license plates.

Patron - Phillips

HB1201 Driver instruction; payment. Provides that for persons who fail the behind-the-wheel examination or driver knowledge examination for driver's licenses administered by the Department of Motor Vehicles three times and must successfully complete a driver instruction program subsequent to the third examination failure, the Department shall provide by regulation for the offering of such driver's education instruction at a reduced or sliding fee scale or without charge to any person unable to pay the full cost of the program.

Patron - McQuinn

HB1232 Special license plates; supporters of the Washington Capitals hockey team. Authorizes the issuance of revenue-sharing special license plates to supporters of the Washington Capitals hockey team. The annual surcharge for these plates would be \$25, instead of the standard \$10 for most other nonrevenue-sharing special license plates. For each set of plates issued (after the first 1,000 sets), \$15 will go to the Washington Capitals Charities to support its operation and programs in Virginia. This bill was incorporated into HB 472.

Patron - Watts

HB1267 Motorcycle helmets; penalty. Provides for a \$25 civil penalty for motorcycle helmet violations, without imposition of any court costs.

Patron - Gear

HB1284 Distribution of handbills, etc., solicitation of contributions and sale of merchandise on highways. Makes the power to regulate and prohibit distribution of handbills, leaflets, bulletins, etc., on highways a statewide authority. This bill was incorporated into HB 350.

Patron - James

HB1336 Commercial dumpsters. Provides that VDOT shall issue permits for placement of dumpsters in certain roadways.

Patron - Hugo

HB1365 Motor carriers. Provides for the regulation of transportation of railroad employees by contract carriers.

Patron - Ward

HB1368 Vehicle engine idling. Allows engine idling of unattended motor vehicles on residential streets maintained by the Commonwealth if the idling is for the purpose of warming or cooling the interior of the vehicle.

Patron - LeMunyon

SB9 Safety belts. Makes nonuse of safety belts a primary offense.

Patron - Blevins

SB10 Wireless telecommunications devices in motor vehicles. Extends prohibition on use of wireless telecommunications devices in motor vehicles to talking on such device, unless the device is configured for hands-free operation and is being used in the hands-free mode. This bill was incorporated into SB 517.

Patron - Blevins

SB16 Distribution of handbills, etc., solicitations of contributions and sale of merchandise on highways. Grants City of Portsmouth the power to regulate and prohibit distribu-

tion of handbills, leaflets, bulletins, etc., and sollicitation of contributions on highways located within its boundaries and on public roadways and medians.

Patron - Lucas

SB37 Special license plates; BUY LOCAL. Authorizes the issuance of revenue-sharing special license plates bearing the legend: BUY LOCAL. The annual surcharge for these plates would be \$25, instead of the standard \$10 for most other nonrevenue-sharing special license plates. For each set of plates issued after the first 1,000 sets, \$15 will go to the Retail Alliance Foundation to support its programs and activities in Virginia. This bill was incorporated into SB 18.

Patron - Miller, Y.B.

SB122 Administrative impoundment of motor vehicles. Provides for the administrative impoundment of motor vehicles when driving without an operator's license.

Patron - Petersen

SB136 Special license plates; IN GOD WE TRUST. Authorizes the issuance of special license plates bearing the legend: IN GOD WE TRUST.

Patron - Obenshain

SB168 Special license plates; Professor Garfield Foundation. Authorizes the issuance of revenue-sharing special license plates to supporters of the Professor Garfield Foundation. This bill was incorporated in SB 18.

Patron - Houck

SB212 Overload and overweight permits; fees. Requires the Commonwealth Transportation Board, in consultation with the Commissioner of the Department of Motor Vehicles, to establish a new schedule of fees for issuance of overweight and overload vehicle permits. Such fees shall not apply to all vehicles hauling cargoes subject to a coal or gas severance tax.

Patron - Barker

SB228 Pedestrians crossing highways. Clarifies the duties of vehicles to stop to allow pedestrians to cross highways at marked crosswalks.

Patron - Barker

SB229 Safety belt use. Extends requirement for safety belt use to all occupants of a motor vehicle, not just those in the front seat. This bill has been incorporated into SB 219.

Patron - Barker

SB230 Provisional driver's license holders. Makes cell phone use while driving by a provisional driver's license holder a primary offense.

Patron - Barker

SB391 Toll facilities; civil penalties for violation. Places limitations on the amount of civil penalties that can be imposed for failure to pay tolls. A civil penalty may not be imposed for a second or subsequent offense unless the person was found liable for a previous offense. Civil penalties are limited to \$2,500 in a calendar day, and \$10,000 in a calendar year, in one court.

Patron - McDougle

SB437 Special license plates; Ocean View. Authorizes the issuance of special license plates to residents and supporters of the Ocean View community in the City of Norfolk.

Patron - Northam

FSB453 Special license plates; supporters of the Washington Capitals hockey team. Authorizes the issuance of revenue-sharing special license plates to supporters of the Washington Capitals hockey team. The annual surcharge for these plates would be \$25, instead of the standard \$10 for most other nonrevenue-sharing special license plates. For each set of plates issued (after the first 1,000 sets), \$15 will go to the Washington Capitals Charities to support its operation and programs in Virginia. This bill was incorporated into SB 18.

Patron - Whipple

FSB517 Wireless telecommunications devices in motor vehicles. Extends prohibition on use of wireless telecommunications devices in motor vehicles to initiating or answering a call on such device, unless the device is configured for hands-free operation and is being used in the hands-free mode. The bill also provides for graduated penalties for violations. This bill incorporates SB 10 and SB 574.

Patron - Norment

FSB518 Safety belt enforcement. Allows for primary enforcement of safety belt requirements when violations are observed by law-enforcement officers at traffic safety checkpoints.

Patron - Norment

FSB519 Vehicle license plates. Provides for the issuance of only one license plate for all registered vehicles.

Patron - Norment

FSB539 Water-damaged vehicles. Adds definition of water-damaged vehicles and exempts them from the salvage vehicle exam process. The bill also adds a \$50 processing fee to the application process.

Patron - Newman

FSB566 Passing bicycles, etc. Increases from two to three feet the minimum distance of separation which other vehicles must allow when passing bicycles, etc.

Patron - Ticer

FSB574 Wireless telecommunications devices in motor vehicles. Extends prohibition on use of wireless telecommunications devices in motor vehicles to talking on such device, unless the device is configured for hands-free operation and is being used in the hands-free mode. This bill was incorporated into SB 517.

Patron - Ticer

FSB704 Special license plates; TRUST WOMEN/RESPECT CHOICE. Authorizes the issuance of revenue-sharing special license plates bearing the legend: TRUST WOMEN/RESPECT CHOICE. The annual surcharge for these plates would be \$25, instead of the standard \$10 for most other nonrevenue sharing special license plates. For each set of plates issued (after the first 1,000 sets), \$15 will go to Planned Parenthood to provide women's health services in Virginia. This bill was incorporated into SB 18.

Patron - Howell

FSB709 Special license plates; members and supporters of the Virginia Recycling Association. Authorizes the issuance of revenue-sharing special license plates to members and supporters of the Virginia Recycling Association. The annual surcharge for these plates would be \$25, instead of the standard \$10 for most other nonrevenue-sharing special license plates. For each set of plates issued (after the first 1,000 sets), \$15 will go to the Virginia Recycling Association to support its

operation and programs in Virginia. This bill was incorporated into SB 18.

Patron - Ticer

Carried Over

CHB20 Definition of "disabled veteran." Provides that, for the purposes of Title 46.2 (Motor Vehicles), a veteran will be considered a "disabled veteran" if he is certified as being at least 50 percent disabled by the U.S. Veterans Administration.

Patron - Cole

CHB75 Special license plates; "In God We Trust." Authorizes the issuance of special license plates bearing the national motto: "In God We Trust."

Patron - Bell, Richard P.

CHB234 Special license plates; members and former members of the U.S. Navy. Authorizes the issuance of special license plates to members and former members of the U.S. Navy.

Patron - Janis

CHB392 Vehicles damaged by water. Increases threshold for reporting water damage from \$1,000 to \$5,000. The bill further provides that if such vehicles are damaged to the extent that they meet the definition of salvage vehicle, they shall be titled as such.

Patron - Lohr

CHB420 Special license plates; persons with certain medical conditions. Authorizes issuance of special license plates to applicants with asthma, diabetes, epilepsy, heart disease, and paralysis. These plates would be subject to a one-time fee of \$15 and would be exempt from the standard 350 minimum-order requirement.

Patron - Cox, M.K.

CHB546 Motor carriers of passengers; permits. Requires that contract bus carriers and contract passenger carriers obtain a permit from the Department of Motor Vehicles before operating on the highways in the Commonwealth.

Patron - Marshall, D.W.

CHB616 Special license plates; supporters of the Relay for Life. Authorizes the issuance of revenue-sharing special license plates to supporters of the Relay for Life. The annual surcharge for these plates would be \$25, instead of the standard \$10 for most other nonrevenue-sharing special license plates. For each set of plates issued (after the first 1,000 sets), \$15 will go to the Relay for Life to support its operation and programs in Virginia.

Patron - Lohr

CHB840 Special license plates; members and former members of the U.S. Navy. Authorizes the issuance of special license plates to members and former members of the U.S. Navy.

Patron - Stolle

CHB1243 Motor vehicle registration and driver's license application contents. Requires the Department of Motor Vehicles to provide a method by which an applicant conducting registration and license applications using electronic means may make a voluntary contribution to Prevent Blindness Mid-Atlantic, a nonprofit organization that provides

driver education, vision screening and vision screening training.

Patron - Stolle

☐HB1276 Special license plates; supporters of the Friends of the Blue Ridge Parkway, Inc. Authorizes the issuance of revenue-sharing special license plates to members and supporters of the Friends of the Blue Ridge Parkway, Inc. The annual surcharge for these plates would be \$25, instead of the standard \$10 for most other nonrevenue-sharing special license plates. For each set of plates issued (after the first 1,000 sets), \$15 would go to the Friends of the Blue Ridge Parkway, Inc. to support its operation and programs in Virginia.

Patron - Putney

☐HB1312 Special license plates; supporters of the James River Park System. Authorizes the issuance of revenue-sharing special license plates to supporters of the James River Park System. The annual surcharge for these plates would be \$25, instead of the standard \$10 for most other nonrevenue-sharing special license plates. For each set of plates issued (after the first 1,000 sets), \$15 will go to the James River Park System to support its operation and programs in Virginia.

Patron - McQuinn

☐HB1370 Special license plates; members and former members of the U.S. Navy and U.S. Air Force. Authorizes the issuance of special license plates to members and former members of the U.S. Navy and U.S. Air Force.

Patron - Anderson

☐SB170 Special license plates; Association of Realtors. Makes license plates issued to members of the Association of Realtors revenue-sharing special license plates. The annual surcharge for these plates would now be \$25, instead of the standard \$10 for most other nonrevenue-sharing special license plates. For each set of plates issued (after the first 1,000 sets), \$15 will go to the Virginia Housing Trust Fund to support affordable housing options in Virginia.

Patron - Houck

☐SB256 Driver's licenses; REAL ID. Makes documents required for renewal, reissue, or duplication of driver's licenses and identification cards compliant with REAL ID.

Patron - Miller, Y.B.

Notaries and Out-of-State Commissioners

Failed

☐HB529 Electronic notary public; evidence of identity; requirements. Allows, in the case of an electronic notarization, for satisfactory evidence of the identity of a signer to be based on (i) video and audio conference technology that permits the notary to communicate with and identify the principal at the time of the notarial act, and confirmation of identity of the principal by use of biometric data or (ii) video and audio conference technology that permits the notary to communicate with and identify the principal at the time of the notarial act, and a Personal Identity Verification card issued in accordance with standards established by the National Institute of Standards and Technology. An electronic notarization may be made even though the signer is not in the presence of the notary if the notary relies on such evidence. The bill also eliminates the

requirement that electronic notaries submit with their registration various specific information regarding the device used to create an electronic signature. The bill also clarifies that a person commissioned as an electronic notary need not first be commissioned as a notary.

Patron - Nixon

Partnerships

Passed

☐SB461 Partnerships; offices and statements; penalty. Makes it unlawful for any person to sign a general or limited partnership document he knows is false in any material respect with intent that the document be delivered to the State Corporation Commission for filing. Violations are punishable as a Class 1 misdemeanor. The measure also redesignates the specified office of a limited partnership as its principal office, which conforms to terminology applicable to other types of business entities.

Patron - McEachin

Pensions, Benefits, and Retirement

Passed

☐HB273 Virginia Retirement System; benefits for local law enforcement, correctional, and emergency response employees in certain localities. Permits any locality that is exempt from providing all of the statutory special retirement benefits for deputy sheriffs because the locality's annual retirement allowance exceeds the statutory amount, to provide all of the other statutory benefits except the statutory annual retirement allowance to all employees eligible for such benefits. The additional costs of providing the benefits would be borne by the locality making the election.

Patron - Englin

☐HB560 Virginia Retirement System; sickness and disability plan. Codifies provisions of the Appropriation Act making changes to the sickness and disability program that, among other things, create a one-year waiting period and a different benefit structure for new employees, and amends various provisions of the current plan.

Patron - Tata

☐HB561 Virginia Retirement System; optional life insurance. Modifies the optional life insurance plan by (i) deleting the specific maximum amount of coverage, and replacing it with language clarifying that the maximum amount is set by the Board of Trustees of the Virginia Retirement System, and (ii) clarifying the difference in benefits for an employee who has been on leave without pay while serving in the military.

Patron - Tata

☐HB562 Virginia Retirement System; retirement supplement ("COLA"). Clarifies that the allowance supplement that is indexed to inflation will not reduce the allowance when there is deflation, and corrects how COLA adjustments

should be calculated following a period of deflation. The bill also makes some technical changes.

Patron - Tata

HB892 Virginia Retirement System; withdrawal of member contributions. Requires a member of the Virginia Retirement System to be vested before being eligible to withdraw that portion of his accumulated contributions made by his employer on his behalf on or after July 1, 2010.

Patron - Barlow

HB1189 Virginia Retirement System; new employees. Modifies for new employees all the defined benefit retirement plans administered by the Virginia Retirement System (VRS) as follows: (i) requires employees to contribute five percent of creditable compensation (only local employers would be allowed to pick up this contribution), (ii) increases the number of months used to calculate average final compensation from 36 to 60, (iii) increases the cost and decreases the time in which employees may purchase certain prior service credits, and (iv) reduces the portion of the increase in the Consumer Price Index used for determining annual retirement allowance supplements (COLA) from three percent plus one-half of the next four percent to two percent plus one-half of the next eight percent. The bill also decreases the Commonwealth's contribution for employees in institutions of higher education participating in optional retirement plans from 10.4 percent to 8.5 percent of creditable compensation. However, institutions of higher education may provide an additional contribution of up to 0.4 percent each year at their own cost. New employees of institutions of higher education would also be required to contribute five percent of salary. In addition to these modifications, for new state and local employees covered under the main defined benefit plan (i.e., excluding the separate plans for state and local law enforcement employees and judges), the bill (a) changes the requirements for unreduced early retirement benefits from 50 years of age and 30 years of creditable service, to one whereby the sum of age plus years of service equals 90 and (b) sets the person's normal retirement date as his normal retirement date for federal social security. The bill would allow reduced early retirement to be taken only by those persons who have attained the age of 60 with at least five years of creditable service. Finally, for judges appointed or elected to an original term commencing on or after July 1, 2010, service as a judge would be multiplied by the weighted years of service factor of (i) 1.5 if the person was less than 45 at the time of such original term, (ii) 2.0 if the person was at least 45 but less than 55 at the time of such original term, and (iii) 2.5 if the person was at least 55 at the time of such original term. This bill is identical to SB 232.

Patron - Putney

SB232 Virginia Retirement System; new employees. Modifies for new employees, all the defined benefit retirement plans administered by the Virginia Retirement System ("VRS"), as follows: (i) requires employees to contribute five percent of creditable compensation (only local employers would be allowed to pick up this contribution), and (ii) increases the number of months used to calculate average final compensation from 36 to 60, (iii) increases the cost, and decreases the time in which employees may purchase certain prior service credits, and (iv) reduces the portion of the increase in the Consumer Price Index used for determining annual retirement allowance supplements ("COLA") from three percent plus one-half of the next four percent to two percent plus one-half of the next eight percent. The bill also decreases the Commonwealth's contribution for employees in institutions of higher education participating in an optional retirement plans from 10.4 percent to 8.5 percent of creditable compensation. However, institutions of higher education may

provide an additional contribution up to 0.4 percent each year at their own cost. New employees of institutions of higher education would also be required to contribute 5 percent of salary. In addition to these modifications, for new state and local employees covered under the main defined benefit plan, (i.e. excluding the separate plans for state and local law enforcement employees and judges), the bill (a) changes the requirements for unreduced early retirement benefits from 50 years of age and 30 years of creditable service, to one whereby the sum of age plus years of service equals 90 and (b) sets the person's normal retirement date as his normal retirement date for federal social security. The bill would allow reduced early retirement to be taken only by those persons who have attained the age of 60 with at least five years of creditable service. Finally, for judges appointed or elected to an original term commencing on or after July 1, 2010, service as a judge would be multiplied by the weighted years of service factor of (i) 1.5 if the person was less than 45 at the time of such original term, (ii) 2.0 if the person was at least 45 but less than 55 at the time of such original term, and (iii) 2.5 if the person was at least 55 at the time of such original term. This bill is identical to HB 1189.

Patron - Watkins

Failed

HB91 Virginia Retirement System; creditable compensation of teachers. Provides that the creditable compensation of teachers for retirement purposes under the Virginia Retirement System shall include all compensation payable to teachers by their public school boards, including compensation that is not pursuant to a contract for teaching.

Patron - Kilgore

HB118 Virginia Retirement System; disability retirement for local employees. Provides that a local employee shall not be retired due to disability if he refuses his employer's offer of employment in any position whose salary and benefits are at least equal to those of the position from which he is separated.

Patron - Purkey

HB126 Judicial retirement; mandatory retirement. Adjusts the mandatory retirement age under judicial retirement to age 73. Currently, judges are required to retire at age 70. This bill is a recommendation of the Judicial Council.

Patron - Kilgore

HB289 Virginia Retirement System; authority to manage and invest certain funds. Authorizes the Virginia Retirement System to manage and invest funds in a trust, or equivalent arrangement, established by a local government or other local entity to fund certain postemployment benefits. The bill provides that the Commonwealth would not be liable for any losses suffered by a local entity, or a trust or equivalent arrangement established by the local entity, on investments of such funds made by the Virginia Retirement System. In addition, no officer, director, or member of the Board of the Virginia Retirement System or of any advisory committee thereof, or any subsidiary corporation of the Virginia Retirement System whose actions are within the standard of care of a prudent person acting in a like capacity, would be liable for any investment losses.

Patron - Griffith

HB316 Virginia Retirement System; general registrars. Permits a general registrar who (i) is involuntarily separated and (ii) has 20 or more years of creditable service to retire with an unreduced allowance upon attaining age 50.

Patron - McClellan

HB324 Virginia Retirement System; members' benefits. Increases the average final compensation retirement multiplier from 1.7 percent to 1.8 percent.

Patron - Plum

HB511 Virginia Retirement System; retirement plans. Modifies the retirement plans administered by the Virginia Retirement System, including (i) having state employees pay a portion of their retirement contributions; (ii) for new state and local employees, increasing the minimum age for unreduced retirement allowance from 50 to 55, and reducing the maximum annual cost of living adjustments to retirement allowances; and (iii) permitting local employers to pay any portion of employees' share of retirement contributions (under current law local employers must pay all or none of such contributions).

Patron - Brink

HB610 Virginia Retirement System; defined contribution retirement plan. Creates a new defined contribution retirement plan for all employees who begin employment on or after July 1, 2010, in lieu of participating in any other retirement plan administered by the Virginia Retirement System. All other employees may elect to participate in the plan in lieu of participating in any other retirement plan administered by the Virginia Retirement System.

Patron - Purkey

HB695 Virginia Retirement System; retirees hired as school board security personnel. Provides that retired persons who are members of the Virginia Retirement System, the State Police Officers' Retirement System, or the Virginia Law Officers' Retirement System may be hired as local school board security personnel without interruption of their retirement benefits under the following conditions: (i) the person has been receiving such retirement allowance for a minimum period of time as jointly determined by the Virginia Retirement System and the Joint Legislative and Audit Review Commission; (ii) the person has not retired pursuant to an early retirement incentive; and (iii) the person did not voluntarily resign or voluntarily retire under the Workforce Transition Act of 1995.

Patron - Miller, J.H.

HB727 Local defined contribution retirement plan. Permits any locality or school board to establish a defined contribution retirement plan in lieu of any other retirement plan, for employees hired after such plan is established.

Patron - Purkey

HB1055 Virginia Retirement System; health insurance credits. Increases the amount of monthly health insurance credits from \$1.50 per year of creditable service to \$4 per year of creditable service for retired Constitutional officers and their employees, general registrars and their employees, and employees of local social services boards. The bill is not in force any time that the entire cost of the health insurance credits is not paid by the Commonwealth.

Patron - Armstrong

HB1339 Virginia Retirement System; retired teachers returning to work. Removes the requirement that in order for a retired teacher to return to work and continue receiving retirement payments, the teacher must be returning to a position of which there is a critical shortage. The bill has a sunset date of July 1, 2013.

Patron - Gilbert

SB44 Mandatory retirement for district court judges. Increases the mandatory retirement age for district court judges from 70 to 76. This bill was incorporated into SB 206.

Patron - Stuart

SB92 Virginia Law Officers' Retirement System. Provides that the supplemental allowance currently paid to members upon retirement until age 65 would instead be paid until Social Security Retirement Age. This will only become effective upon an appropriation of general funds effectuating the purposes of the bill passed by the 2010 General Assembly.

Patron - Quayle

SB175 Virginia Law Officers' Retirement System (VALORS). Adds conservation officers of the Department of Conservation and Recreation as members of VALORS.

Patron - Deeds

SB206 Judicial retirement; mandatory retirement. Adjusts the mandatory retirement age under judicial retirement to age 73. Currently, judges are required to retire at age 70. This bill is a recommendation of the Judicial Council and incorporates SB 44.

Patron - Edwards

SB213 Virginia Retirement System; retirees hired as school board security personnel. Provides that a person retired under the Law-Enforcement Officers' Retirement System, the State Police Officers' Retirement System, or the Virginia Law Officers' Retirement System may be hired as a local school board security officer or security person without interruption of his retirement allowance under the following conditions: (i) the person has attained age 50 and has been retired for at least one full calendar year (or such longer period as established by the Board of the Virginia Retirement System) prior to commencing employment; (ii) the person has not retired pursuant to an early retirement incentive; (iii) the person did not voluntarily resign or voluntarily retire under the Workforce Transition Act of 1995; and (iv) the hiring school division pays to the Virginia Retirement System, during the person's employment as a local school board security officer or security person, the employer share of the retirement funding contribution that would otherwise be due if the person were a covered employee.

Patron - Barker

SB335 State retirees' group life insurance. Permits a retiree to make an irrevocable beneficiary designation of a portion of his group life insurance to purchase or secure funeral services, and services related to interment, cremation, or other means of disposition.

Patron - Hanger

SB368 Virginia Retirement System; creditable compensation of teachers. Provides that the creditable compensation of teachers for retirement purposes under the Virginia Retirement System shall include all compensation payable to teachers by their public school boards, including compensation that is not pursuant to a contract for teaching.

Patron - Puckett

SB722 Health insurance credits for retired school division employees. Expands the recipients of the health insurance credits currently going to retired teachers to all retired employees of local school divisions at the option of the local school division and as a cost borne by the local government to which the local school division is affiliated.

Patron - Marsden

Persons with Disabilities

Passed

SB689 Virginia Office for Protection and Advocacy; dispute resolution proceedings. Requires the governing board of the Virginia Office for Protection and Advocacy to establish a policy and internal guidelines for the approval of the pursuit of legal remedies, including the initiation of any legal proceeding on behalf of the Office, any persons with disabilities, or any organization representing persons with disabilities.

Patron - Blevins

Failed

HB945 Disability services boards. Eliminates the requirement that localities establish local disability services boards and makes establishment of local disability services boards optional for localities. The bill amends the list of activities that a local disability services board may perform and abolishes the Disability Services Council and the Rehabilitative Services Incentive Fund, but provides that localities may establish a local fund for the purposes previously served by the Rehabilitative Services Incentive Fund.

Patron - Landes

SB316 Telecommunications relay service; funding. Defines "end-user equipment" as any communications device that enables or assists a person with a disability to communicate through the public-switched telephone network or internet protocol-enabled communications service, and changes the funding source for funds to cover costs associated with the purchase and distribution of end-user equipment from general to nongeneral (communications sales and use tax revenue) funds. The provisions of this act shall expire on July 1, 2012.

Patron - Locke

Police, State

Failed

HB9 State Police Volunteer Chaplaincy Program. Allows the Superintendent of State Police to establish a Volunteer Chaplaincy Program. The Superintendent may establish guidelines regarding the selection, conduct, and supervision of volunteers, but may not regulate the volunteers' expression of religious beliefs. The bill also requires that when a volunteer chaplain provides an invocation or benediction at a Department-sanctioned event, the printed program include a disclaimer that the beliefs expressed are those of the individual and are not endorsed or approved by the Department of State Police.

Patron - Carrico

HB255 State Police; gang membership reporting. Requires the Department of Juvenile Justice to enter the person's name and other appropriate gang-related information required by the Department of State Police into the information system known as the Organized Criminal Gang File of the Virginia Criminal Information Network when the Department of Juvenile Justice determines that the person is a member of a gang. This bill has been incorporated into HB 254.

Patron - Miller, P.J.

Prisons and Other Methods of Correction

Passed

HB256 Prisons; disposal of unclaimed personal property of prisoner. Provides that if any prisoner in a state, local or community correctional facility leaves personal property valued at less than \$100 in the custody of such facility for 30 days upon being transferred to another facility, the director or sheriff, as the case may, may sell the property. The bill further provides that if any prisoner, upon being released or having escaped, leaves such property at the time of his release or escape, the Director or the sheriff, as the case may be, may sell such property at public sale or may otherwise dispose of the property. Currently, such property must be held for six months.

Patron - Miller, P.J.

HB357 Jail farms; transportation of prisoners. Allows for a regional jail operated within Planning District Five (Roanoke Valley-Alleghany) to transport prisoners, upon their release, back to the locality where arrested or convicted.

Patron - Ware, O.

HB361 Regional jails; disposition of fees for prisoners' keep. Allows regional jails to retain fees collected for prisoners' keep instead of crediting those fees to the locality that incarcerated the inmate.

Patron - Ware, O.

HB543 Prisoners; maintenance of highways; grass cutting. Authorizes the use of prisoner labor to maintain the medians or other nontraveled portions of state highways.

Patron - Marshall, D.W.

HB757 Work by prisoners; removal of graffiti, etc. Allows prisoners confined to jail to work on private property to remove graffiti in those localities which have adopted an ordinance undertaking such projects.

Patron - Stolle

HB758 Workforces; private property. Allows a local workforce to perform work on private property owned or occupied by elderly or indigent persons if the property is identified by a citizens housing advisory committee as needing rehabilitation or repair and the property owner consents to the work.

Patron - Stolle

HB913 Victims of crime may visit perpetrator in prison facility. Provides that the Department of Corrections shall promulgate a policy to assist a person who was the victim of a crime committed by an offender incarcerated in any state correctional facility to visit with such offender. Such guidelines may include provisions necessary to preserve the safety and security of those at such visit and the good order of the facility, including consideration of the offender's security level, crime committed, and institutional behavior of the offender. Where appropriate, the Department shall make whatever arrangements are necessary to effectuate such a visit. The provisions of this bill do not apply (i) to juvenile victims or (ii) when the offender has been sentenced to death.

Patron - Bell, Robert B.

HB1161 Jailer-issued identification for prisoners. Allows sheriffs, jail superintendents and jail administrators to

issue a special identification card to prisoners who do not possess valid ID at release. All costs shall be paid by the prisoner.

Patron - Cosgrove

SB528 Prisons; Treatment and control of prisoners. Requires a licensed psychiatrist or licensed clinical psychologist who is experienced in the diagnosis, treatment, and risk assessment of sex offenders to oversee sex offender treatment programs in the Virginia Department of Corrections. The program shall be administered by a licensed psychiatrist, licensed clinical psychologist, or a licensed mental health professional who is a certified sex offender treatment provider.

Patron - Puller

SB670 Payment of fines and costs by DOC inmates. Requires a person committed to the Department of Corrections who owes court imposed fines, costs, forfeitures, restitution or penalties to contribute part of his pay to such obligations as a condition of participating in a correctional facility work program.

Patron - McDougale

Failed

HB139 Exceptions as to purchases from state correctional facilities. Allows exception for purchase of products by state agencies where the cost of purchase and installation is more than 10 percent over the cost of the product and the product is commonly commercially available, or the requisition made cannot be complied with on account of an insufficient supply of the articles or supplies.

Patron - Pollard

HB151 Assignment to home/electronic incarceration program. Provides that home/electronic incarceration is deemed to be a term of confinement for an offender who has been convicted and sentenced to a term of confinement, and that a court can assign home/electronic incarceration without it being a condition of probation. The bill also provides that good conduct credit may be earned by a prisoner assigned to a home/electronic incarceration program.

Patron - O'Bannon

HB160 Relating to mandatory testing of prisoners for HIV. Requires the Department of Corrections to test all prisoners received by the Department for human immunodeficiency virus and authorizes the Department to test for human immunodeficiency virus as the Department shall deem necessary.

Patron - Dance

HB721 Courthouse and courtroom security. Authorizes a sheriff to contract with a licensed private security services business and designate licensed private security services registrants employed by such business to ensure that the courthouses and courtrooms within his jurisdiction are secure from violence and disruption. Any private security services registrant designated to provide courthouse and courtroom security is required to meet established training standards.

Patron - Peace

HB838 Local correctional facilities; use of state funds for local alternative incarceration programs. Allows the use of state funds appropriated for financial assistance for the confinement of persons in local facilities for local alternative incarceration programs.

Patron - Carr

HB1031 Correctional enterprises; intentional violations constitute malfeasance; exception. Allows for an exception to required state purchases through correctional enterprises where outside purchases amounting to malfeasance were intended to reduce the expenditure of public moneys.

Patron - Pollard

SB637 Authority of jail superintendent and jail officers to serve process. Provides that the superintendent and jail officers at regional jail facilities are invested with the powers and authority of a sheriff or sheriff's deputy for the purpose of service of civil and criminal process upon inmates within the jail or jail farm, provided the officers who do so have received the same training with regard to service of civil and criminal process as is given sheriffs and sheriff's deputies with like responsibility.

Patron - Smith

Carried Over

HB15 Custody in state and local correctional facilities of those accused or convicted of federal terrorism. Provides that no person who is accused or convicted of terrorism in violation of federal law, as terrorism is defined in 18 U.S.C. § 2331, shall be held in custody in any state, regional, or local correction facility unless (i) such person is also accused or convicted of a violation of state or local law or (ii) there is an agreement or contract with the federal government, as of June 30, 2010, to hold federal prisoners, which may include any such person, at such state, regional, or local correctional facility.

Patron - Marshall, R.G.

HB1316 Corrections; residential community programs. Directs the Department of Corrections, where appropriate and when resources are available, to give nonviolent prisoners who have not been convicted of specific offenses or sentenced to one or more life terms the opportunity to participate in a residential community program, work release, or a community-based program. Current law requires that the prisoner not be convicted of any violent crime and be sentenced to at least three years. The bill allows for up to 30 percent of the prisoner's gross earnings to be withheld to offset the cost of the prisoner's keep. The Secretary of Public Safety is required to prescribe guidelines for the program that emphasize training and education related to job skills, literacy, money management, and other life skills.

Patron - BaCote

Professions and Occupations

Passed

HB83 Pawnbrokers; daily reports. Authorizes any local governing body to enact an ordinance requiring a pawnbroker to maintain and file a daily report electronically through the use of a disk, electronic transmission, or any other electronic means of reporting approved by a law-enforcement officer. Currently, such authorization is limited to any town with a population between 13,000 and 14,000.

Patron - Knight

HB143 Practitioner self-referral. Clarifies when a health care practitioner may make a referral to an entity in which he or an immediate family member is an investor.

Patron - O'Bannon

HB153 Physical therapy; advertising. Provides that no person shall advertise services using the words "physical therapy" or "physiotherapy" unless those services are provided by a physical therapist or physical therapist assistant, and establishes a process for reporting possible violations. This bill is identical to SB 195.

Patron - O'Bannon

HB192 Fair Housing Board educational materials on the Fair Housing Law; affidavit. Establishes that the Fair Housing Board shall promulgate regulations regarding educational materials concerning the Fair Housing Law, and persons in the business of selling or renting dwelling units without a real estate broker shall submit an affidavit to the Board that they have read and understood the law. This is a recommendation of the Virginia Housing Commission. This bill incorporates HB 405.

Patron - Cosgrove

HB201 Funeral services; handling of human remains. Provides that, upon taking custody of a dead human body, a funeral service establishment shall maintain the body in a manner that provides complete coverage and is resistant to leakage or spillage. If the body is to be stored for more than 48 hours prior to disposition, the establishment shall maintain the body in refrigeration or, with the express permission of the next of kin, have the body embalmed and, if the body is to be stored for more than 10 days at a location other than the establishment, disclose the location where the body is to be stored and the method of storage.

Patron - Alexander

HB231 Interpleader of real estate escrows. Establishes that suits in interpleader of real estate escrows shall go to General District Court, and protects escrow funds in the event of a real estate foreclosure. This bill is recommended by the Virginia Housing Commission.

Patron - Dance

HB250 Board for Contractors; Class C license. Raises the threshold for which a person must have a Class C contractor's license from less than \$7,500 to less than \$10,000. As a result, the Class B threshold is also raised from \$7,500 or more to \$10,000 or more.

Patron - Merricks

HB267 Advance Health Care Directive Registry. Eliminates the requirement that an advance directive or revocation of an advance directive be notarized before being submitted to the Advance Health Care Directive Registry. This provision will not go into effect until the Advance Health Care Directive Registry is created. This bill also requires the Commissioner of Health to work together with the Department for the Aging, Department of Health Professions, Bureau of Insurance, Virginia State Bar and other stakeholders to develop and implement a plan for informing the public about the availability of the Advance Health Care Directive Registry. This bill contains an emergency clause.

Patron - Englin

HB278 Funeral services; disposition of remains. Requires a funeral services provider to refrigerate or, with the express permission from the next of kin, embalm human remains within 48 hours of the receipt of such remains. The bill also provides that a person designated in a signed and notarized writing shall take priority over next of kin in making funeral arrangements, and clarifies procedures where the deceased has designated a person to make arrangements for his funeral and

disposition of his remains on a U.S. Department of Defense Record of Emergency Data.

Patron - Albo

HB286 Schedule VI prescriptions; certain infectious diseases. Authorizes a health care practitioner to prescribe Schedule VI antibiotics and antiviral agents to a person in close contact with a diagnosed patient of the practitioner without first conducting a physical examination of the person when the practitioner has a bona fide practitioner-patient relationship with the diagnosed patient, the practitioner meets all requirements for a bona fide practitioner-patient relationship with the person in close contact with the diagnosed patient other than the requirement for a physical examination, the practitioner believes that there is urgency to begin treatment to prevent transmission of a communicable disease, and emergency treatment is necessary to prevent imminent risk of death, life-threatening illness, or serious disability.

Patron - Dance

HB308 Regulation of mobile dental clinics. Requires the Board of Dentistry to develop regulations for the registration of mobile dental clinics and other portable dental operations.

Patron - O'Bannon

HB319 Funeral services; prerequisites for cremation. Removes the 24-hour waiting period as a possible prerequisite for cremation, and replaces it with a form of identification other than visual identification by next of kin, to be determined by the Board of Funeral Directors and Embalmers in regulations.

Patron - Alexander

HB382 Funeral services. Provides that when a person dies while on active military duty and has designated an individual to make arrangements for his funeral and disposition of his remains on a U.S. Department of Defense Record of Emergency Data, the designee shall be responsible for making such arrangements.

Patron - Sherwood

HB406 Board for Contractors; certification of accessibility mechanics. Provides for the certification of accessibility mechanics by the Board for Contractors. An "accessibility mechanic" is an individual who erects, constructs, installs, alters, services, repairs, tests, or maintains wheelchair lifts, incline chairlifts, certain dumbwaiters, and private residence elevators, in accordance with the Uniform Statewide Building Code. The bill is identical to SB 215.

Patron - Oder

HB408 Real Estate Appraiser Board; regulation of appraisal management companies. Provides for the regulation of real estate appraisal management companies by the Real Estate Appraiser Board.

Patron - Oder

HB409 Board for Contractors; prerequisite for obtaining business license. Requires any contractor applying for or renewing a business license in any locality to furnish prior to the issuance or renewal of the business license either (i) satisfactory proof that he is duly licensed or certified as a contractor or (ii) a written statement, supported by an affidavit, that he is not subject to licensure or certification as a contractor or subcontractor. The bill also prohibits any locality from issuing or renewing a business license unless the contractor has furnished his contractor license or certificate number or evi-

dence of being exempt licensure as a contractor. This bill incorporates HB 983.

Patron - Oder

HB416 Board for Contractors; membership. Adds a certified water well systems provider as a member to the Board for Contractors. The bill contains a technical amendment.

Patron - Oder

HB468 Common interest communities; exemptions from licensure; powers and duties of Common Interest Community Board. Provides that a resident who provides bookkeeping, billing, or record keeping services to his association for compensation is not required to be licensed as a common interest community manager provided the fidelity bond maintained by the association insures the association against losses resulting from theft or dishonesty committed by such person. The bill requires that of the three citizen members of the Common Interest Community Board, one such member must serve or have served on the governing board of an association that is not professionally managed at the time of appointment. The bill contains technical amendments.

Patron - Watts

HB476 Regulation of polygraphs and other detection devices. Authorizes the Director of the Department of Professional and Occupational Regulation to approve the use of mechanical devices used to detect deception or verify truthfulness other than polygraphs. The use of such devices would be regulated, and operators of such devices would be required to be licensed just as polygraph examiners are currently licensed.

Patron - Carrico

HB587 Pharmacists; supervision of pharmacy technicians. Allows the Board of Pharmacy to set in regulations the maximum number of pharmacy technicians that a pharmacist may supervise.

Patron - Landes

HB590 Department of Professional and Occupational Regulation. Removes obsolete language from various sections of Title 54.1 and repeals one obsolete section of Title 54.1. This bill is a recommendation of the Virginia Code Commission.

Patron - Landes

HB650 Funeral services; disputes between next of kin. Provides a judicial process for determining who makes the decision for the arrangements for a decedent's funeral or the disposition of his remains when there is a dispute between the next of kin.

Patron - Armstrong

HB662 Health professions; disciplinary actions. Amends the disciplinary authority of the Department of Health Professions and its regulatory boards to (i) authorize the boards to accept the surrender of a license in lieu of disciplinary action, (ii) authorize a panel of a board to consider the recommendation of an agency subordinate, (iii) conform the prohibition on licensure reinstatement to the Nurse Licensure Compact, and (iv) allow the Department to immediately suspend a license in response to disciplinary action or felony convictions in any jurisdiction, or in response to license surrender in lieu of disciplinary action.

Patron - Morrissey

HB713 Board for Contractors; prerequisite for obtaining business license. Requires any contractor applying

for or renewing a business license in any locality to furnish prior to the issuance or renewal of the business license either (i) satisfactory proof that he is duly licensed or certified as a contractor or (ii) a written statement, supported by an affidavit, that he is not subject to licensure or certification as a contractor or subcontractor. The bill also prohibits any locality from issuing or renewing a business license unless the contractor has furnished his contractor license or certificate number or evidence of being exempt licensure as a contractor.

Patron - Peace

HB723 Health professions; practice of podiatry; expert witness. Clarifies that the practice of podiatry includes the prevention, diagnosis, treatment, and cure or alleviation of physical conditions, diseases, pain, or infirmities of the human foot and ankle, including the medical, mechanical, and surgical treatment of the ailments of the human foot and ankle. The bill also provides that a podiatrist shall not be permitted to testify as an expert witness against a doctor or osteopath where such doctor or osteopath is a defendant in a medical malpractice case or medical malpractice review panel proceeding. The bill states that an emergency exists and that the bill is effective upon passage. This bill is identical to SB 82.

Patron - Peace

HB725 Polysomnographic technologist; license required. Provides that no person shall practice as a polysomnographic technologist or assume the title "licensed polysomnographic technologist," "polysomnographic technologist," or "licensed sleep tech" unless such person is licensed by the Board of Medicine. This bill also creates the Advisory Board on Polysomnographic Technology to assist the Board in establishing the qualifications, examination, and other requirements for the regulation of licensed polysomnographic technologists.

Patron - Peace

HB792 Temporary licenses and certificates. Authorizes the regulatory boards within the Department of Professional and Occupational Regulation to issue a temporary license or certification to an applicant who holds a comparable license or certification issued by another state. A temporary license or certification shall be valid for not more than 45 days. This bill incorporates HB 739. SB 474 is identical.

Patron - LeMunyon

HB797 Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects; limitation of liability contract clauses. Allows entities consisting of design professionals to include limitation of liability clauses in their contracts to perform services; but provides that individual licensees are not relieved of any responsibility that may exist for services performed by reason of employment or other relationship with an entity. The bill contains a technical amendment.

Patron - Griffith

HB953 Schedule II, Schedule III, Schedule IV, and Schedule V drugs. Adds tapentadol to Schedule II; boldione, desoxymethyltestosterone (madol), and 19-nor-4,9(10)-androstadienedione (estra-4,9(10)-diene-3,17-dione) to Schedule III; fospropofol to Schedule IV, and lacosamide to Schedule V of the drug control act.

Patron - Jones

HB963 Department of Professional and Occupational Regulation; Real Estate Board. Establishes a voluntary compliance program within the Real Estate Board to allow certain real estate brokers to bring practices, policies and procedures into compliance with applicable laws and regulations. In addition, the bill provides for the Real Estate Board to estab-

lish minimum education requirements for licensure by reciprocity.

Patron - Miller, J.H.

HB964 Schedule II drugs; require identification in filling prescriptions. Provides that a pharmacist shall require proof of identity from any person seeking to fill a prescription for a Schedule II drug before dispensing such drug and shall make a copy of such identification, unless the person seeking to fill the prescription is known to the pharmacist. This bill also provides that a pharmacist shall record the name and address of any person who seeks to fill a prescription for a Schedule II drug if the person is not the patient for whom the drug is prescribed, and that a pharmacist shall maintain records of names, addresses and, where required, copies of identification documents for at least one year. If such a prescription is delivered by mail, the delivery method employed must require the signature of the recipient as confirmation of receipt.

Patron - Lohr

HB982 Precious metals dealers; penalties for violation. Makes automatic a two-year revocation of a permit as a precious metals dealer for a second conviction for violation of any of the precious metals dealers laws.

Patron - Hugo

HB1145 Veterinarians; reporting suspected animal cruelty. Provides that any veterinarian who makes a report of suspected animal cruelty or who provides records or information related to a report of suspected cruelty or testifies in any judicial proceeding arising from such report, records, or information shall be immune from any civil or criminal liability or administrative penalty or sanction on account of such report, records, information, or testimony, unless such veterinarian acted in bad faith or with malicious purpose.

Patron - Scott, J.M.

HB1166 Unlawfully obtaining or attempting to obtain controlled substances; report. Provides that any person authorized to prescribe, dispense, or administer controlled substances pursuant to § 54.1-3408 who has reason to suspect that a person has obtained or attempted to obtain a controlled substance or prescription for a controlled substance by fraud or deceit may report the activity to the local law-enforcement agency for investigation. Any person who, in good faith, makes a report or furnishes information or records to a law-enforcement officer or entity pursuant to this section shall not be liable for civil damages in connection with making such report or furnishing such information or records.

Patron - Phillips

HB1219 Department of Professional and Occupational Regulation; powers and duties with respect to polygraph examiners. Clarifies the authority of the Department of Professional and Occupational Regulation with respect to the polygraph examiners regulatory program to (i) charge fees for issuing licenses and renewals, (ii) conduct investigations, (iii) enter into consent agreements related to investigations and disciplinary proceedings, and (iv) impose monetary penalties. In doing so the bill conforms the powers and duties of the agency for the polygraph examiners regulatory program to the powers and duties for other regulatory programs that it administers.

Patron - Carrico

HB1272 Department of Professional and Occupational Regulation; power and duties with respect to boxing, wrestling, and martial arts events. Clarifies the authority of the Department of Professional and Occupational Regulation to impose monetary penalties and enter into consent agreements related to investigations and disciplinary proceedings for

the boxing, wrestling, and martial arts regulatory program. In doing so the bill conforms the powers and duties of the agency for the boxing, wrestling, and martial arts regulatory program to the powers and duties held by the agency for other regulatory programs that it administers.

Patron - Phillips

HB1376 Board of Nursing; guidelines on administration of drugs to public school students with epilepsy and other seizure disorders. Directs the Board of Nursing to revise, in coordination with the Board of Medicine, guidelines for seizure management, including the list of rescue medications, for students with epilepsy and other seizure disorders. This bill provides that revised guidelines shall be finalized before August 1, 2010 and made available to local school boards for a fee not to exceed the cost of publication. This bill also requires the Board of Education to develop a standardized form to be used for authorizing administration of such medications in public schools.

Patron - Sickles

SB13 Determination of brain death; critical care specialist. Adds critical care specialists to the list of specialists who can make the determination of when a patient is brain dead.

Patron - Howell

SB82 Health professions; practice of podiatry; expert witness. Clarifies that the practice of podiatry includes the prevention, diagnosis, treatment, and cure or alleviation of physical conditions, diseases, pain, or infirmities of the human foot and ankle, including the medical, mechanical, and surgical treatment of the ailments of the human foot and ankle. The bill also provides that a podiatrist shall not be permitted to testify as an expert witness against a doctor or osteopath where such doctor or osteopath is a defendant in a medical malpractice case or medical malpractice review panel proceeding. The bill states that an emergency exists and that the bill is effective upon passage. This bill is identical to HB 723.

Patron - Howell

SB104 Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects; limitation of liability contract clauses. Allows entities consisting of design professionals to include limitation of liability clauses in their contracts to perform services; but provides that individual licensees are not relieved of any responsibility that may exist for services performed by reason of employment or other relationship with an entity. The bill contains a technical amendment.

Patron - McDougle

SB108 Daily reports of pawnbrokers. Authorizes any local governing body to enact an ordinance requiring a pawnbroker to maintain and file a daily report electronically through the use of a disk, electronic transmission, or any other electronic means of reporting approved by a law-enforcement officer. Currently, such authorization is limited to any town with a population between 13,000 and 14,000 (Front Royal). This bill incorporates SB 169.

Patron - McDougle

SB194 Health professions; certain consumer-directed services. Clarifies that nothing in Title 54.1 shall prevent any person from performing state or federally funded health care tasks directed by a consumer, which are typically self-performed, for an individual consumer who lives in a private residence and who, by reason of disability, is unable to perform such tasks but who is capable of directing the appro-

prate performance of such tasks. This includes the administration of non-oral, non-topical drugs.

Patron - Northam

SB195 Physical therapy; advertising. Provides that it shall be unlawful for any person to advertise or promote services as "physical therapy" or "physiotherapy" unless such services are provided by a licensed physical therapist or physical therapist assistant. This bill is identical to HB 153.

Patron - Northam

SB215 Board for Contractors; certification of accessibility mechanics. Provides for the certification of accessibility mechanics by the Board for Contractors. An "accessibility mechanic" is an individual who erects, constructs, installs, alters, services, repairs, tests, or maintains wheelchair lifts, incline chairlifts, certain dumbwaiters, and private residence elevators, in accordance with the Uniform Statewide Building Code. This bill is identical to HB 406.

Patron - Locke

SB216 Fair Housing Board certification program. Provides that the Fair Housing Board shall promulgate regulations regarding educational materials concerning the Fair Housing Law, and persons in the business of selling or renting dwelling units without a real estate broker shall submit an affidavit to the Board that they have read and understood the law. This is a recommendation of the Virginia Housing Commission.

Patron - Locke

SB273 Assessments for affordable housing units. Provides that assessments for certain affordable housing units be done according to the income approach, based on the property's current use and restrictions. This bill is a recommendation of the Virginia Housing Commission.

Patron - Whipple

SB275 Advance medical directives. Clarifies authority of an advance directive in cases in which a person is subject to an emergency custody, temporary detention, involuntary admission, or mandatory outpatient treatment order; eliminates the requirement that a second physician or licensed clinical psychologist provide a written certification that a patient is incapable of making an informed decision in cases in which the patient is unconscious or experiencing a profound impairment of conscious function due to trauma, stroke, or other acute physiological condition; adds a provision authorizing a person who has exhibited special care and concern for a patient and is familiar with the patient's beliefs and values to make health care decisions on that patient's behalf if the patient is incapable of making an informed decision, except in cases in which the proposed treatment involves the withholding or withdrawing of a life prolonging procedure; and clarifies the procedure regarding decisions over a patient's protest. This bill also provides that a public guardian may authorize admission of an incapacitated person to a mental health facility in certain situations.

Patron - Whipple

SB423 Liability of certain health care practitioners. Provides that no health care practitioner who renders at any site health care services, voluntarily and without compensation, to a patient of a clinic for the indigent and uninsured that is organized for the delivery of primary health care services as a federally qualified health center designated by the Centers for Medicare & Medicaid Services, shall be liable for any civil damages for any act or omission resulting from the rendering of such services unless the act or omission was the result of his gross negligence or willful misconduct.

Patron - Herring

SB457 Department of Professional and Occupational Regulation; Real Estate Board. Establishes a voluntary compliance program within the Real Estate Board to allow certain real estate brokers to bring practices, policies and procedures into compliance with applicable laws and regulations. In addition, the bill provides for the Real Estate Board to establish minimum education requirements for licensure by reciprocity. The bill also provides for the licensure of persons providing business broker services in the Commonwealth with the regulatory program to be administered by the Director of the Department of Professional and Occupational Regulation.

Patron - McEachin

SB474 Temporary licenses and certificates. Authorizes the regulatory boards within the Department of Professional and Occupational Regulation to issue a temporary license or certification to an applicant who holds a comparable license or certification issued by another state. A temporary license or certification shall be valid for not more than 45 days. HB 792 is identical.

Patron - Watkins

SB596 Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects; issuance of license; emeritus designation. Establishes an emeritus designation for licensees of the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects who have retired from their practice provided (i) the license has not been revoked or suspended by the Board and (ii) the license holder does not practice or offer to practice architecture, engineering, land surveying, or landscape architecture.

Patron - Deeds

SB665 Common Interest Community Board; powers and duties. Clarifies the authority of the Common Interest Community Board to impose monetary penalties and enter into consent agreements related to investigations and disciplinary proceedings. In addition, the bill (i) authorizes the Board to use informal fact-finding conferences in lieu of formal hearings and (ii) clarifies the authority of the Board regarding property owners' associations.

Patron - Whipple

Failed

HB253 Registered and practical nurses; licensure qualifications. Allows an applicant for licensure as a registered or practical nurse to substitute certain military training and service for the formal nursing education requirement.

Patron - Merricks

HB335 Residency training in obstetrics and gynecology. Provides that the Board of Medicine may not deny an otherwise qualified and eligible candidate for admission to the examination for licensure to practice medicine, if the candidate completed a course of study which was not accredited by the Accreditation Council of Graduate Medical Education solely for failure to provide training in the procedure of induced abortion in residency training in obstetrics and gynecology. The Board is required to apply to the U.S. Secretary of Education to seek approval as a recognized accrediting agency for the purpose of accrediting medical education programs in Virginia. After receiving such recognition, the Board must provide in its regulations that no candidate for the examination to practice medicine shall be required to complete training in the procedure of induced abortion in residency training in obstetrics and gynecology.

Patron - Marshall, R.G.

HB348 Common interest communities; annual assessment by Common Interest Community Board. Changes from the lesser of \$1,000 to \$2,000 and from five hundredths of one percent (0.05 percent) to two hundredths of one percent (0.02 percent), the amount of the annual assessment owed to the Common Interest Community Board to support its operation. This change is reflected in both the Condominium Act and the Property Owners Association Act.

Patron - Watts

HB405 Fair Housing Board; fair housing certification program. Requires the Fair Housing Board to establish and mandate, by regulation, an education-based certification program for persons subject to the Fair Housing Law who are involved in the business or activity of selling or renting dwellings. The regulations shall provide that such persons take a minimum of two hours of fair housing training every two years to maintain the required certification. The Board shall have the authority to approve training courses and instructors in furtherance of the provisions of this chapter, which shall include an update on current cases and administrative decisions under fair housing laws. The regulations shall further provide that a person required to be certified who fails to obtain or maintain certification as provided herein shall be subject to a civil penalty imposed by the Board of not more than \$250. Civil penalties assessed shall be paid into the dedicated special revenue fund of the Department of Professional and Occupational Regulation. The Board shall post on its website the requirements for certification and include notice on the certificates of the dates for which the certification shall remain valid. The Board shall provide at least 45 days notice to the person certified that their certification is due for renewal. The bill also defines the term "person in the business or activity of selling or renting dwellings." This bill was incorporated into HB 192.

Patron - Oder

HB439 Common Interest Community Board; provisional licenses for property managers. Requires the Common Interest Community Board to issue a provisional license to any person, partnership, corporation, or other entity offering management services to a common interest community on or before December 31, 2010, who makes application for licensure prior to January 1, 2011. Such provisional license shall expire on June 30, 2012. Currently, such dates are December 1, 2008, January 1, 2009, and June 30, 2011, respectively.

Patron - Toscano

HB520 Sale of firearms at firearms shows. Requires any person who has a fixed location at a firearms show to display and sell firearms and any person who sells three or more firearms at a firearms show, regardless of whether he has a fixed location, to be licensed as a Virginia firearms dealer.

Patron - Morrissey

HB598 Cemetery Board; exemptions. Exempts from licensure any person engaged in the resale of any grave or entombment right in a cemetery located in the Commonwealth provided the resale includes the complete transfer of all preneed burial contract rights associated with the grave or entombment right.

Patron - Massie

HB625 Department of Professional and Occupational Regulation; Virginia Real Estate Board; waiver of broker education requirements. Requires the Virginia Real Estate Board to waive the broker education requirement for any applicant for a broker's license who has owned a real estate brokerage firm for more than 15 years and during that

time and maintained an active license as a real estate salesperson.

Patron - Kilgore

HB634 Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects; exceptions from licensure. Provides an exemption from licensure for certain conduct related to the design of alternative onsite sewage systems receiving residential wastewater. The bill contains technical amendments.

Patron - Scott, E.T.

HB659 Funeral services; burial power of attorney. Provides that a person may designate in a signed and notarized writing an individual who shall make arrangements for his funeral and the disposition of his remains, including cremation, upon his death. Such designee shall have priority over all persons entitled to make such arrangements. The bill further provides that notwithstanding the above, any contract made by a decedent's next of kin with a funeral establishment or cemetery for the decedent's funeral and burial shall be an obligation of the decedent's estate, to the extent that goods have been provided and services have been rendered without knowledge by the funeral establishment or cemetery of such designation. This bill is in response to an opinion of the Office of the Attorney General.

Patron - Armstrong

HB798 Administration and dispensing of necessary drugs by emergency medical services personnel. Provides that certified emergency medical services personnel who are employed by or affiliated with a licensed emergency medical services agency and who have received the training necessary to safely administer or dispense necessary drugs may administer skin tests for influenza or tuberculosis in nonemergency settings to public safety personnel and, upon the request of the local health director, the general public. This bill was incorporated into HB 173.

Patron - Griffith

HB833 Board for Asbestos, Lead, Mold, and Home Inspectors; regulation of home energy auditors. Provides for the licensure of home energy auditors by the Board for Asbestos, Lead, Mold, and Home Inspectors. The bill defines home energy audits and includes one licensed home energy auditor to be appointed to the Board for Asbestos, Lead, Mold, and Home Inspectors, and changes the name of the Board to Board for Asbestos, Lead, Mold, Home Inspectors, and Home Energy Auditors.

Patron - Surovell

HB983 Board for Contractors; installation of HVAC systems. Authorizes the Board for Contractors, in addition to the requirements of the Uniform Statewide Building Code, to establish by regulation a requirement for any tradesman required to be licensed to install any HVAC system or equipment in compliance with any manufacturer's specifications for same as may be contained in the manufacturer's warranty on such system or equipment. Such regulation may also include a provision requiring such system or equipment to be installed by a factory-trained tradesman. This bill was incorporated into HB 409.

Patron - Jones

HB1008 Board for Contractors; license renewal; continuing education for contractors. Authorizes the Board for Contractors to establish in its regulations a requirement for the successful completion of a course on building codes, not to exceed three hours of classroom instruction, as a prerequisite

to renewal of any license. The Board may approve such courses as it deems appropriate.

Patron - Athey

HB1079 **Certain cemetery companies exempt from reporting requirements.** Exempts cemetery companies that sell plots of land to an individual or individuals for use as a family burial plot from any requirement that they create and maintain records of interments.

Patron - Lewis

HB1168 **Health professionals; instruction on pain management and addiction.** Requires that education programs for physicians, nurses, and pharmacists include instruction in pain management and addiction.

Patron - Phillips

HB1169 **Continuing education for prescribers; substance abuse, addiction, and related pain management and prescribing practices.** Requires the Board of Dentistry, Board of Medicine, and Board of Optometry to require continuing education on the topics of substance abuse, addiction, and related pain management and prescribing practices for practitioners licensed by the Board who are authorized to prescribe controlled substances.

Patron - Phillips

HB1170 **Random drug screens for certain prescriptions.** Requires any physician who prescribes a Schedule II, III, or IV controlled substance for a duration greater than 31 days to require the recipient of such prescription to undergo mandatory random urine drug screening tests.

Patron - Phillips

HB1178 **Combative fighting; prohibition; penalty.** Provides that a person who engages in the promotion, arrangement or conduct of or participates in combative fighting is guilty of a Class 1 misdemeanor, and a Class 6 felony for a third offense within three years. Combative fighting is defined as any unlicensed boxing or wrestling match, contest, or exhibition where the participants, with or without gloves or protective equipment, use their hands, feet, or both to strike each other, including "tough man contests," "tough woman contests," and "fight clubs."

Patron - Phillips

HB1310 **Board for Contractors; certification of direct exchange geothermal heat pump ground loop system providers.** Requires the certification of direct exchange geothermal heat pump ground loop system providers by the Board for Contractors. The bill defines "direct exchange geothermal heat pump ground loop system provider" and provides that direct exchange geothermal heat pump ground loop system providers shall continue to be certified as water well systems providers until such time as the Board for Contractors adopts final regulations for direct exchange geothermal heat pump ground loop system providers.

Patron - Bulova

SB169 **Pawnbrokers; daily reports.** Allows Spotsylvania County to enact an ordinance to require a pawnbroker to maintain and file a daily report electronically through the use of a disk, electronic transmission, or any other electronic means of reporting approved by the law-enforcement officer. This bill was incorporated into SB 108.

Patron - Houck

SB187 **Certain prescriptions; substitutions prohibited.** Prohibits a pharmacist from dispensing a therapeutically equivalent drug product for a prescription for an anti-epileptic

drug without prior notification of, and the signed informed consent for, such substitution from the prescribing physician and the patient or his legal guardian or representative.

Patron - Northam

SB214 **Fair Housing Board educational materials on the Fair Housing Law; affidavit.** Establishes that the Fair Housing Board shall promulgate regulations regarding educational materials concerning the Fair Housing Law, and persons in the business of selling or renting dwelling units without a real estate broker shall submit an affidavit to the Board that they have read and understood the law. This is a recommendation of the Virginia Housing Commission.

Patron - Locke

SB263 **Nurse practitioners; licensure.** Moves responsibility for licensure and regulation of nurse practitioners from the Boards of Medicine and Nursing jointly to the Board of Nursing. Also, creates the Advisory Board on Nurse Practitioners and removes certain physician supervision requirements.

Patron - Whipple

Carried Over

HB424 **Audiologists; authority to dispense hearing aids.** Provides that licensed audiologists may also engage in the practice of fitting or dealing in hearing aids without obtaining a separate license from the Board of Hearing Aid Specialists.

Patron - Hope

HB512 **Lyme disease; long-term antibiotic therapy allowed.** Allows a licensed physician to prescribe, administer, or dispense long-term antibiotic therapy to a patient diagnosed with Lyme disease. Also specifies that the Board of Medicine shall not initiate a disciplinary action against a licensed physician solely for prescribing, administering, or dispensing long-term antibiotic therapy to a patient clinically diagnosed with Lyme disease, provided such clinical diagnosis and treatment has been documented in the patient's medical record by such licensed physician. This bill incorporates HB 897, HB 1017 and HB 1288.

Patron - Rust

HB597 **Signing of death certificates; continuing education upon receipt of three or more complaints.** Provides that any physician about whom three or more complaints have been filed regarding failure to complete medical certification for a death certificate within the required 24 hours, may be required to complete continuing education on the requirement and process for medical certification for death certificates.

Patron - Massie

HB601 **Registration of medical laboratory scientists and medical laboratory technicians.** Provides that it shall be unlawful for any person to practice or hold themselves out as practicing as a medical laboratory scientist or medical laboratory technician unless they have been registered with the Board of Medicine.

Patron - O'Bannon

HB1024 **Funeral services; designation of authorized persons.** Designates the persons in order of priority who have the ability to make all necessary arrangements for a decedent's funeral and the disposition of his remains. This bill is in response to recent cases in Virginia concerning who had the right to make such decisions. Current law allows any next of kin to make arrangements, without specifying an order of pri-

ority. This bill grants funeral services providers civil immunity for decisions made if there is a dispute among members of the same class, in the absence of bad faith. The bill contains technical amendments.

Patron - Hugo

HB1164 **Carisoprodol; add to Schedule IV.** Adds carisoprodol to Schedule IV of the Drug Control Act.

Patron - Phillips

HB1165 **Tramadol; add to Schedule IV.** Adds tramadol to Schedule IV of the Drug Control Act.

Patron - Phillips

HB1167 **Prescribing Schedule II, Schedule III, or Schedule IV controlled substances.** Requires any prescriber who prescribes a controlled substance included in Schedule II, Schedule III, or Schedule IV of the Drug Control Act to request and review information about that patient from the Prescription Monitoring Program, and to continue to do so at least annually for so long as the prescriber continues to prescribe the controlled substance to the patient.

Patron - Phillips

HB1385 **Cemetery Board; exemptions.** Exempts from licensure any person engaged in the resale of any grave or entombment right in a cemetery located in the Commonwealth provided the resale includes the complete transfer of all preneed burial contract rights associated with the grave or entombment right. The bill also removes the provision that deems an interment right abandoned if not used by the owner for a period of fifty years or more. Under current law in such cases the interment right is deemed to revert to the owner of a cemetery provided certain provisions of notice are followed by the cemetery owner.

Patron - Alexander

SB374 **Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals; installer of alternative onsite sewage systems.** Provides a waiver from a written examination for applicants for licensure as an installer of alternative onsite sewage systems if the applicant can provide satisfactory proof to the Board of having been actively and continuously providing services as an installer of alternative onsite sewage systems immediately prior to July 1, 2009, for at least two years.

Patron - Puckett

SB573 **Kinesiotherapists; licensure required.** Creates a Board of Kinesiotherapy within the Department of Health Professions responsible for the licensure and regulation of kinesiotherapists.

Patron - Ticer

SB687 **Carisoprodol and tramadol; add to Schedule IV.** Adds carisoprodol and tramadol to Schedule IV of the Drug Control Act.

Patron - Reynolds

SB727 **Kinesiotherapists; licensure required.** Creates a Board of Kinesiotherapy within the Department of Health Professions responsible for the licensure and regulation of kinesiotherapists.

Patron - Miller, Y.B.

Property and Conveyances

Passed

HB191 **Common Interest Community Board clarification for complaints.** Specifies that each association shall establish a procedure for resolution of complaints and must adhere to the created procedure. This bill was recommended by the Virginia Housing Commission.

Patron - Cosgrove

HB213 **Virginia Residential Landlord and Tenant Act and the Landlord and Tenant law; definition of landlord.** Provides that the definition of landlord in the Virginia Residential Landlord and Tenant Act and the Landlord and Tenant law does not include community land trust. The bill defines a community land trust.

Patron - Toscano

HB407 **Landlord and tenant laws; landlord and tenant obligations.** Clarifies that the judgment rate of interest includes any and all amounts covered by the judgment. The bill, among other things, also (i) requires the general district court to accept electronically filed civil actions on forms developed by the executive secretary; (ii) provides that the home-stead exemption does not apply to a money judgment for nonpayment of rent for which a writ of garnishment is issued, and which does not request a writ of fieri facias or levy on the real or personal property of the debtor; (iii) revises the ratio utility billing system for landlords and tenants; (iv) allows certain persons to prepare, execute, file, and have served on other parties, in any proceeding in a general district court, a warrant in debt, warrant in detinue, distress warrant, summons for unlawful detainer, suggestion for summons in garnishment, garnishment summons, writ of possession, writ of fieri facias, interpleader, and civil appeal notice without the intervention of any attorney; (v) adds a definition of "commencement date of the rental agreement" and effective date of same to the Virginia Residential Landlord Tenant Act codifying case law; (vi) revises the definition of "security deposit" under the Virginia Residential Landlord Tenant Act; (vii) revises the damage and renter's insurance coverage provisions of the Virginia Residential Landlord Tenant Act; (viii) allows tenant records to be disclosed to a local commissioner of the revenue, under certain circumstances, and to the commanding officer, military housing officer, or military attorney of the tenant; (ix) allows the landlord to withhold a portion of the security deposit until final settlement of utility bills; and (x) changes the times that trigger the payment of interest by the landlord on a security deposit. The bill also contains technical amendments.

Patron - Oder

HB417 **Exchange Facilitators Act; established.** Establishes requirements for the activities of exchange facilitators, who are persons that for a fee, enter into an agreement with a taxpayer to act as (i) a qualified intermediary in an exchange of like-kind property, (ii) an Exchange Accommodation Titleholder, or (iii) a qualified trustee or escrow holder. Exchange facilitators are required to notify exchange clients of change in control of the exchange facilitator; to maintain exchange funds in separately identified accounts or in a qualified escrow or qualified trust; to maintain errors and omissions insurance or deposit cash or letters of credit; and to account for moneys and property. Persons who engage in the business of an exchange facilitator are prohibited from making misrepresentations, failing to account for moneys or property of others, engaging in fraudulent or dishonest dealings, committing cer-

tain crimes, or materially failing to fulfill contractual duties to an exchange client. Violations are subject to a civil penalty of up to \$2,500. The Attorney General, attorney for the Commonwealth, or attorney for a locality may recover costs and reasonable expenses, including attorney fees, in any action brought under the Exchange Facilitators Act. This bill is recommended by the Virginia Housing Commission.

Patron - Oder

HB592 Federal rent control declared unnecessary. Repeals the provision formally notifying the federal Housing Expediter that the rental control provisions contained in the defense rental area program, established by the Veterans' Emergency Housing Act of 1946, were no longer necessary. The bill is a recommendation of the Virginia Code Commission.

Patron - Landes

HB667 Virginia Residential Property Disclosure Act; wastewater systems. Adds the following seller's representation to a prospective purchaser of residential property: the owner makes no representations with respect to the presence of any wastewater system, including the type or size thereof and maintenance responsibilities related thereto, located on the property and purchasers are advised to exercise whatever due diligence they deem necessary to determine the presence of any wastewater system, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to that contract.

Patron - May

HB702 Property Owners' Association Act; fees for disclosure packet; when collected. Clarifies that for associations that are not professionally managed, all fees for providing the required disclosure packet shall be collected at the time of delivery of the disclosure packet and shall be an assessment against the lot and collectible as any other assessment. The bill contains technical amendments.

Patron - Bulova

HB714 Foreclosure sales; trustee to pay taxes. Clarifies that, in the event of a foreclosure sale, the trustee shall cause the proceeds of the sale to be applied to the payment of taxes on the property. The bill also eliminates a redundancy in the Code pertaining to the duties of a trustee in a foreclosure sale.

Patron - Peace

HB715 Releases of deed of trust. Allows certain title insurance companies to exercise the authority that settlement agents currently possess to release the lien of a deed of trust. References to "mortgage" are replaced with "deed of trust." The measure also authorizes a settlement agent to release a deed of trust lien upon written confirmation from the lien creditor that such obligation has a zero balance. The procedure for lien releases by settlement agent and title insurance companies is limited to transactions involving real estate that is either unimproved with a lien amount not exceeding \$1 million or containing one to four residential dwelling units. The measure also eliminates a duplicative provision addressing a settlement agent's ability to obtain an assignment of the \$500 penalty imposed for a lender's failure to release a lien within the prescribed period.

Patron - Peace

HB956 Virginia Condominium Act and the Virginia Property Owners' Association Act; display of the flag of the United States. Provides that a unit owners' or property owner's association shall not prohibit or otherwise adopt or enforce any policy restricting a unit or lot owner from display-

ing upon property to which that owner has a separate ownership interest or a right to exclusive possession or use the flag of the United States whenever such display is in compliance with the federal Flag Code. The bill also provides that the unit owners' or property owners' association may establish reasonable restrictions as to the size, place, duration, and manner of placement or display of the flag provided the restrictions are necessary to protect a substantial interest of the unit owners' or property owners' association. Under the bill in an action brought to enforce a rule pertaining to display of the flag, the unit owners' or property owners' association has the burden of proof regarding whether the rule protects a substantial interest of the association.

Patron - Lingamfelter

HB1058 Virginia Condominium Act; the Virginia Property Owners' Association Act; amending association documents using technology. Provides that unless the declaration expressly provides otherwise, any notice required to be sent or received or any signature, vote, consent, or approval required to be obtained under any condominium instrument or declaration may be accomplished using the most advanced technology available at that time if such use is a generally accepted business practice. The notice provisions do not apply to any notice related to an enforcement action by the unit owners association, an assessment lien, or foreclosure proceedings in enforcement of an assessment lien.

Patron - Bell, Richard P.

HB1102 Property Owners' Association Act; authority of board of directors; parking. Provides that to the extent the declaration gives the board of directors the authority to adopt rules and regulations relating to the parking of motor vehicles by lot owners, such rules may establish a parking space designation plan which makes parking spaces available to less than all of the lot owners. The bill provides that if such a plan is adopted, the common expenses attributable to such parking spaces may be specially assessed against the lot owners involved.

Patron - Sickles

HB1302 Property conveyance. Authorizes the conveyance of certain real property in the Town of Lawrenceville owned by the Commonwealth (declared surplus by the Department of Corrections) to Roanoke River Rails-to-Trails, Inc. to maintain and operate a trail for public park purposes. The sale and conveyance shall be approved by the Governor.

Patron - Tyler

SB151 Virginia Condominium Act and the Virginia Property Owners' Association Act; display of the flag of the United States. Provides that a unit owners' or property owner's association shall not prohibit or otherwise adopt or enforce any policy restricting a unit or lot owner from displaying upon property to which that owner has a separate ownership interest or a right to exclusive possession or use the flag of the United States whenever such display is in compliance with the federal Flag Code. The bill also provides that the unit owners' or property owners' association may establish reasonable restrictions as to the size, place, duration, and manner of placement or display of the flag provided the restrictions are necessary to protect a substantial interest of the unit owners' or property owners' association. Under the bill, if an action is brought by a unit owners' or property owners' association to enforce a rule pertaining to display of the flag, the association shall bear the burden of proof that the restrictions as to the size, place, duration, and manner of placement or display of such flag are necessary to protect a substantial interest of the unit owners' association.

Patron - Stuart

PSB270 Common Interest Community Board clarification for complaints. Specifies that each Association shall establish a procedure for resolution of complaints and shall adhere to the created procedure. This bill was recommended by the Virginia Housing Commission.

Patron - Whipple

PSB282 Landlord and Tenant; eviction procedure; acceptance of redemption tenders. Provides that when a tenant presents on or before the first return date on an action for unlawful detainer for the nonpayment of rent, a redemption tender in the amount of all current rent, reasonable late charges, attorney fees, and court costs, the court shall continue the action for 10 days.

Patron - Quayle

Failed

FHB470 Condominium Act; Property Owners' Association Act; foreclosure on lien for unpaid assessments; priority of certain liens. Provides that a property owners' or condominium association may conduct a foreclosure sale on a lien for unpaid assessments subject to the lien of a first trust. The bill also provides that such portion of the unpaid assessments directly attributable to the maintenance and upkeep of the common areas and such other areas of association responsibility expressly provided for in the declaration, including capital expenditures shall be prior to all other liens and encumbrances. The bill contains technical amendments.

Patron - Watts

FHB496 Condominium and Property Owners Association Acts; rule enforcement. Increases from 90 to 180 days the amount of time a total charge for any violation of association rules of a continuing nature may be assessed.

Patron - Lingamfelter

FHB812 Virginia Condominium Act and the Virginia Property Owners Association Act; rules regarding the operation of motor vehicles. Provides that, except to the extent otherwise provided by the condominium instruments or declaration, no unit owners' or property owners' association may establish rules or restrictions concerning the operation of privately owned motor vehicles within the common areas or other areas under the authority of the association.

Patron - Abbott

FHB1072 Mining; ownership of underground void. Broadens the existing statutory provision for ownership of the space opened underground by the removal of minerals and coal. The ownership of the space would, unless expressly reserved by the landowner, run with the mineral estate whether such estate is owned or leased, or created before or after 1981. Currently, the presumption lies only with regards to mineral estates owned after 1981. The provision has no effect on the determination of ownership rights in coalbed methane.

Patron - Kilgore

FHB1085 Manufactured Home Lot Rental Act. Lessens several obligations currently imposed on a landlord of a manufactured home park, including the requirement to provide tenants with a copy of the Manufactured Home Lot Rental Act at the time of contract; to post on the premises of the park a copy of the Manufactured Home Lot Rental Act and the Virginia Residential Landlord and Tenant Act; and to provide for garbage removal, etc. The bill also reduces the automatic

renewal period from one year to 30 days and reduces the notice of termination of the rental agreement from 60 days to 30 days.

Patron - Crockett-Stark

FHB1152 Foreclosure of affordable dwelling units. Provides a redevelopment and housing authority administering a properly established affordable dwelling unit program with the opportunity to, and exclusive right to, purchase an affordable dwelling unit at a foreclosure sale for an amount not to exceed the maximum controlled sales price of the unit. In localities that have not established a redevelopment and housing authority, the local governing body may exercise the exclusive right to purchase. Under the bill, the exclusive right to purchase would be applicable only if the affordable dwelling unit is subject to restrictive covenants recorded in the circuit court land records prior to the deed of trust proposed for the foreclosure. In addition, the covenants and applicable zoning ordinances would have to include maximum sales price limitations.

Patron - Scott, J.M.

FHB1330 Virginia Real Estate Time-Share Act; right to surrender time-share. Gives a time-share owner the right to surrender his time-share and be relieved of any further obligations related to the time-share provided certain conditions specified in the bill are met. The bill provides that the developer shall be under no obligation to pay any maintenance fee, assessment, special assessment, or any other charge however denominated on any time-share surrendered.

Patron - Cosgrove

FSB327 Enjoyment of easement. Provides that the owner of the servient estate shall not cause to be present any objects of personal property, debris, or refuse, either temporarily or permanently, upon the burdened land or within 25 feet thereof. Current law provides that the owner of the servient estate shall not engage in an activity or cause to be present any objects either upon the burdened land or immediately adjacent thereto that unreasonably interfere with the enjoyment of the easement by the owner of the dominant estate.

Patron - Stuart

FSB411 Condominium Act; Property Owners' Association Act; foreclosure on lien for unpaid assessments. Provides that a property owners' or condominium association may conduct a foreclosure sale on a lien for unpaid assessments subject to the lien of a first trust.

Patron - Vogel

Carried Over

CSB419 Virginia Property Owners' Association Act; control of association by declarant. Provides that a declaration may provide for declarant control of an association and its board of directors until (i) three months after 80 percent of all lots that the declarant has reserved the right to develop in all phases of development have been conveyed to a person other than a declarant or builder and (ii) the number of lots not yet developed is less than 200. The bill also provides that the declarant has the right to develop all additional lots in accordance with provisions in effect at the time of transfer of control and gives the declarant a seat on the board of the association until such time as all lots have been conveyed to a person other than a declarant or a builder.

Patron - Vogel

Public Service Companies

Passed

HB88 Prepaid electric utility service. Authorizes electric cooperatives to install and operate a prepaid metering equipment and system upon a customer's request. The equipment and system will terminate electric service immediately and automatically when the customer has incurred charges for electric service equal to the amount prepaid by the customer. Such service would be exempt from existing requirements that a utility provide one billing cycle before initiating a proceeding for a residential customer's nonpayment for local service, pay interest on deposits, return deposits after one year of satisfactory credit, give 10 days' notice prior to terminating service, and not terminate a customer's residential service for nonpayment of basic nonresidential services. Tariffs shall be filed with the State Corporation Commission for review and determination that the tariff is not contrary to the public interest.

Patron - Kilgore

HB92 Electric cooperatives; renewable energy certificates. Provides that an electric cooperative is deemed to offer a tariff for electric energy provided 100 percent from renewable energy if it provides undifferentiated electric energy and the cooperative retires a quantity of renewable energy certificates (RECs) equal to 100 percent of the electric energy provided pursuant to such tariff. This measure applies for such tariffs filed on or after July 1, 2010, for residential customers and filed on or after July 1, 2012, for nonresidential customers. A REC is defined, with respect to cooperatives, as a tradable commodity or instrument issued by a regional transmission entity that validates the generation of electricity from renewable energy sources or that is certified under a generally recognized REC standard. A cooperative offering renewable energy that involves the retirement of RECs is required to shall disclose information regarding source of the energy to customers. The measure also permits electric utility customers to continue purchasing renewable energy pursuant to the terms of a power purchase agreement that was in effect on the date the cooperative files tariff for the incumbent electric utility that serves the exclusive service territory in which the customer is located to offer electric energy provided 100 percent from renewable energy for the duration of the power purchase agreement.

Patron - Kilgore

HB204 Unauthorized addition of telecommunications services. Prohibits a telephone service provider or billing agent from willfully adding products, goods, or services not authorized by any customer, and from charging or attempting to collect charges from any customer for any such products, goods, or services without the customer's authorization. A customer will not be liable for charges through a billing carrier by a service provider or a billing agent without the customer's authorization. The measure requires service providers and billing agents to obtain written, oral, or electronic verification of a customer's authorization before submitting charges for products, goods, or services to the billing carrier.

Patron - Alexander

HB387 Telephone utilities; switched access rates. Requires the State Corporation Commission to establish a schedule for the elimination of the carrier common line element of intrastate carrier switched access charges. For incumbent local exchange carriers with more than 15,000 access lines, the charges are to be eliminated by July 1, 2013. For those with more than 15,000 access lines or that have received

a grant and loan under the federal Broadband Initiatives Program, the Commission will determine such a schedule by July 1, 2011. Certain carriers with 15,000 or fewer access lines may apply for an opportunity to be heard on the issue of extending the deadline for elimination of such charges to a date not later than July 1, 2014. Carriers shall be permitted to increase retail rates to recover a reasonable amount of revenue lost due to the elimination of such charges.

Patron - Janis

HB442 Electric utilities; renewable energy. Authorizes an electric utility customer to continue purchasing renewable energy pursuant to the terms of a power purchase agreement that was in effect on the date there is filed with the State Corporation Commission a tariff for the incumbent electric utility that serves the exclusive service territory in which the customer is located to offer electric energy provided 100 percent from renewable energy for the duration of the power purchase agreement.

Patron - Toscano

HB533 Natural gas utilities; cost recovery for certain infrastructure improvement costs. Authorizes investor-owned natural gas utilities to petition the State Corporation Commission to implement a separate rider that will allow for recovery of certain costs associated with eligible infrastructure replacement projects. Eligible infrastructure replacement projects are projects that: (i) enhance safety or reliability by reducing system integrity risks associated with customer outages, corrosion, equipment failures, material failures, natural forces, or other outside force damage; (ii) do not increase revenues by directly connecting the infrastructure replacement to new customers; (iii) reduce greenhouse gas emissions; (iv) are not included in the natural gas utility's rate base in its most recent rate case; and (v) are commenced on or after January 1, 2010. The costs recoverable from an eligible infrastructure replacement project include a return on the investment, a revenue conversion factor, depreciation, property taxes, and carrying costs on the over- or under-recovery of the eligible infrastructure replacement costs. A SAVE plan shall be allocated and charged so as to avoid undue cross-subsidization between rate classes. SB 112 is identical.

Patron - Nixon

HB754 Prepaid wireless E-911 charges; collection by retailers. Establishes the rate and procedures for the collection and remittance of prepaid wireless E-911 charges by dealers of prepaid wireless service in the Commonwealth. The bill would establish a charge of \$0.50 per retail purchase of prepaid wireless services that allow access to the 911 system. The dealer is required to remit prepaid wireless E-911 charges to the Department of Taxation, and liability for the charge is placed on the end user. The Department of Taxation would be required to establish guidelines implementing this measure, which shall include an exemption for small dealers. Dealers will be allowed to retain a discount of five percent of collected prepaid wireless E-911 charges. The provisions of the bill would apply to retail transactions occurring on or after January 1, 2011. SB 441 is identical.

Patron - Janis

HB1022 Renewable energy portfolio standard program. Provides that an investor-owned electric utility will receive triple credit toward meeting the goals of the renewable energy portfolio standard program for energy derived from offshore wind.

Patron - Hugo

HB1230 Underground Utility Damage Prevention Act; sewer laterals. Establishes a set of requirements for the

protection of sewer system laterals and private sewer laterals that are unique from the general requirements of the Underground Utility Damage Prevention Act. The measure also establishes procedures to address recurring noncompliance with the provisions of the Act by localities and other political subdivisions of the Commonwealth. The measure will become effective on January 1, 2011.

Patron - Ware, R.L.

HB1246 Officers and directors of public utilities; required disclosure. Limits the disclosure requirement for any officer or director of a public utility with an ownership value of more than five percent or \$50,000 in a contractor or subcontractor hired by the utility on a construction, engineering, or equipment contract or subcontract with a value or more than \$750,000 to a utility that has its rates, tolls, charges, or schedules set by the Commission based on the public utility's cost of providing service. The disclosure requirement currently applies to all utilities.

Patron - Hugo

HB1308 Electric utility rates. Requires an investor-owned electric utility to suspend collection of interim rates during the pendency of the State Corporation Commission's consideration of the utility's base rate case. The SCC is required to issue its final order on the utility's application by July 15, 2010. With regard to base rate case proceedings involving any investor-owned electric utility that are filed after January 1, 2010, the SCC's final order is required to be issued within nine months, and any resulting revision in rates shall take effect within 60 days after the order is entered. The provision will be in force from its passage. This bill incorporates HB 606, HB 653 and HB 1190. SB 680 is identical.

Patron - Carrico

SB112 Natural gas utilities; cost recovery for certain infrastructure improvement costs. Authorizes investor-owned natural gas utilities to petition the State Corporation Commission to implement a separate rider that will allow for recovery of certain costs associated with eligible infrastructure replacement projects. Eligible infrastructure replacement projects are projects that: (i) enhance safety or reliability by reducing system integrity risks associated with customer outages, corrosion, equipment failures, material failures, natural forces, or other outside force damage; (ii) do not increase revenues by directly connecting the infrastructure replacement to new customers; (iii) reduce greenhouse gas emissions; (iv) are not included in the natural gas utility's rate base in its most recent rate case; and (v) are commenced on or after January 1, 2010. The costs recoverable from an eligible infrastructure replacement project include a return on the investment, a revenue conversion factor, depreciation, property taxes, and carrying costs on the over- or under- recovery of the eligible infrastructure replacement costs. A SAVE plan shall be allocated and charged so as to avoid undue cross-subsidization between rate classes. HB 533 is identical.

Patron - Petersen

SB372 Maintenance of roadways by Buchanan County. Authorizes the Buchanan County Board of Supervisors to maintain roadways within the right-of-way of railroads, subject to an agreement with the railroad.

Patron - Puckett

SB441 Prepaid wireless E-911 charges; collection by retailers. Establishes the rate and procedures for the collection and remittance of prepaid wireless E-911 charges by dealers of prepaid wireless service in the Commonwealth. The bill would establish a charge of \$0.50 per retail purchase of prepaid wireless services that allow access to the 911 system. The

dealer is required to remit prepaid wireless E-911 charges to the Department of Taxation, and liability for the charge is placed on the end user. The Department of Taxation would be required to establish guidelines implementing this measure, which shall include an exemption for smaller dealers. Dealers will be allowed to retain a discount of five percent of collected prepaid wireless E-911 charges. The provisions of the bill would apply to retail transactions occurring on or after January 1, 2011. HB 754 is identical.

Patron - Saslaw

SB680 Electric utility rates. Requires an investor-owned electric utility to suspend collection of interim rates during the pendency of the State Corporation Commission's consideration of the utility's base rate case. The SCC is required to issue its final order on the utility's application by July 15, 2010. With regard to base rate case proceedings involving any investor-owned electric utility that are filed after January 1, 2010, the SCC's final order is required to be issued within nine months, and any resulting revision in rates shall take effect within 60 days after the order is entered. The provision will be in force from its passage. HB 1308 is identical.

Patron - Puckett

Failed

HB19 VRE fares. Allows the Potomac-Rappahannock Transportation Commission to charge higher fares for Virginia Railway Express passengers who are not residents of localities represented on the Commission.

Patron - Cole

HB55 Local assessments for VRE service. Prohibits assessment of localities, for Virginia Railway Express service, of more than they collect in motor vehicle fuel sales taxes.

Patron - Cole

HB115 Underground Utility Damage Prevention Act; sewer laterals. Establishes a set of requirements for the protection of sewer system laterals and private sewer laterals that are unique from the general requirements of the Underground Utility Damage Prevention Act. The measure also establishes procedures to address recurring noncompliance with the provisions of the Act by localities and other political subdivisions of the Commonwealth.

Patron - Purkey

HB477 Electric utilities; limit on increases in base rates. Limits any increase in the base rates charged by an investor-owned incumbent electric utility to five percent if the unemployment rate within the utility's service territory exceeds five percent. If this limitation would result in confiscatory rates, the State Corporation Commission may increase such base rates only by the amount that is required to avoid such confiscation. The measure applies to any base rate review initiated on or after July 1, 2010.

Patron - Carrico

HB480 Public-Private Transportation Act. Requires the Commonwealth Transportation Board to conduct third party audits of agreements executed under the Public-Private Transportation Act. Under the bill, the audits will consist of a review of the bidding process and certain other summary information regarding each project. The bill requires responsible public entities proceeding under the Act to advertise in the area where the project will be located to encourage participation by local small contractors. In addition, the bill (i) provides that contracts must be rebid if a change order exceeds 25 percent or one million dollars over the original contract amount, (ii) limits

agreements under the act from extending more than two years past the original completing date without being rebid, and (iii) requires all agreements to include standard small, women-owned and minority-owned participation components of 30 percent as of July 1, 2010.

Patron - Carrico

HB606 Investor-owned electric utilities; ratemaking. Establishes a process to be used by the State Corporation Commission in conducting biennial reviews of the rates, terms, and conditions of service of investor-owned electric utilities that, as of July 1, 1999, were not bound by a rate case settlement that extended in its application beyond January 1, 2002. These utilities will not be authorized to petition the Commission for approval of rate adjustment clauses to recover certain transmission costs, deferred environmental and reliability costs, costs of peak-shaving and energy efficiency programs, costs of participation in the renewable energy portfolio standard program, costs of environmental compliance projects, and costs of new and expanded generation facilities. This category of electric utility will be able to seek recovery of such costs as part of its biennial rate review. Currently, all investor-owned electric utilities are authorized to recover these costs through rate adjustment clauses on a stand-alone basis, not more frequently than once in a 12-month period, and without regard to other costs, revenues, investments, or earnings of the utility. The existing process will continue to apply to investor-owned electric utilities that, as of July 1, 1999, were bound by a rate case settlement that extended in its application beyond January 1, 2002. This bill was incorporated into HB 1308.

Patron - Merricks

HB639 Investor-owned electric utility regulation. Reinstates, only for those investor-owned electric utilities that, as of July 1, 1999, were not bound by a rate case settlement adopted by the State Corporation Commission that extended in its application beyond January 1, 2002, provisions governing the authority of the State Corporation Commission (SCC) to regulate their rates. For these utilities, the measure restores major elements of the ratemaking procedures that existed prior to the enactment of the Electric Utility Restructuring Act in 1999 and of electric utility re-regulation legislation in 2007. Specifically, the measure eliminates, for rate cases initiated after January 1, 2011, rules that authorize such utilities to earn a rate of return on common equity that is not lower than the average of such returns for a majority of peer group utilities, and to recover certain costs through rate adjustment clauses. In rate cases initiated in 2011 and thereafter the SCC is directed to determine rates, terms, and conditions for the provision of generation, distribution, and transmission services for each investor-owned incumbent electric utility that are just, reasonable, and nondiscriminatory. These proceedings shall be governed by the provisions of Chapter 10 of Title 56 and shall provide fair rates of return on common equity. In such proceedings, the SCC may use any methodology to determine rates of return on common equity that it finds consistent with the public interest. The SCC is authorized to permit a utility to recover its actual costs, if the Commission finds such recovery is just, reasonable, and in the public interest, of peak-shaving programs, energy efficiency programs, participating in the renewable energy portfolio standard program, and environmental projects.

Patron - Armstrong

HB653 Investor-owned electric utilities; ratemaking. Establishes a process to be used by the State Corporation Commission in conducting biennial reviews of the rates, terms, and conditions of service of investor-owned electric utilities that, as of July 1, 1999, were not bound by a rate case settlement that extended in its application beyond January 1, 2002.

These utilities will not be authorized to petition the Commission for approval of rate adjustment clauses to recover certain transmission costs, deferred environmental and reliability costs, costs of peak-shaving and energy efficiency programs, costs of participation in the renewable energy portfolio standard program, costs of environmental compliance projects, and costs of new and expanded generation facilities. This category of electric utility will be able to seek recovery of such costs as part of its biennial rate review. Currently, all investor-owned electric utilities are authorized to recover these costs through rate adjustment clauses on a stand-alone basis, not more frequently than once in a 12-month period, and without regard to other costs, revenues, investments, or earnings of the utility. The existing process will continue to apply to investor-owned electric utilities that, as of July 1, 1999, were bound by a rate case settlement that extended in its application beyond January 1, 2002. This bill was incorporated into HB 1308.

Patron - Armstrong

HB668 State Corporation Commission; electric transmission line verification costs. Requires the applicant seeking approval of an electrical transmission line of 138 kilovolts or more to pay all costs associated with the required verification of the applicant's load flow modeling, contingency analyses, and reliability needs. The requirement applies whether verification is conducted by the Commission or by a third-party consultant selected by the Commission.

Patron - May

HB671 State Corporation Commission; public hearings. Requires the State Corporation Commission to conduct a public hearing in any proceeding involving approval of the construction or operation of an electrical utility facility. At least one hearing shall be held in the area affected by the proposed facility, and at least one Commissioner of the State Corporation Commission is required to be physically present at any hearing held in the area affected. The requirements do not apply to any small renewable energy project for which the Department of Environmental Quality has issued a permit by rule.

Patron - May

HB850 Maintenance of roadways by Buchanan County. Authorizes the Buchanan County Board of Supervisors to maintain roadways within the right-of-way of the Norfolk Southern Railroad Corporation, subject to an agreement with the Corporation.

Patron - Morefield

HB969 PPTA; preconditions to certain comprehensive agreements. Requires that highway construction projects of \$100 million or more undertaken under the PPTA have prior approval from the General Assembly. The bill further requires that any proposed PPTA contract involving HOT lanes be subject to an explicit evaluation comparing its impact with a mass-transit-based alternative.

Patron - Englin

HB1027 Electric utility rates; added returns. Eliminates provisions of the Virginia Electric Utility Regulation Act that authorize investor-owned electric utilities to earn added basis points and other performance incentives that would increase the utility's fair combined rate of return on common equity above the rate determined by the Commission in biennial rate review proceedings. Currently, such utilities are authorized to return performance incentives and enhanced rates of return on common equity if they satisfy performance standards, make certain investments in generation facilities, and successfully participate in a renewable energy program.

Patron - Pollard

HB1052 Electric utility rates; temporary and interim increases. Prevents an electric public utility from changing its rates on an interim or temporary basis, and states that the scheduled rates of such a utility shall not be changed unless and until approved by the State Corporation Commission.

Patron - Armstrong

HB1190 Electric utility regulation. Exempts any investor-owned incumbent electric utility that was, as of July 1, 1999, not bound by a rate case settlement adopted by the Commission that extended in its application beyond January 1, 2002, from the provisions of the Virginia Electric Utility Restructuring Act relating to rates and the renewable energy portfolio standard program until the utility files an integrated resources plan wherein the utility proposes to build generation facilities with a capacity greater than 200 megawatts. This bill was incorporated into HB 1308.

Patron - Griffith

HB1237 Economic development incentive rates. Requires certain incumbent electric utilities to offer electric service at an economic development incentive rate to certain nonresidential customers. To be eligible for an economic development incentive rate, a customer shall have a new load of at least 1,000 KW and either increase employment by at least 75 full-time equivalent employees per 1,000 KW of new load or make a capital investment of \$400,000 per 1,000 KW of new load. An economic development incentive rate provides eligible customers the option of either (i) a monthly credit of \$6 per KW for three years or (ii) a monthly credit of \$6 per KW for the first year, reduced by \$0.75 per KW in each of the following years of an eight-year term.

Patron - Armstrong

HB1358 Electric utility rate structures; advancing conservation and efficiency. Directs the State Corporation Commission to encourage investor-owned electric utilities to file tariffs with rate structures that reflect time of day and seasonal cost differentials. In proceedings that involve a new or amended retail rate structure, the Commission is directed to consider several factors, including the extent to which the rates are designed to align with the utility's marginal cost of providing service at different times of the day. In such rate structure proceedings, electric utilities may seek, and the Commission may approve, financial incentives for the implementation of creative rate options that would allow the utility and its customers to share the economic benefits of rate structures that lower the utility's fuel costs. The measure also directs the Commission to give the highest level of priority in its development of the electric energy consumer education program to efforts to increase consumer awareness and knowledge of electricity rate structures and the overall cost of electricity.

Patron - Keam

HB1380 Renewable portfolio standards; forest products. Removes the requirement that utilities participating in a renewable portfolio standard (RPS) program collectively use no more than 1.5 million tons of forest products such as wood chips, bark, and sawdust each year towards meeting RPS goals.

Patron - Pollard

HB1391 Investor-owned electric utilities; rate-making. Establishes a process to be used by the State Corporation Commission in conducting biennial reviews of the rates, terms, and conditions of service of investor-owned electric utilities that, as of July 1, 1999, were not bound by a rate case settlement that extended in its application beyond January 1,

2002. These utilities will not be authorized to petition the Commission for approval of rate adjustment clauses to recover certain transmission costs, deferred environmental and reliability costs, costs of peak-shaving and energy efficiency programs, costs of participation in the renewable energy portfolio standard program, costs of environmental compliance projects, and costs of new and expanded generation facilities. This category of electric utility will be able to seek recovery of such costs as part of its biennial rate review. Currently, all investor-owned electric utilities are authorized to recover these costs through rate adjustment clauses on a stand-alone basis, not more frequently than once in a 12-month period, and without regard to other costs, revenues, investments, or earnings of the utility. The existing process will continue to apply to investor-owned electric utilities that, as of July 1, 1999, were bound by a rate case settlement that extended in its application beyond January 1, 2002.

Patron - Armstrong

HB1395 Agreements under the Public-Private Transportation Act of 1995 and the Public-Private Education Facilities and Infrastructure Act of 2002. Authorizes state agencies and state authorities, upon the approval of the Governor, to enter into agreements with private entities under the Public-Private Transportation Act of 1995 and the Public-Private Education Facilities and Infrastructure Act of 2002 for the development of a project by the private entity, which agreements provide for the private entity to be paid grants from a portion of the growth in state taxes attributable to the development of the project. Before any agreement is entered into with a private entity, the respective Secretary shall certify to the Governor and the chairmen of the House Committee on Appropriations and the Senate Committee on Finance that the present value of the state tax revenues anticipated to be collected that are attributable to the development of the project are at least 100 percent greater than the present value of the proposed grant payments to the private entity. The bill also would allow local governments, agencies, and authorities, upon the approval of the governing body of the locality, to join in the agreement entered into between the private entity and the state agency or state authority.

Patron - Massie

SB33 Mobile camps for railroad employees. Establishes standards for rooms at terminals and headquarters, permanent assembly points, and mobile work camps provided by a railroad company for employees and contractors. Railroad companies are required to provide drinking water at assembly points where maintenance-of-way employees meet. The Board of Health is required to adopt regulations concerning mobile camps. The State Corporation Commission is responsible for investigating reports of failures to comply with the requirements.

Patron - Lucas

SB39 Renewable portfolio standards; forest products. Removes the requirement that utilities participating in a renewable portfolio standard (RPS) program collectively use no more than 1.5 million tons of forest products such as wood chips, bark, and sawdust each year towards meeting RPS goals.

Patron - Stuart

SB71 Energy efficiency resource standard. Requires each electric utility to implement a portfolio of cost-effective electric utility energy efficiency programs that will reduce the consumption of electric energy by its retail customers by 0.3

percent of the forecast consumption for 2011, 3.9 percent of the forecast consumption for 2015, and 12.2 percent of the forecast consumption for 2022. An electric utility may seek rate adjustment clauses to recover the costs of its cost-effective electric utility energy efficiency programs with an enhanced rate of return on such costs of 100 basis points, if the electric utility achieves consumption reductions of not less than 100 percent of the amounts scheduled or 150 basis points if it achieves reductions of 125 percent or more of the amounts scheduled. An electric utility that fails to achieve the scheduled consumption reductions shall make alternative compliance payments of \$0.075 for every kilowatt hour by which the utility failed to meet the scheduled consumption reductions. Utilities are not entitled to recover alternative compliance payments from customers. Alternative compliance payments are to be deposited in a Virginia Energy Efficiency and Conservation Fund and used to provide financial incentives for the implementation of energy efficiency and conservation programs.

Patron - McEachin

SB74 Electric utility regulation. Reinstates provisions governing the authority of the State Corporation Commission (SCC) to regulate the rates for services of investor-owned electric utilities that existed prior to the enactment of the Electric Utility Restructuring Act in 1999 and of electric utility re-regulation legislation in 2007. Specifically, the measure eliminates, for rate cases initiated after January 1, 2011, rules that authorize such utilities to earn a rate of return on common equity that is not lower than the average of such returns for a majority of peer group utilities, and to recover certain costs through rate adjustment clauses. In rate cases initiated in 2011 and thereafter the SCC is directed to determine rates, terms, and conditions for the provision of generation, distribution, and transmission services for each investor-owned incumbent electric utility that are just, reasonable, and nondiscriminatory. These proceedings shall be governed by the provisions of Chapter 10 of Title 56 and shall provide fair rates of return on common equity. In such proceedings, the SCC may use any methodology to determine rates of return on common equity that it finds consistent with the public interest. The SCC is authorized to permit a utility to recover its actual costs, if the Commission finds such recovery is just, reasonable, and in the public interest, of peak-shaving programs, energy efficiency programs, participating in the renewable energy portfolio standard program, and environmental projects.

Patron - Reynolds

SB111 Electric utilities; rate structure. Authorizes the State Corporation Commission (SCC) to review rate structure during the biennial review process. The bill explicitly adds innovative rate structures to the list of energy efficiency programs for which a utility may petition the SCC for cost recovery. The bill also requires the SCC to consider energy efficiency and environmental protection in all proceedings pursuant to the Virginia Electric Utility Regulation Act.

Patron - Petersen

SB150 Energy efficiency programs; rate recovery options for utilities. Eliminates the ability of an investor-owned utility to recover revenue reductions that result from implementation of energy efficiency programs. The bill also requires the Commission to only approve such a petition for a rate increase if it finds that the energy efficiency program will result in a net cost savings to customers after a reasonable period of time and the program is in the public interest.

Patron - Stuart

SB181 Agreements under the Public-Private Transportation Act of 1995 and the Public-Private Education Facilities and Infrastructure Act of 2002. Authorizes state

agencies and state authorities, upon the approval of the Governor, to enter into agreements with private entities under the Public-Private Transportation Act of 1995 and the Public-Private Education Facilities and Infrastructure Act of 2002 for the development of a project by the private entity, which agreements provide for the private entity to be paid grants from a portion of the growth in state taxes and fees attributable to the development of the project. The bill also would allow local governments, agencies, and authorities, upon the approval of the governing body of the locality, to join in the agreement entered into between the private entity and the state agency or state authority.

Patron - Stosch

SB429 Electric utilities; real-time rates. Requires investor-owned electric utilities to develop tariffs offering real-time rates that vary in accordance with the utility's costs of providing electricity seasonally, daily, and throughout each day.

Patron - Herring

SB450 Mandatory renewable energy portfolio standard program. Provides for a mandatory renewable energy portfolio standard program. Under current law, the renewable energy portfolio standard program is a voluntary program to which investor-owned utilities apply to receive certain incentives. The bill creates a mandatory RPS program that retains the existing RPS goals and positive incentives and authorizes the SCC to charge a noncompliance fee to utilities that do not meet the RPS goals. The bill also creates the Virginia Sustainable Energy Fund into which utilities that fail to meet the program goals pay noncompliance fees.

Patron - Whipple

SB565 Installation of voltage regulation technologies; recovery of costs. Allows electric utilities to recover the costs and to earn a 15 percent rate of return on investments in certain voltage regulation technologies. To qualify for this treatment, a voltage regulation device shall reduce energy consumption, improve grid efficiency, raise or lower voltage dynamically and be 99 percent or more efficient across at least 90 percent of the load curve.

Patron - Ticer

SB710 Utility Transfers Act. Provides that a person shall not acquire or dispose of control of a public utility, or all of its assets, or a telephone company, in whole or in part, without prior approval of the State Corporation Commission.

Patron - Edwards

SB729 Electric utilities; alternative energy research and demonstration projects. Establishes a procedure for an investor-owned public utility to obtain approval of the State Corporation Commission for alternative energy research and demonstration projects. Such projects are research projects implemented primarily to collect information regarding the feasibility and cost effectiveness of alternative energy technologies, including offshore wind energy, solar energy, energy storage other than pump storage, distributed renewable power programs and tariffs, and customer-based metering energy management and efficiency projects. The utility may recover the costs of an approved project, with a fair return thereon, through an adjustment to rates. A utility is limited to annual investment in such projects of the lesser of (i) 1.5 percent of the electric utility's revenues from operations in Virginia for the preceding year or (ii) \$100 million. A project may be approved if the utility demonstrates that the project will satisfy one or more of the following: (a) enhance the electric utility's understanding of the effect of emerging energy technologies on the utility's systems and customers; (b) promote economic

development; (c) provide environmental benefits; and (d) supplement any of the electric utility's other renewable energy or energy efficiency initiatives. This measure expires on July 1, 2015.

Patron - McEachin

Carried Over

HB327 Electric energy efficiency standard. Establishes an energy efficiency standard under which investor-owned electric utilities are required to reduce the consumption by their retail customers in the Commonwealth, through implementation of energy efficiency and conservation programs, by 2026 by 19 percent less than the consumption level currently projected for such year. Between 2011 and 2026, utilities are required to meet interim benchmarks established by the State Corporation Commission. The measure authorizes investor-owned electric utilities to earn the same enhanced rate of return on costs of energy efficiency programs that is currently provided for renewable powered generation facilities to recover the costs of designing and operating energy efficiency programs. A utility's energy efficiency programs shall be reported in its integrated resource plans.

Patron - Plum

HB383 Utility cooperatives; board of director districts. Requires any cooperative acquiring new service territory with more than 1,000 members to divide the total service territory into districts for the purpose of electing members of the board of directors by proportional representation.

Patron - Sherwood

HB441 Community and agricultural net metering. Requires the State Corporation Commission to establish a program of community net metering, which will allow a group of residential, small commercial, and other customers to establish an "eligible community customer" to act collectively to generate renewable energy for their own use. Members of an eligible community customer develop a net metered system that provides that excess generation by some members of the group will be used to offset consumption by other members within the group. The generating capacity of an eligible community customer's facility shall not exceed two megawatts at a single site but may exceed the amount of electricity provided by the incumbent electric utility over a net metering period at the site that hosts the generation facility. If electricity generated by the generation facility or facilities within the eligible community customer group in a year exceeds the net electricity consumption by members of the group, the utility shall reduce the eligible community customer's bill for the next monthly billing period by the amount of the excess. The measure also creates a category of eligible customer-generators for operators of agricultural net metering facilities that have a capacity not exceeding two megawatts.

Patron - Toscano

HB474 Public utility lines; crossing railroads. Revamps the procedure by which a municipality may obtain approval to place its public utility lines across a railroad right-of-way. A municipality may submit to the railroad company a notice of intent to construct, accompanied by a specification exhibit and a \$500 crossing fee. If the railroad does not claim within 35 days that special circumstances exist or that the exhibit is inadequate or incomplete, the municipality is deemed to have authorization to commence constructing the utility line. A railroad company that believes that special circumstances exist may file a petition for relief with the State Corporation Commission, and if it is aggrieved by the Commission's determination on the issue of damages, it may seek judicial review

as in a condemnation proceeding. The bill requires the Commission to adopt regulations prescribing the terms and conditions for a crossing, including provisions that any crossing be consistent with the public convenience and necessity and reasonable service to the public.

Patron - Carrico

HB675 Approval of transmission lines; environmental impact. Requires the State Corporation Commission, as a condition of approving the construction of an underground or overhead transmission line, to establish certain conditions to minimize adverse environmental impact and the aesthetic appearance of the right-of-way.

Patron - May

HB1236 Information on energy conservation. Requires investor-owned electric utilities and natural gas distribution companies to provide information to customers to support and encourage conservation actions. The bill requires the State Corporation Commission to determine the type of information and issue guidelines indicating what information is to be (i) included with customers' periodic bills, (ii) sent annually to customers in reports, and (iii) made accessible to customers on the Internet.

Patron - Toscano

HB1342 Renewable energy portfolio standard program. Provides that an investor-owned electric utility will receive quintuple credit toward meeting the goals of the renewable energy portfolio standard program for energy from poultry litter or other animal waste.

Patron - Gilbert

HB1373 Credit for telephone service outage. Requires each telephone company to provide a credit to subscribers affected by any service outage that exceeds four continuous hours. For outages of between four and 48 hours, the credit is equal to one-thirtieth of the monthly charge per 24-hour period during which the service outage continues beyond four hours. For outages of longer than 48 hours, the credit is equal to one half of the applicable monthly charge for each 24-hour period during which the service outage continues beyond four hours.

Patron - Scott, J.M.

SB238 Enhanced Public Safety Telephone Services Act; CMRS resellers. Clarifies that CMRS resellers are required to collect the wireless E-911 surcharge on all sales by retailers of prepaid CMRS service. The measure defines CMRS resellers as providers of mobile telecommunication services that resell, use a component part of, or integrate the purchased services into a mobile telecommunication service. An obsolete provision regarding payments for fiscal year 2005 is deleted.

Patron - Watkins

SB344 Installation of voltage regulation technologies; recovery of costs. Allows electric utilities to recover the costs and to earn a 15 percent rate of return on investments in certain voltage regulation technologies. To qualify for this treatment, a voltage regulation device shall reduce energy consumption, improve grid efficiency, raise or lower voltage dynamically and be 99 percent or more efficient across at least 90 percent of the load curve.

Patron - Hanger

Religious and Charitable Matters; Cemeteries

Passed

SB563 Charitable organizations; exemptions to reporting requirements. Adds veterans' posts or organizations to those groups that are exempt from submitting annual registration statements.

Patron - Ticer

SB676 Condemnation of abandoned graveyards by localities; continued use of property as a graveyard. Clarifies that when a locality acquires title to an abandoned or neglected graveyard, the locality may continue to maintain the property as a graveyard.

Patron - Wampler

Failed

HB1282 Prayer at public events. Provides that whenever an individual is requested to provide a prayer, invocation, or benediction at a public event that is sanctioned by a governmental agency, such governmental agency shall have no authority to regulate how that individual refers to God in prayer or to prohibit the religious content of the individual's prayer, invocation, or benediction, provided such prayer, invocation, or benediction is not used to advance a particular religion or to disparage another faith or belief.

Patron - Bell, Richard P.

SB56 Prayer at public events. Provides that whenever an individual is requested to provide prayer, invocation, or benediction at a public event that is sanctioned by a governmental agency, such governmental agency shall have no authority to regulate how that individual refers to God in prayer or to prohibit the religious content of the individual's prayer, invocation, or benediction, provided such prayer, invocation, or benediction is not used to advance a particular religion or to disparage another faith or belief.

Patron - Martin

SB568 Charitable organizations; exemptions to reporting requirements. Adds veterans' posts or organizations to those groups that are exempt from submitting annual registration statements.

Patron - Ticer

State Corporation Commission

Passed

HB526 Personal identifying information; State Corporation Commission filings. Declares that a person preparing or submitting a document or information that is filed with the clerk of the State Corporation Commission is responsible for ensuring that the document or information does not contain any personal identifiable information, which includes a social security number or other number on a driver's license, information on credit cards or other electronic billing and payment systems, an individual's date of birth or parent's maiden name, and financial account numbers. The provision does not apply if the information is publicly available or is required or

authorized by law to be included in the filed information. The measure also authorizes the clerk of the Commission to remove, delete, or obliterate such information from a document, and to refuse to accept for filing any document that includes personal identifiable information. The State Corporation Commission, its members, the clerk of the Commission, and any member of his staff are declared to be immune from liability for any acts or omissions in implementing these provisions.

Patron - Nixon

SB400 State Corporation Commission; clerk's fees. Authorizes the State Corporation Commission to establish the amount of the fees to be charged by the clerk of the Commission for furnishing copies of documents, certifying information, and providing access to records in the clerk's office. The fees shall be reasonable and are to be established by order or rule of the Commission. Existing provisions that establish specific fees for furnishing copies of documents, searching records, and affixing the Commission's seal are repealed.

Patron - Stosch

Failed

HB86 State Corporation Commission; public interest standard. Directs the State Corporation Commission that it can find that a proposed rate, charge, service, or facility of a public service company is in the public interest only if it determines that the proposal is in the best interests of the citizens of the Commonwealth.

Patron - Marshall, R.G.

HB673 State Corporation Commission; members. Increases the number of members of the State Corporation Commission from three to five, effective February 1, 2011. The measure also requires that each Commissioner initially elected or appointed to the State Corporation Commission on and after January 1, 2011, shall have a principal place of residence that is in a region of the Commonwealth in which no other Commissioner had his primary place of residence at the time of that other Commissioner's initial election or appointment.

Patron - May

Taxation

Passed

HB17 Collection of state taxes; period of limitation. Reduces the period of limitation for the collection of state taxes from 20 years to 10 years.

Patron - Cole

HB141 Land preservation tax credit. Provides that only those nonprofit organizations that hold a conservation easement acquired pursuant to the Virginia Conservation Easement Act are ineligible to receive land preservation tax credits for donations of qualifying real property.

Patron - Pollard

HB228 Car tax relief; qualifying vehicle. Deletes the requirement that a vehicle held in trust can qualify for personal property tax relief only if there is no more than one beneficiary.

Patron - Watts

HB233 Assessments for affordable housing units. Provides that assessments for certain affordable housing units be done according to the income approach, based on the property's current use and restrictions. This bill is a recommendation of the Virginia Housing Commission. The bill is effective for assessments for tax years beginning on or after January 1, 2011.

Patron - Dance

HB302 Sales and use tax exemption; certain computer equipment and enabling software. Expands the sales and use tax exemption for the purchase by certain entities of particular computer equipment by including enabling software, and clarifies what enabling hardware is covered under the current exemption by specifying that it includes chillers and backup generators. The expansion and clarification apply to purchases made on or after July 1, 2010, but prior to June 30, 2020. If purchases were made on or after July 1, 2009 but prior to July 1, 2010, the purchase is eligible for a grant in an amount equal to any tax imposed. This bill is identical to SB 130.

Patron - O'Bannon

HB355 State Tax Expenditure Report. Requires the Department of Taxation to issue an annual report to the General Assembly and to post on its website a summary of information of taxpayers claiming corporate income tax relief.

Patron - Englin

HB370 Transient Occupancy Tax; Alleghany County. Adds Alleghany County to those localities authorized to impose a transient occupancy tax not to exceed five percent, with any excess over two percent to be spent solely on tourism. Under current law, any county may impose a transient occupancy tax not to exceed two percent.

Patron - Shuler

HB384 Individual income tax; reporting requirements. Allows individual taxpayers to file amended returns because of a change or correction in their income tax owed to another state regardless if they have claimed a credit for the tax owed to such state.

Patron - Cox, J.A.

HB430 Real property tax assessment. Provides (i) that the fair market value of certain affordable housing be determined using the income approach, based on the property's current use and restrictions; (ii) additional requirements for real property appraisers; (iii) that a locality's real property sales assessment ratio higher than 130 percent is prima facie proof that the locality has failed to assess at 100 percent of fair market value; (iv) taxpayers access to certain information related to assessments; and (v) additional requirements related to boards of equalization; and (vi) that the local assessing officer provide notice of any request to increase an assessment for commercial, multifamily residential, or industrial property assessments that are already being appealed.

Patron - Griffith

HB447 Income tax; land conservation tax credit fee limitations. Removes the \$10,000 cap on the two percent fee imposed on the transfer arising from the sale of land conservation tax credits and directs up to 50 percent of revenues be paid to the Department of Taxation and the Department of Conservation and Recreation first. The remaining revenues will be transferred to the Virginia Land Conservation Fund for distribution to the public or private conservation agencies responsible for enforcing the conservation purposes of the donated interest. This bill is identical to SB 264.

Patron - Ware, R.L.

HB457 Disclosure of tax information. Allows the Tax Commissioner to disclose to the Executive Director of the Northern Virginia Transportation Commission for his confidential use, tax information as is necessary to facilitate the collection of the motor vehicle fuel sales tax.

Patron - Herring

HB523 Income taxes; recognition of income from capital gains. Grants an income tax deduction for any income taxed as a long-term capital gain for federal income tax purposes or any income taxed as investment services partnership interest income, on or after January 1, 2011, that is related to a qualified investment in a technology and science start-up business having a principal office or facility in the Commonwealth and less than \$3 million in annual revenues in the fiscal year prior to the investment. The deduction would relate to investments made between July 1, 2010, and June 30, 2013. This bill is identical to SB 428.

Patron - Nixon

HB624 Major business facility job tax credit. Amends the Major Business Facility Job Tax Credit. Current law provides a \$1,000 tax credit for major business facilities that create at least 100 qualified full-time jobs. The legislation reduces the number of qualified full-time jobs required to be created to 50. In enterprise zones or economically distressed areas, the base or threshold is lowered from 50 newly created jobs to 25. The changes also allow the credit to be taken over a two-year period for taxable years beginning January 1, 2009, through December 31, 2012, rather than December 31, 2010. This bill incorporates HB 853 and HB 1091 and is identical to SB 472.

Patron - Kilgore

HB626 Tobacco products tax; moist snuff. Changes the tax on moist snuff from 10 percent of the manufacturer's sales price to \$0.18 per ounce. The bill also would provide that loose leaf tobacco would be subject to the Commonwealth's tobacco products tax on a unit and weight basis. The provisions of the bill would become effective on January 1, 2011. This bill is identical to SB 478.

Patron - Kilgore

HB764 Income tax credits; landlords participating in housing choice voucher programs. Establishes an individual and corporate income tax credit beginning with the 2010 taxable year for landlords who participate in a housing choice voucher program. Eligible landlords would receive a tax credit equal to 10 percent of the fair market value of the rent for each qualified housing unit. Qualified housing units would be dwelling units located in a census tract in the Richmond Metropolitan Statistical Area in which less than 10 percent of the residents live below the poverty level. The Department of Housing and Community Development would administer the tax credit. The Department would not be allowed to issue more than \$450,000 in tax credits in any fiscal year. Tax credits would be allowed only for that portion of the taxable year in which a dwelling unit was included in a housing choice voucher program. The bill provides a five-year carryforward period for unused tax credits. This bill is identical to SB 458.

Patron - McClellan

HB765 Communications sales and use tax; distribution formula for Accomack and Northampton Counties. Provides that Accomack County and Northampton County receive monthly distributions of the communications sales and use tax equal to the distributions it would receive if the Auditor of Public Accounts had certified that they had receive \$1,111,376 and \$549,025 respectively, of telecommunications

and television cable funds in Fiscal Year 2006. The bill also permits the Tax Commissioner to make administrative adjustments to any locality's allocation of such revenues in certain circumstances, up to a maximum of \$100,000.

Patron - Lewis

HB803 Income tax; corporate and individual; green jobs tax credit. Allows a \$500 income tax credit for the creation of "green" jobs paying an annual salary in excess of \$50,000 for taxable years beginning on and after January 1, 2010 but before January 1, 2015. Each taxpayer is allowed a credit for up to 350 new green jobs. This bill incorporates HB 268 and HB 1132 and is identical to SB 623.

Patron - Poindexter

HB820 Cigarette tax; penalties for unstamped cigarettes. Changes the civil penalties for unstamped cigarettes as follows: \$2.50 per pack, up to \$500, for the first violation by a legal entity within a 36-month period; \$5 per pack, up to \$1,000, for the second violation by the legal entity within a 36-month period; and \$10 per pack, up to \$50,000, for the third or subsequent violation by the legal entity within a 36-month period. If willful intent exists to defraud the Commonwealth, the penalty is \$25 per pack, up to \$250,000. The same penalties apply to any person who sells, purchases, transports, receives, or possesses unstamped cigarettes. This bill is identical to SB 476.

Patron - Surovell

HB837 Department of Taxation; limiting contact with taxpayers via email. Requires the Tax Commissioner to devise a method by which a taxpayer will only receive bulletins, publications, or other information provided by the Department electronically; upon request.

Patron - Carr

HB861 Motion picture film production tax credits. Provides income tax credits to any motion picture production company with qualifying expenses of at least \$250,000 with respect to a film production in the Commonwealth, for taxable years beginning on or after January 1, 2011. The aggregate amount of grants that may be awarded by the Virginia Film Office with respect to film productions in the Commonwealth shall not exceed \$2.5 million in the 2010-2012 biennium, and \$5 million in any biennium thereafter. This bill is identical to SB 257.

Patron - Cline

HB874 Cigarette tax; when to affix tax stamps. Changes the time for affixing tax stamps to cigarette packs from one business day after receipt of unstamped cigarettes to prior to shipping to other wholesale dealers or retail outlets.

Patron - Cline

HB972 Transient occupancy tax; Fairfax County limitations. Provides that any new transient occupancy tax or any increase in the rate of an existing transient occupancy tax in Fairfax County does not apply within the limits of any town located in Fairfax County, unless the governing body of the town consents. Under current law, in addition to the general two percent transient occupancy tax all counties may levy, Fairfax County may impose an additional transient occupancy tax not to exceed two percent. This bill is identical to SB 218.

Patron - Rust

HB985 BPOL tax; gross receipts of security brokers and dealers. Defines gross receipts of security brokers and security dealers to be exclusive of receipts that are paid to

an independent contractor as a commission on the sale or purchase of a security. This bill is identical to SB 90.

Patron - Jones

HB999 Local property tax; separate classification for certified renewable energy manufacturing equipment, facilities, devices. Adds tangible personal property and improvements to real property designed and used primarily for manufacturing a product from renewable energy as separate classifications of property for local property tax purposes. This bill is identical to SB 656.

Patron - Nutter

HB1045 Electronic filing of tax returns. Requires (i) tax preparers who file 50 or more individual income tax returns for taxable years that begin on or after January 1, 2010, to file all income tax returns electronically in subsequent taxable years; (ii) employers who furnish 150 or more withholding statements to employees for calendar year 2010, or 50 or more such statements for any calendar year beginning on and after January 1, 2011, to file their annual report electronically; and (iii) dealers who elect to file consolidated sales tax returns for any taxable year and who are required to remit payment by electronic funds transfer, to file monthly returns electronically. This bill is identical to SB 357.

Patron - Kory

HB1090 Communications sales and use tax; Tazewell County. Provides that Tazewell County's share of communications sales and use tax revenue be equal to the distributions it would have received if the Auditor of Public Accounts had certified that the County had received \$650,507 of telecommunications and television cable funds in fiscal year 2006. The bill also permits the Tax Commissioner to make administrative adjustments to any locality's allocation of such revenues in certain circumstances, up to a maximum of \$100,000. This bill is identical to SB 381.

Patron - Crockett-Stark

HB1118 Individual income tax; Virginia Military Family Relief Fund payments. Allows individuals who receive payments from the Virginia Military Family Relief Fund to subtract them from their federal adjustable gross income when calculating their Virginia taxable income, for taxable years beginning on and after January 1, 2010. This bill incorporates HB 1231 and is identical to SB 619.

Patron - Stolle

HB1298 Sales and use tax exemption; certain computer equipment used in large data centers. Lowers the new job threshold to receive the sales and use tax exemption from 50 new employees to 25 for a data center located in either a locality with an unemployment rate at least 150 percent higher than the state average or located in an enterprise zone.

Patron - Crockett-Stark

HB1301 Local taxation of short-term rental property. Classifies short-term rental property as a separate classification of merchants' capital, and would authorize the governing body of any locality to tax short-term rental property under the merchants' capital tax or under the short-term rental property tax, but not both. The bill also declares that short-term rental property does not constitute tangible personal property for purposes of local taxation. This bill is identical to SB 355.

Patron - Lohr

HB1329 State motor fuels sales tax in Northern Virginia. Defines "gross sales" and "sales price" for purposes of the state motor fuels sales tax in Northern Virginia. "Gross sales" means the same as its definition in provisions of the

Retail Sales and Use Tax and would exclude separately stated federal diesel excise taxes. "Sales price" means the same as its definition in provisions of the Retail Sales and Use Tax but would include all transportation and delivery charges, even if separately stated.

Patron - Lingamfelter

HB1349 Taxation; Virginia Free File program. Requires the Tax Commissioner to establish a Virginia Free File program, modeled after the federal Free File program, no later than December 31, 2010. The new Virginia Free File program would be offered at no cost to certain lower-income taxpayers.

Patron - Byron

HB1356 Local license fees and taxes; campgrounds, bed and breakfast establishments. Adds campgrounds, and bed and breakfast establishments to those real property rental businesses that are not exempt from local license fees and taxes.

Patron - Lewis

SB57 Retail sales and use tax; countertops. Provides that dealers selling and installing countertops shall be deemed retailers for purposes of the sales and use tax. As a retailer, the dealer would be required to collect the tax from the customer. Under current law, dealers selling and installing countertops are deemed to be the ultimate users and consumers of the countertops and pay the sales and use tax instead of collecting it from customers. Under current law, dealers selling and installing fences, venetian blinds, window shades, awnings, storm windows and doors, locks and locking devices, floor coverings, cabinets, kitchen equipment, and window or air conditioning units are deemed to be retailers and collect the sales and use tax from customers as opposed to paying it. The bill would provide the same tax treatment to dealers selling and installing countertops.

Patron - Martin

SB81 Use value assessment; agricultural, forestal, and agricultural and forestal districts. Provides that certain noncontiguous real property may be included as part of an agricultural, forestal, or agricultural and forestal district. Any noncontiguous real property included as part of an agricultural, forestal, or agricultural and forestal district would be deemed to be contiguous to any other real property located in such district for purposes of use value assessment.

Patron - Howell

SB90 BPOL tax; gross receipts of security brokers and dealers. Defines gross receipts of security brokers and security dealers to be exclusive of receipts that are paid to an independent contractor as a commission on the sale or purchase of a security. This bill is identical to HB 985.

Patron - Quayle

SB130 Sales and use tax exemption; certain computer equipment and enabling software. Expands the sales and use tax exemption for the purchase by certain entities of particular computer equipment by including enabling software, and clarifies what enabling hardware is covered under the current exemption by specifying that it includes chillers and backup generators. The expansion and clarification apply to purchases made on or after July 1, 2010, but prior to June 30, 2020. If purchases were made on or after July 1, 2009 but prior to July 1, 2010, the purchase is eligible for a grant in an amount equal to any tax imposed. This bill is identical to HB 302.

Patron - Stosch

SB178 Pass-through entities; penalties. Revises the failure to file an information return and the failure to remit withholding tax penalties on pass-through entities. These provisions apply to taxable years beginning on and after January 1, 2009.

Patron - Stosch

SB218 Transient occupancy tax; Fairfax County limitations. Provides that any new transient occupancy tax or any increase in the rate of an existing transient occupancy tax in Fairfax County does not apply within the limits of any town located in Fairfax County, unless the governing body of the town consents. Under current law, in addition to the general two percent transient occupancy tax all counties may levy, Fairfax County may impose an additional transient occupancy tax not to exceed two percent. This bill is identical to HB 972.

Patron - Howell

SB233 Land preservation tax credit. Reduces from \$100,000 to \$50,000 the amount of the land preservation tax credit that may be claimed for taxable year 2011. Any taxpayer affected by the credit reduction would be allowed an additional taxable year in which to claim the land preservation tax credit.

Patron - Watkins

SB257 Motion picture film production tax credits. Provides income tax credits to any motion picture production company with qualifying expenses of at least \$250,000 with respect to a film production in the Commonwealth, for taxable years beginning on or after January 1, 2011. The aggregate amount of grants that may be awarded by the Virginia Film Office with respect to film productions in the Commonwealth shall not exceed \$2.5 million in the 2010-2012 biennium, and \$5 million in any biennium thereafter. This bill is identical to HB 861.

Patron - Lucas

SB264 Land preservation tax credit; fee for transfer of credits. Changes the fee for the sale or distribution of land preservation tax credits to two percent of the value of the donated interest. Currently, the fee is two percent of the value of the donated interest, but not to exceed \$10,000. Revenues generated by such fees first shall be used by the Department of Taxation and the Department of Conservation and Recreation for implementation of land preservation tax credits and any amount exceeding 50 percent of the total revenue generated by the fee on an annual basis shall be transferred to the Virginia Land Conservation Fund for distribution to the public or private conservation agencies or organizations that are responsible for enforcing the conservation and preservation purposes of the donated interests. This bill is identical to HB 447.

Patron - Whipple

SB341 Land preservation tax credit; tax credit percentage. Requires the Department of Conservation and Recreation, when preparing its annual report, to consult with the Department of Taxation and the Department of Forestry and Department of Agriculture and Consumer Services to provide an estimate of the number of acres of land currently being used for "production agriculture and silviculture" that have been protected by qualified donations of less-than-fee interests. The bill also requires that the report include information, when available, on land qualifying for credits being used for "production agriculture and silviculture" that have onsite operational best management practices, which are designed to reduce the amount of nutrients and sediment entering public waters.

Patron - Hanger

SB355 Local taxation of short-term rental property. Classifies short-term rental property as a separate classification of merchants' capital, and would authorize the governing body of any locality to tax short-term rental property under the merchants' capital tax or under the short-term rental property tax, but not both. The bill also declares that short-term rental property does not constitute tangible personal property for purposes of local taxation. This bill incorporates SB 662 and is identical to HB 1301.

Patron - Obenshain

SB357 Electronic filing of tax returns. Requires (i) tax preparers who file 50 or more individual income tax returns for taxable years that begin on or after January 1, 2010, to file all income tax returns electronically in subsequent taxable years; (ii) employers who furnish 150 or more withholding statements to employees for calendar year 2010, or 50 or more such statements for any calendar year beginning on and after January 1, 2011, to file their annual report electronically; and (iii) dealers who elect to file consolidated sales tax returns for any taxable year and who are required to remit payment by electronic funds transfer, to file monthly returns electronically. This bill is identical to HB 1045.

Patron - Stosch

SB381 Communications sales and use tax; Tazewell County. Provides that Tazewell County's share of communications sales and use tax revenue be equal to the distributions it would have received if the Auditor of Public Accounts had certified that the County had received \$650,507 of telecommunications and television cable funds in fiscal year 2006. The bill also permits the Tax Commissioner to make administrative adjustments to any locality's allocation of such revenues in certain circumstances, up to a maximum of \$100,000. This bill is identical to HB 1090.

Patron - Puckett

SB428 Income taxes; recognition of income from capital gains. Grants an income tax deduction for any income taxed as a long-term capital gain for federal income tax purposes or any income taxed as investment services partnership interest income, on or after January 1, 2011, that is related to a qualified investment in a technology and science start-up business having a principal office or facility in the Commonwealth and less than \$3 million in annual revenues in the fiscal year prior to the investment. The deduction would relate to investments made between July 1, 2010, and June 30, 2013. This bill is identical to HB 523.

Patron - Herring

SB458 Income tax credits; landlords participating in housing choice voucher programs. Establishes an individual and corporate income tax credit beginning with the 2010 taxable year for landlords who participate in a housing choice voucher program. Eligible landlords would receive a tax credit equal to 10 percent of the fair market value of the rent for each qualified housing unit. Qualified housing units would be dwelling units located in a census tract in the Richmond Metropolitan Statistical Area in which less than 10 percent of the residents live below the poverty level. The Department of Housing and Community Development would administer the tax credit. The Department would not be allowed to issue more than \$450,000 in tax credits in any fiscal year. Tax credits would be allowed only for that portion of the taxable year in which a dwelling unit was included in a housing choice voucher program. The bill provides a five-year carryforward period for unused tax credits. This bill is identical to HB 764.

Patron - McEachin

SB472 Major business facility job tax credit. Amends the Major Business Facility Job Tax Credit. Current law provides a \$1,000 tax credit for major business facilities that create at least 100 qualified full-time jobs. The legislation reduces the number of qualified full-time jobs required to be created to 50. In enterprise zones or economically distressed areas, the base or threshold is lowered from 50 newly created jobs to 25. The changes also allow the credit to be taken over a two-year period for taxable years beginning January 1, 2009, through December 31, 2012, rather than December 31, 2010. This bill incorporates SB 481 and SB 693 and is identical to HB 624.

Patron - Watkins

SB476 Cigarette tax; penalties for unstamped cigarettes. Establishes additional civil penalties for unstamped cigarettes as follows: \$2.50 per pack, up to \$500, for the first violation by a legal entity within a 36-month period; \$5 per pack, up to \$1,000, for the second violation by the legal entity within a 36-month period; and \$10 per pack, up to \$50,000, for the third or subsequent violation by the legal entity within a 36-month period. If willful intent exists to defraud the Commonwealth, the penalty is \$25 per pack, up to \$250,000. The same penalties apply to any person who sells, purchases, transports, receives, or possesses unstamped cigarettes. This bill is identical to HB 820.

Patron - Watkins

SB478 Tobacco products tax; moist snuff. Changes the tax on moist snuff from 10 percent of the manufacturer's sales price to \$0.18 per ounce. The bill also would provide that loose leaf tobacco would be subject to the Commonwealth's tobacco products tax on a unit and weight basis. The provisions of the bill would become effective on January 1, 2011. This bill is identical to HB 626.

Patron - Watkins

SB619 Individual income tax; Virginia Military Family Relief Fund payments. Provides that it shall be the policy of the Commonwealth to allow individuals who receive payments from the Virginia Military Family Relief Fund to subtract them from their federal adjustable gross income when calculating their Virginia taxable income, for taxable years beginning on and after January 1, 2010, if such payments are taxable at the federal level. This bill is identical to HB 1118.

Patron - Herring

SB623 Income tax; corporate and individual; green jobs tax credit. Allows a \$500 income tax credit for the creation of "green" jobs paying an annual salary in excess of \$50,000 for taxable years beginning on and after January 1, 2010 but before January 1, 2015. Each taxpayer is allowed a credit for up to 350 new green jobs. This bill is identical to HB 803.

Patron - Hanger

SB633 Neighborhood assistance tax credits; impoverished people. Changes the definition of "impoverished people" for education proposals under the Neighborhood Assistance Act Tax Credit program from 180 percent to 200 percent of the current federal poverty guidelines. As a condition of eligibility for a neighborhood assistance tax credit, current law requires that at least 50 percent of the persons served by a neighborhood organization are impoverished people.

Patron - Stosch

SB656 Local property tax; separate classification for renewable energy manufacturing tangible personal property and improvements to real property. Adds tangible

personal property and improvements to real property designed and used primarily for manufacturing a product from renewable energy as separate classifications of property for local property tax purposes. This bill is identical to HB 999.

Patron - Ruff

SB661 Land preservation tax credit; donations. Requires the Director of the Department of Conservation and Recreation to verify the conservation value of certain donations described under the Virginia Land Conservation Incentives Act of 1999 that are from the same parcel of land if the land preservation tax credit from the donation would be at least \$250,000.

Patron - Hanger

SB669 Voluntary contributions of tax refunds; Virginia Capitol Preservation Foundation. Adds the Virginia Capitol Preservation Foundation to the list of organizations that may receive contributions of taxpayer refunds. The Foundation will be added to the bottom of the list of other organizations waiting to appear on the income tax return.

Patron - Colgan

SB692 Fee in lieu of probate tax. Imposes a fee in the amount of \$25 for the recordation of a list of heirs of a decedent who died intestate.

Patron - Ruff

Failed

HB119 Corporate income tax. Eliminates Virginia's corporate income tax for taxable years beginning on and after January 1, 2013.

Patron - Purkey

HB133 Personal property tax relief; qualifying vehicles. Removes the 7,500 pound weight limitation, so that all trucks used for nonbusiness purposes, except tractor trucks, are eligible to be considered for personal property tax relief.

Patron - Pollard

HB223 Estate tax reinstated. Reinstates the estate tax for persons dying on or after July 1, 2010. No estate tax will be imposed on a gross estate if the majority of the assets of the estate is an interest in a closely held business or a working farm. The revenues from the estate tax would first be used for funding staffing standards in nursing homes required to be established under the bill, which staffing standards would require a minimum period of time of direct care services to each resident per 24-hour period.

Patron - Watts

HB230 Motor fuels tax; rate increase; allocation of construction funds for primary highway system. Increases the motor fuels tax by \$0.10 per gallon, minus \$0.01 for each \$0.20 that the average price of gasoline exceeds \$3.00. The tax will be indexed every two years beginning July 1, 2011, by an amount equal to the percentage change in the U.S. Department of Labor's Producer Price Index for Highway and Street Construction. The revenue generated is used for transportation purposes as required by existing law, and allocates primary system highway construction funds among the nine highway construction districts on the basis of the ratio of vehicle miles traveled on primary highways divided by the lane miles of primary highways in each highway construction district, weighted 90 percent, and a need factor, weighted 10 percent.

Patron - Watts

HB237 Income tax; job creation tax credit. Provides an income tax credit to sole proprietors, partners in a partnership and members of a limited liability company when they create and fill at least 10 new positions in the Commonwealth beginning on and after January 1, 2010. The amount of the credit is 10 percent of the Virginia gross income of the entity creating the jobs and may only be taken when the new jobs have been filled for at least 24 consecutive months.

Patron - Janis

HB268 Income tax; Renewable Energy Job Creation tax credit. Provides an income tax credit to corporations for each "Renewable Energy Job" created and filled. The amount of the credit for each such job is (i) two percent of each salary that is less than \$50,000 a year, and (ii) \$1,000 for each salary of \$50,000 and more a year. A Renewable Energy Job is employment in an industry related to renewable alternative energies. The credit is available for taxable years beginning on or after January 1, 2010, but before January 1, 2015. This bill was incorporated into HB 803.

Patron - Englin

HB269 Sales tax on motor fuels in Northern Virginia; increase in rate. Increases the rate of the state sales tax on motor fuels in Northern Virginia from 2.1 percent to 4.2 percent.

Patron - Englin

HB271 Individual income tax, corporate income tax, and sales and use tax. Removes the remaining portion of the state sales and use tax (one and one-half percent) from food for human consumption (effective July 1, 2011), restructures the individual income tax rate brackets, and exempts corporations having less than \$100,000 of Virginia taxable income from the Virginia corporate income tax for taxable years beginning on or after January 1, 2011. The changes in the individual income tax brackets are as follows: In Excess Of But No More Than Tax Rate \$17,000 \$75,000 5.6% (decrease) \$75,000 \$400,000 5.75% (same as current law) \$400,000 6.85% (increase)

Patron - Englin

HB275 Estate Tax. Provides that if there is no federal estate tax credit for state estate taxes paid, then the Virginia estate tax rate is one-half of the amount of the federal credit as it existed on January 1, 1978.

Patron - Englin

HB364 Local business license tax; payment of all taxes prior to license renewal or issuance. Allows the local governing bodies to require applicants of business licenses for new and existing businesses to prove payment of all local taxes before the local business license will be issued or renewed.

Patron - Ware, O.

HB425 Income tax; voluntary contributions of income tax refunds. Provides for a new check-off for tax refund contributions made by individual and corporate taxpayers for pre-approved nonprofit human services programs throughout the Commonwealth. The check-off will be added to the waiting list, if the bill is enacted.

Patron - Hope

HB437 Real property tax; land use assessment. Permits localities to collect roll-back taxes for a period not exceeding 10 years for nonconforming use. Under current law the roll-back tax period is five years.

Patron - Toscano

HB545 Recycled materials to create tangible personal property; tax exemptions and incentives. Exempts from state taxation until July 1, 2020, production and industrial components used to create finished tangible personal products from recycled materials. The bill allows counties, cities and towns to classify those tools and machinery separately for taxation purposes. Machinery and equipment used to process the recycled material is to be certified as such by the Department of Environmental Quality. Qualified businesses may receive local incentives for converting recycled materials into tangible personal property for resale. This is a recommendation of the Virginia Housing Commission.

Patron - Marshall, D.W.

HB570 Real property tax assessments; appeals. Changes the burden of proof from the taxpayer to the assessor when a taxpayer appeals the assessment of real property to a board of equalization or to a circuit court.

Patron - Iaquinto

HB577 Real property tax; time to appeal assessments extended. Increases the time a taxpayer may appeal the assessment of his real estate to the commissioner of the revenue (i) from three years to five years from the last day of the tax year for which the assessment is made or (ii) from one year to three years from the date of the assessment, whichever is later.

Patron - Cole

HB599 Income tax; Public/Private Education Investment Tax Credit. Creates income tax credits for business entities and individual taxpayers who make contributions to eligible public school foundations and eligible scholarship foundations. For individual taxpayers, the amount of the annual credit is 90 percent of the contribution but may not exceed \$800 for individual taxpayers and \$1,200 for married taxpayers filing jointly. The amount of the annual credit for business entities is 90 percent of the contribution with no limit on the dollar amount. The public school foundations are required to disburse annually 90 percent of the contributions for capital improvement projects approved by the local school board and for extracurricular activities. The scholarship foundations are required to disburse 90 percent of the contributions for qualified educational expenses through scholarships. There is a \$20 million cap on total tax credits awarded annually, with \$10 million allocated for contributions made to public school foundations and \$10 million allocated for contributions made to scholarship foundations. The credit would be effective for taxable years beginning on and after January 1, 2011.

Patron - Massie

HB613 Personal property tax; machinery and tools. Classifies new investments in machinery and tools for manufacturing, processing and reprocessing, mining, and radio or television broadcasting made after July 1, 2010, as intangible personal property and not subject to local property tax.

Patron - Purkey

HB614 Conformity with Internal Revenue Code. Advances the date as of which Virginia's system of taxation conforms with the Internal Revenue Code (IRC) from December 31, 2008, to December 31, 2009, and adds two new exceptions; the deferral of certain income under § 108 (i) of the IRC, and the original issue discount on applicable high yield discount obligations under IRC § 163 (e)(5)(F). Taxpayers are preparing and filing returns during the Session, therefore, the bill contains an emergency clause.

Patron - Purkey

HB680 Recordation fees. Increases the recordation fee from one to two dollars for every deed, deed of trust, contract, or other instrument conveying an interest in real property. This bill incorporates HB 896.

Patron - May

HB745 Income tax; telework expenses tax credit. Provides a tax credit to employers for expenses incurred in allowing employees to telework pursuant to a signed telework agreement for taxable years beginning on or after January 1, 2011. An employer would be eligible for a credit of up to \$1,200 per teleworking employee, depending on the number of days per month an employee will telework and whether the employer's primary place of business is located in a nonattainment area under the federal Clean Air Act. The aggregate amount of tax credits that will be issued is capped at \$1 million annually.

Patron - Rust

HB791 Taxes on room rentals. Provides that retail sales and hotel taxes on transient room rentals are computed based upon the total charges or the total price paid for the use or possession of the room. For those cases in which a hotel or similar establishment contracts with an agent or other party to collect the retail sales and hotel taxes, the bill would require the agent or other party to separately state the taxes on the bill or invoice and to collect the taxes based upon the total charges or the total price paid for the use or possession of the room.

Patron - Brink

HB830 Food and beverage tax; Fairfax County. Adds Fairfax County to those counties that may impose a food and beverage tax without a referendum, provided the governing body votes unanimously to impose the tax.

Patron - Surovell

HB853 Major business facility job tax credit. Lowers from 50 to 25 the threshold number of employees of a major business facility in an enterprise zone or distressed area for the facility to qualify for tax credits for newly created jobs. This bill was incorporated into HB 624.

Patron - Morefield

HB889 Local cigarette tax; counties. Authorizes any county to impose a local cigarette tax at a rate not to exceed \$0.05 per pack or the amount levied under state law, whichever is greater. It also repeals the Code section that allows only certain counties to impose a local cigarette tax.

Patron - Barlow

HB891 Local cigarette tax; Isle of Wight County. Allows Isle of Wight County to levy a local cigarette tax just as Fairfax and Arlington Counties are authorized to levy the tax.

Patron - Barlow

HB893 Taxes on room rentals. Provides that retail sales and hotel taxes on transient room rentals are computed based upon the total charges or the total price paid for the use or possession of the room. For those cases in which a hotel or similar establishment contracts with an agent or other party to collect the retail sales and hotel taxes, the bill would require the agent or other party to separately state the taxes on the bill or invoice and to collect the taxes based upon the total charges or the total price paid for the use or possession of the room.

Patron - Barlow

HB896 Corporate income tax; rate reduction for small businesses. Reduces the corporate income tax rate from six percent to 5.4 percent for small businesses, which are busi-

nesses defined as having 250 or fewer employees. The bill also requires the Governor to appoint a special Small Business Job Growth Commission to identify and make recommendations to remove state barriers for business formation and investment by November 1, 2010. This bill was incorporated into HB 680.

Patron - Comstock

HB981 Income tax; deduction for military retirement pay. Grants a deduction when calculating Virginia taxable income for military retirement pay for service in the Armed Forces of the United States for taxable years beginning on and after January 1, 2010. To the extent the age deduction is taken, this deduction will not be allowed.

Patron - Hugo

HB984 Declarations of estimated tax. Changes the date that farmers and fishermen must file their estimated tax returns from January 15 to May 1.

Patron - Jones

HB1044 Income tax; renewable energy property and energy audit tax credit. Grants an income tax credit for taxable years beginning on or after January 1, 2010, to individuals for renewable energy property and residential energy audits as follows: Solar panels tax credits - \$1.25/watt for first 2,000 watts; \$0.75/watt for 2,001-8,000 watts; \$0.25/watt for 8,001-20,000 watts; not to exceed \$10,500. Solar hot water tax credit - up to \$2,000. Geothermal heat pumps - 10 percent of installed cost up to \$3,000 tax credit. Residential energy audits - 50 percent of cost up to \$250 tax credit; one per five-year period. The bill also grants an income tax credit for taxable years beginning on or after January 1, 2010, to commercial business taxpayers for renewable energy property and energy audits as follows: Solar panels tax credit - \$1.25/watt for first 2,000 watts; \$0.75/watt for 2,001-8,000 watts; \$0.25/watt for 8,001-20,000 watts; not to exceed \$2.5 million. Solar hot water tax credit - 25 percent of installed cost up to \$10,000. Geothermal heat pumps tax credit - 10 percent of installed cost up to \$10,000. Commercial building energy audit - 50 percent of cost up to \$500 tax credit; one per five-year period.

Patron - Kory

HB1046 Income tax; nonprofit charitable donations for Energy Star qualified products tax credit. Grants an income tax credit for taxable years beginning on or after January 1, 2010, to individual taxpayers and business taxpayers that make a cash donation to charitable nonprofit organizations that use the donation to construct, purchase, or lease Energy Star qualified products for their headquarters on or after January 1, 2010. The amount of the credit equals 50 percent of such equipment expenditures but not more than \$25,000 total.

Patron - Kory

HB1051 Tax dealer discounts. Eliminates the dealer discounts for the retail sales and use tax, communications sales and use tax, state cigarette tax, E-911 tax, tobacco products tax, tire recycling fee, fuels tax, and motor vehicle fuel sales tax.

Patron - Scott, J.M.

HB1091 Major business facility job tax credit. Lowers from 50 to 25 the threshold number of employees of a major business facility in an enterprise zone or distressed area for the facility to qualify for tax credits for newly created jobs. This bill was incorporated into HB 624.

Patron - Crockett-Stark

HB1115 Paper and plastic bag fee. Imposes a fee of \$0.05 on paper and plastic bags used by purchasers to carry tangible personal property from the place of purchase. Durable,

reusable plastic bags and bags used for ice cream, meat, fish, poultry, leftover restaurant food, newspapers, dry cleaning and prescription drugs are exempt from the fee. Retailers are allowed to retain \$0.01 of the \$0.05 fee or \$0.02 if the retailer has a customer bag credit program. The revenues raised by the fee will be deposited in the Virginia Water Quality Improvement Fund. Failure to collect and remit the fee will result in fines of \$250, \$500, and \$1,000 for the first, second, third and thereafter offenses.

Patron - Ebbin

HB1122 Corporate income tax; apportionment of income for manufacturers. Removes language that requires any manufacturer who uses the single sales factor apportionment formula and does not reach certain employee hiring goals during the first three years after using such apportionment formula, to pay additional taxes as well as penalties.

Patron - Byron

HB1132 Income tax; Renewable Energy Job Creation tax credit. Provides an income tax credit to businesses for each "Renewable Energy Job" created and filled. The amount of the credit for each such job is \$2,000. A Renewable Energy Job is employment in an industry related to renewable alternative energy. The credit is available for taxable years beginning on or after January 1, 2010. This bill was incorporated into HB 803.

Patron - Keam

HB1138 County food and beverage tax; all counties may impose. Allows all counties to impose the local food and beverage tax without a referendum, provided the revenues from the tax are used to reduce the county's real property tax rate. The new provisions apply to those counties that impose the tax for the first time or increase the meals tax rate on or after July 1, 2010.

Patron - Morgan

HB1150 Sales and use tax; optional local tax for education. Authorizes any county or city to levy an additional local sales and use tax at a rate of one-half percent with all revenue generated from such tax to be used for education purposes.

Patron - Scott, J.M.

HB1153 Motor fuels tax. Converts the rates of taxation on motor fuels from cents per gallon to percentage rates. The percentage rates shall be calculated by the Commissioner of the Department of Motor Vehicles in an amount that will most closely yield the amount of cents per gallon being charged on the applicable motor fuel prior to the effective date of the bill. Thereafter, the percentage rates would not change, but would be applied against the average price per gallon of the fuel, less federal and state taxes, as determined by the Commissioner of the Department of Motor Vehicles over rolling six-month periods, to determine the cents to be charged.

Patron - Scott, J.M.

HB1155 Income tax surtax to fund car tax relief. Imposes a state individual income tax surtax to provide a new source of revenue for localities to encourage them to essentially remove the tangible personal property tax on vehicles that currently qualify under the car tax relief program. The surtax on Virginia taxable income would be imposed at the rate of 0.5% for tax year 2010 and at the rate of 1% for subsequent tax years. Revenues from the surtax would be dedicated to a new Virginia Personal Property Tax Replacement Fund ("Fund"). For tax year 2010, the car tax relief program would operate as under current law, except that annual \$950 million to localities would be paid from the Fund. For tax years 2011 and thereaf-

ter, localities that impose a personal property tax rate on qualifying vehicles not exceeding \$0.000001 per \$100 of assessed value would receive all of the net revenues from the surtax. Allocations to each such locality would be based upon its pro rata share of the personal property tax relief paid in tax year 2009. In addition, localities that have tax rates not exceeding \$0.000001 for tax year 2011 would receive an additional payment for tax year 2010 that represents the remaining net revenues from the new surtax after the payment of the \$950 million state personal property tax relief payment.

Patron - Brink

HB1186 Personal and corporate income tax credit; easements granted to a recreation authority. Provides an income tax credit to a taxpayer for granting an easement for trails to a recreation authority in an amount equivalent to the real property tax on that part of the taxpayer's land covered by the easement. This bill was incorporated into HB 845.

Patron - Phillips

HB1224 Neighborhood Assistance Act Tax Credit. Makes localities' health clinics providing free medical services by volunteer health practitioners eligible to receive tax credits that can be transferred to professionals donating their services to the programs.

Patron - Scott, J.M.

HB1231 Individual income tax; Virginia Military Family Relief Fund payments. Allows individuals who receive payments from the Virginia Military Family Relief Fund to subtract them from their federal adjustable gross income when calculating their Virginia taxable income, for taxable years beginning on and after January 1, 2010. This bill was incorporated into HB 1118.

Patron - Johnson

HB1247 Real property tax classifications; improvements. Adds Culpeper County to those localities permitted to have a different real property tax rate on improvements, than on all other real property. The bill also makes technical corrections.

Patron - Scott, E.T.

HB1278 Income tax; filing date. Changes the Commonwealth's individual income tax returns filing date and estimated tax returns date from May 1 to April 15, like the federal income tax.

Patron - Ebbin

HB1314 Collection of delinquent state taxes. Provides that persons appointed by the Commonwealth to collect delinquent state taxes shall be compensated in an amount equal to 20 percent of the delinquent state taxes. The person assessed with the delinquent state taxes shall be liable to the Commonwealth for the taxes plus the compensation. The appointed collector shall collect the delinquent state taxes and the compensation from such person.

Patron - Brink

HB1347 Sales and use tax and BPOL tax exemptions; aviation companies. Provides a sales and use tax exemption and an optional business, professional, and occupational license tax exemption for aviation companies that facilitate and support the U.S. Department of Defense in active missions/sorties.

Patron - Gear

HB1359 Income tax; Small business investment tax credit. Establishes a tax credit for investments in machinery or equipment by small businesses. The credit would equal

20 percent of investment amount. The Department of Taxation would administer the tax credits. Taxpayers would not be allowed more than \$10,000 in tax credit for any taxable year in which an incremental investment in machinery or equipment was made. Any unused tax credit would be allowed to be carried forward for five taxable years. The credit would be effective for taxable years 2010, 2011, and 2012. This bill was incorporated into HB 2.

Patron - Keam

HB1360 Income tax; telework expenses tax credit. Provides a tax credit to employers for expenses incurred in allowing employees to telework pursuant to a signed telework agreement. An employer would be eligible for a credit of up to \$800 per teleworking employee, depending on the number of days per month an employee will telework and whether the employer's primary place of business is located in a nonattainment area under the federal Clean Air Act. This bill was incorporated into HB 47.

Patron - Keam

HB1362 Motor fuels tax; revocation of license. Allows the DMV Commissioner to revoke licenses issued to persons in accordance with motor fuels tax law who are found guilty of violating or of noncompliance with any of the motor fuels tax provisions.

Patron - Pollard

SB99 Pass-through entities; penalties. Provides that the penalty on a pass-through entity for the failure to file a timely return when no tax is due would be equal to the federal penalty for the failure to file a timely return. The bill would also provide that penalties on pass-through entities for the failure to file a timely return would begin to accrue upon the expiration of any extension of time for filing of the return.

Patron - Stosch

SB114 Fuels taxes; indexing of tax rates. Increases or decreases each year the rates of Virginia's fuels taxes using a fuel efficiency index. The bill would define the fuel efficiency index as the quotient that is obtained when using as the numerator the total annual vehicle miles traveled in the Commonwealth for the relevant year and using as the denominator the total gallons of motor fuel consumed for highway use in the Commonwealth for the relevant year. The numerator and denominator would be the corresponding amounts as published by the Federal Highway Administration of the United States Department of Transportation. The bill would establish 2007 as the base year for the fuel efficiency index. Thus, the percentage change in the fuel efficiency index between the current year and 2007, the base year, would determine the annual percentage increase or decrease in the rates of Virginia's fuels taxes. Each December the Commissioner of the Department of Motor Vehicles would compute the adjusted rates of fuels taxes. Currently, Virginia's fuels taxes are fixed at the rate of \$0.175 per gallon for each gallon of gasoline, gasohol, and diesel fuel.

Patron - Petersen

SB121 Effect on rate when assessment results in tax increase; public hearings. Reduces the minimum advance notice of the public hearing a locality must hold prior to increasing its real property tax when that locality's assessment of real property results in a tax increase from 30 days to 14 days.

Patron - Petersen

SB132 Retail sales and use tax; distribution to Transportation Trust Fund. Increases the distribution to the Transportation Trust Fund from the sales and use tax revenue generated by a one-half percent sales and use tax to the sales

and use tax revenue generated by a one percent sales and use tax upon the Comptroller determining in any fiscal year that (i) the growth in general fund revenues for the most recently completed fiscal year was at least three percent, and (ii) the actual dollar increase in general fund revenues for the most recently completed fiscal year was at least equal to the sales and use tax revenue generated by a one-half percent sales and use tax.

Patron - Obenshain

SB133 Tax credits for donations to nonprofit organizations providing educational funding. Establishes a tax credit beginning in taxable year 2010 for businesses donating cash or personal property to nonprofit organizations providing funding (i) in the form of scholarships to students who would have been eligible for the free and reduced lunch program under federal law, but who attend nonpublic elementary or secondary schools, or (ii) in support of innovative educational programs in public schools. Nonprofit organizations to which donations are made would be required to contribute at least 90 percent of their annual receipts for such scholarships or innovative educational programs. The tax credit would equal 80 percent of the donation made by the business. No business would be issued more than \$80,000 in tax credit for donations made in a taxable year. The Department of Taxation would be responsible for issuing the tax credits. The Department would be allowed to issue up to \$25 million in tax credits in each fiscal year of the Commonwealth.

Patron - Obenshain

SB143 Income tax; Renewable Energy Job Creation tax credit. Provides for a grant to be paid from newly created Green Jobs Grant Program Fund to corporations for each "Renewable Energy Job" created and filled. The amount of the grant for each such job is \$500 for each salary of \$50,000 and more a year and may be taken for four years. A Renewable Energy Job is employment in an industry related to renewable alternative energies. The credit is available for taxable years beginning on or after January 1, 2010, but before January 1, 2015. All grants under this section shall be subject to the appropriation of moneys by the General Assembly to the Fund for payment of the grants.

Patron - Miller, J.C.

SB174 Retail sales and use tax exemptions. Beginning July 1, 2012, exempts from the retail sales and use tax solar photovoltaic systems, solar thermal systems, and wind-powered electrical generators purchased for installation in or on residential real property.

Patron - Deeds

SB223 Fuels taxes; percentage of wholesale cost. Replaces the current fuels tax on gasoline, gasohol, and diesel fuel with a tax that is a percentage of the wholesale price of a gallon of self-serve unleaded regular gasoline. The percentage shall be established by the Commissioner by determining the percentage that would most closely yield seventeen and one-half cents per gallon, based on the average wholesale price of a gallon of self-serve unleaded regular gasoline for the period beginning October 1, 2009, and ending March 31, 2010.

Patron - Barker

SB280 County meals tax; rate of tax and approval required. Removes the current cap of four percent for the county meals tax and allows counties to impose an uncapped rate. The bill would also allow counties to adopt or increase a meals tax by a majority vote of members of the governing body.

Patron - Quayle

SB325 Corporate income tax; lower rate for certain businesses. Reduces the corporate income tax rate from six percent to three percent for the first three years after a business establishes a new office or operation or expands an existing office or operation in an area that is not designated by the U.S. Environmental Protection Agency as a nonattainment area under the Clear Air Act, for taxable years beginning on or after January 1, 2010. The capital investment must be \$250,000 or more and the tax reduction may not exceed that amount of the capital investment made by the corporation.

Patron - Stuart

SB342 Transient occupancy tax. Provides that any county may levy the transient occupancy tax on single-family residences and time-shares rented out fewer than 30 consecutive days.

Patron - Hanger

SB392 Sales and use tax exemption; production of electricity from offshore winds. Provides a sales and use tax exemption for certain tangible personal property used directly in generating electricity from offshore winds.

Patron - Wagner

SB407 Corporate income tax; inclusion of certain income. Clarifies the addition required for royalty and similar payments made to an affiliated intangible holding company ("IHC") by codifying The Department of Taxation's ("TAX") interpretation of the exception for payments on which the IHC is subject to tax in another state. TAX has interpreted this exception as being limited to the portion of the payments that are subject to tax in the other state(s). Thus, if five percent of the IHC's income was apportioned to another state, then only five percent of the payments to the IHC are exempt from the addition.

Patron - Whipple

SB421 Corporate income tax; rate reduction for small businesses. Reduces the corporate income tax rate from six percent to 5.4 percent for small businesses, which are businesses defined as having 250 or fewer employees. The bill also requires the Governor to appoint a special Small Business Job Growth Commission to identify and make recommendations to remove state barriers for business formation and investment by November 1, 2010.

Patron - Vogel

SB481 Major business facility job tax credit. Reduces from 50 to 25 the threshold amount of jobs that must be created in an enterprise zone or an economically distressed area for eligibility for the major business facility job tax credit. This bill was incorporated into SB 472.

Patron - Hurt

SB542 Tax dealer discounts. Eliminates the dealer discounts for the retail sales and use tax, communications sales and use tax, state cigarette tax, E-911 tax, tobacco products tax, tire recycling fee, fuels tax, and motor vehicle fuel sales tax.

Patron - Colgan

SB543 Income tax surtax to fund car tax relief. Imposes a state individual income tax surtax to provide a new source of revenue for localities to encourage them to essentially remove the tangible personal property tax on vehicles that currently qualify under the car tax relief program. The surtax on Virginia taxable income would be imposed at the rate of 0.5% for tax year 2010 and at the rate of 1% for subsequent tax years. Revenues from the surtax would be dedicated to a new Virginia Personal Property Tax Replacement Fund ("Fund").

For tax year 2010, the car tax relief program would operate as under current law, except that annual \$950 million to localities would be paid from the Fund. For tax years 2011 and thereafter, localities that impose a personal property tax rate on qualifying vehicles not exceeding \$0.000001 per \$100 of assessed value would receive all of the net revenues from the surtax. Allocations to each such locality would be based upon its pro rata share of the personal property tax relief paid in tax year 2009. In addition, localities that have tax rates not exceeding \$0.000001 for tax year 2011 would receive an additional payment for tax year 2010 that represents the remaining net revenues from the new surtax after the payment of the \$950 million state personal property tax relief payment.

Patron - Colgan

SB545 Conformity with Internal Revenue Code. Advances the date as of which Virginia's system of taxation conforms with the Internal Revenue Code (IRC) from December 31, 2008, to December 31, 2009, and adds two new exceptions: the deferral of certain income under § 108 (i) of the IRC for taxable year 2009 is only allowed ratably through taxable year 2011 and the deferral is not allowed for taxable years other than 2009, and deformity from the original issue discount on applicable high yield discount obligations under IRC § 163 (3)(5)(f). Taxpayers are preparing and filing returns during the General Assembly Session, therefore, the bill contains an emergency clause.

Patron - Colgan

SB578 Local cigarette tax. Authorizes James City County and Spotsylvania County to impose a local cigarette tax at a rate not to exceed the rate of the state cigarette tax, which is \$0.30 per pack (based upon 20 cigarettes in a pack). Currently, Arlington and Fairfax are the only counties that may impose a local cigarette tax, and at a rate not to exceed the rate of the state cigarette tax.

Patron - Norment

SB660 Dealer registration for sales and use taxes; sufficient contact. Provides that a dealer is presumed to be soliciting or transacting business in Virginia by an independent contractor, agent, or other representative if the dealer enters into an agreement with a resident of Virginia under which the resident, for a commission or other consideration, refers potential customers to the dealer if the cumulative gross receipts from sales by the dealer to purchasers in Virginia who are referred to the dealer by all residents with this type of agreement with the dealer are in excess of \$10,000 during the preceding four quarterly periods. Such dealer presumed to be soliciting or transacting business in Virginia would be required to register for retail sales and use tax purposes.

Patron - Hanger

SB662 Short-term rental property tax. Authorizes the governing body of any county, city, or town levying a short-term rental property tax to exempt from such tax any person engaged in the short-term rental business whose gross proceeds from all short-term rental property transactions entered into during the preceding year were not in excess of \$25,000. This bill was incorporated into SB 355.

Patron - Hanger

SB671 Corporate income tax. Eliminates Virginia's corporate income tax for taxable years beginning on or after July 1, 2012.

Patron - McDougle

SB684 Transportation funding. Provides new and increased taxes, tolls, royalties from offshore natural gas and oil drilling, and general fund revenues for transportation fund-

ing. The bill would (i) decrease the motor fuels tax from \$0.175 per gallon to \$0.05 per gallon and establish a five percent tax on motor fuels sales based upon the statewide average wholesale price of a gallon of self-serve unleaded regular gasoline; (ii) subject to the amount of the additional revenues generated by the changes described in clause (i), increase the motor fuels tax rate by \$0.10 per gallon in increments of \$0.02 per gallon each year over a the five-year period beginning in 2011; (iii) beginning in 2011 increase the motor vehicle sales and use tax by 0.50 percent each year for four years; (iv) provide that of the retail sales and use tax revenues generated by the Commonwealth's four percent tax on sales of automobile parts and automobile accessories, an amount equivalent to the revenues generated by a three percent retail sales and use tax on such parts and accessories would be deposited into the Highway Maintenance and Operating Fund; (v) subject to receipt of federal authorization, authorize the Commonwealth Transportation Board to impose and collect a toll of \$1 per axle on every vehicle entering the Commonwealth from the state of North Carolina via Interstate Route 85 and Interstate Route 95; (vi) dedicate for highway maintenance purposes 10 percent of the future growth in certain state taxes that is attributable to economic activity generated or facilitated by the public and private general cargo marine terminals and inland ports of the Commonwealth; and (vii) dedicate for transportation purposes all royalties paid to the Commonwealth as a result of offshore natural gas and oil drilling. All amounts generated under the bill would be deposited into the Highway Maintenance and Operating Fund to be used for highway maintenance except the revenues from tolls on vehicles entering the Commonwealth from North Carolina and the revenues from royalties as a result of offshore drilling, which would be deposited into the Transportation Trust Fund.

Patron - Miller, J.C.

SB693 Major business facility job tax credit. Reduces the threshold amount of jobs that must be created for the major business facility job tax credit to 25 jobs, regardless of the area in which the business is located. Increases the tax credit from \$1,000 to \$10,000, to be taken over 5 years. This bill also makes a technical amendment to § 2.2-4309 of the Code of Virginia. This bill was incorporated into SB 472.

Patron - McWaters

SB701 Cigarettes; assessment fee. Imposes a cigarette assessment fee on cigarette manufacturers that do not participate in the Master Settlement Agreement at the rate of \$0.0225 for each cigarette of such manufacturers that is sold, delivered, or consumed in the Commonwealth.

Patron - Marsden

SB705 New and increased taxes for funding the Standards of Quality. Provides additional revenues to be appropriated for funding the Standards of Quality by (i) establishing an additional individual income tax of three percent in taxable years 2011, 2012, and 2013 on Virginia taxable income that is in excess of \$250,000 for each single person and on Virginia combined taxable income that is in excess of \$500,000 for each married couple; (ii) means testing the age deduction for all taxpayers regardless of date of birth for taxable years beginning on or after January 1, 2011; (iii) delaying by one year the phase-in of the single sales factor for corporate income tax purposes; (iv) for taxable years beginning on or after January 1, 2011, allocating for taxation in the Commonwealth the portion of the taxable income of a corporation that a non-domiciliary state is prohibited from taxing under the Constitution of the United States, provided that the commercial domicile of the corporation is in the Commonwealth; (v) for taxable years beginning on or after January 1, 2011, requiring combined reporting for corporate income tax purposes; (vi) reducing

from \$100,000 to \$50,000 the total amount of the land preservation tax credit that may be claimed by a taxpayer in the 2011 and 2012 taxable years; (vii) extending the retail sales and use tax to digital downloads (musicals, publications, greeting cards, etc.) and computer services; (viii) presuming certain dealers to be soliciting or transacting business in the Commonwealth by an independent contractor, agent, or other representative if the dealer enters into an agreement with a resident of the Commonwealth under which the resident, for a commission or other consideration, refers potential customers to the dealer; and (ix) reinstating the state estate tax for persons dying between July 1, 2010, and July 1, 2013.

Patron - Locke

FSB714 Estate tax reinstated. Reinstates the federal credit amount so that the Commonwealth will receive payments from those estates of persons dying on or after July 1, 2010. No estate tax would be imposed on estates valued at \$5 million or less, working farms, and closely held businesses. The revenues from the estate tax would be used, as provided in the general appropriation act, to fund community-based programs of area agencies on aging, increase Medicaid reimbursement rates for hospitals or nursing homes that serve indigent seniors, and fund the cost of existing or additional waivers from the U.S. Department of Health and Human Services to authorize the Commonwealth to cover certain health care services and delivery systems for senior citizens as may be permitted by Title XIX of the Social Security Act.

Patron - Petersen

FSB725 Sales and use tax; sales tax holiday for certain hurricane preparedness equipment. Adds portable pet carriers to the list of hurricane preparedness items that are exempt from the sales and use tax during the week of May 25 through May 31 each year.

Patron - Blevins

Carried Over

CHB2 Income tax; small business investment tax credit. Provides a tax credit equal to 10% of the eligible investments made by small business taxpayers in personal property and real estate improvements used in the business. The investments must be made beginning July 1, 2010, but before July 1, 2011, and the minimum amount must be \$10,000 in order to qualify for the credit. For purposes of the credit, a business qualifies as small if it has 500 or fewer employees. This bill incorporates HB 1359.

Patron - Loupassi

CHB47 Income tax; telework expenses tax credit. Provides a tax credit to employers for expenses incurred in allowing employees to telework pursuant to a signed telework agreement for taxable years beginning on or after January 1, 2011, but before January 1, 2013. An employer would be eligible for a credit of up to \$1,200 per teleworking employee, depending on the number of days per month an employee will telework and whether the employer's primary place of business is located in a nonattainment area under the federal Clean Air Act. There is also a 100 percent tax credit for costs the employer incurs for conducting a telework assessment in the year prior to implementing a formal telework program. This assessment credit is capped at \$20,000 per employer. The aggregate amount of tax credits that will be issued is capped at \$1 million annually for taxable years 2011 and 2012. This bill incorporates HB 1360.

Patron - Lingamfelter

CHB57 Business, professional, and occupational license (BPOL) tax; limits on rates and imposition. Prohibits any locality from (i) imposing the BPOL tax if the locality did not impose it as of January 1, 2010, and (ii) increasing the BPOL tax rates after January 1, 2010.

Patron - Cole

CHB73 Individual income tax; additional personal exemption. Provides an additional personal exemption of \$800 for each individual who qualifies as a surviving spouse or head of household for federal income tax purposes for the taxable year, beginning on and after January 1, 2010.

Patron - Carrico

CHB94 Corporate income tax; small business reduced rate. Allows a reduction of one percent in the corporate income tax rate for up to three years for certain small businesses that increase the number of their full-time employees by a minimum of five percent over the previous year.

Patron - Bell, Richard P.

CHB110 Business, professional and occupational license tax; gross receipts or Virginia taxable income. Allows localities to decide whether to impose the BPOL tax on a business's gross receipts or its Virginia taxable income.

Patron - Cole

CHB632 Income tax credit for land conservation. Increases the income tax credit for land donated for land conservation purposes by increasing from 40 percent to 50 percent the portion of the value of such land that may be taken as a credit.

Patron - Scott, E.T.

CHB683 Sales and use tax exemption; gold, silver, and platinum bullion. Exempts from sales and use tax, gold, silver, or platinum bullion whose sales price exceeds \$1000.

Patron - Miller, J.H.

CHB734 Income tax; public school renovation tax credit. Provides an income tax credit to taxpayers that undertake and complete a public school renovation, in accordance with the provisions of the Public-Private Education Facilities and Infrastructure Act, for taxable years beginning on and after January 1, 2010. The amount of the credit is 25 percent of the taxpayer's eligible renovation expenses but cannot exceed \$1 million in any one taxable year. Also, there is a cap of \$100 million on the total amount of credits that may be allowed for all taxpayers in a taxable year.

Patron - Albo

CHB777 Land use taxation. Requires a locality that has adopted land use value assessment and taxation on three classifications to adopt land use value assessment and taxation on all four classifications of land.

Patron - Gilbert

CHB784 Income tax; indexing rates, filing thresholds, personal exemptions, and standard deductions. Indexes to the rate of inflation the amount in the income tax brackets for tax rates, filing thresholds, personal exemptions, and standard deductions, for taxable years beginning on and after January 1, 2010.

Patron - LeMunyon

CHB845 Personal and corporate income tax credit; easements granted to a recreation authority. Provides an income tax credit to a taxpayer for granting an easement for trails to a recreation authority in an amount equivalent to the

real property tax on that part of the taxpayer's land covered by the easement. This bill incorporates HB 1186.

Patron - Morefield

☐HB860 Corporate income tax; rate reduction. Reduces the corporate income tax rate from 6 percent to 5.75 percent for taxable years beginning on and after January 1, 2010.

Patron - Cline

☐HB910 Tax deduction for organ donation. Increases the deduction from Virginia adjusted gross income for organ donation from \$5,000 to \$25,000 for taxable years beginning on or after January 1, 2010.

Patron - Bell, Robert B.

☐HB998 Income tax; corporate; renewable energy products tax credit. Provides an income tax credit for taxable years beginning on and after January 1, 2011, but before January 1, 2016, for the production and export of renewable energy products. The credit ranges from \$0.20 to \$0.40 per ton of renewable energy products, depending on the current year export volume. The total amount of credits allowed annually is \$6 million.

Patron - Nutter

☐HB1050 Individual income tax; long-term care insurance tax credit. Doubles the amount of the credit an individual can take for long-term care insurance from 15 percent to 30 percent of the amount of the premium paid for such insurance, for taxable years beginning on and after January 1, 2012.

Patron - Garrett

☐HB1341 Income tax credits; electric energy facility producing electricity primarily from agricultural livestock waste nutrients. Establishes individual and corporate income tax credits for energy property under § 48(a) of the U.S. Internal Revenue Code of 1986, as amended, that is (i) placed in service on or January 1, 2010, in any county or city that has a current five-year annual average unemployment rate of at least 11 percent, and (ii) part of an electric energy facility producing electricity primarily from agricultural livestock waste nutrients in such county or city. The amount of the credit would be equal to the amount of the energy credit allowed for the taxable year under § 48 of the U.S. Internal Revenue Code of 1986, as amended, for placing such energy property in service.

Patron - Gilbert

☐HB1384 State insurance license tax credit. Provides a tax credit against the state license tax liability on certain insurance companies for investments in Virginia small business investment companies. The tax credit will be administered by the Tax Commissioner. The tax credit is capped at \$20 million per year and may not exceed \$100 million for the life of the program.

Patron - Merricks

☐SB115 Local surcharge on retail sales of fuels. Authorizes each city and county to impose a one percent surcharge on the retail price of motor fuels sold at retail in the city or county. The Tax Commissioner would collect the surcharge in the same manner that he collects the retail sales and use tax. Revenues from the surcharge would be used solely for funding of roads or highways in the urban or the secondary system of state highways.

Patron - Petersen

☐SB179 Income tax laws; conformity to Internal Revenue Code. Advances conformity with federal income tax laws to December 31, 2009, for taxable year 2009 and to

December 31, 2010, for taxable year 2010, with three additional exceptions. The bill also provides that amendments to the Internal Revenue will not apply for Virginia tax purposes in taxable years beginning in the calendar year in which the amendments are enacted if the Tax Commissioner determines that (i) the amendment, or combination of related amendments, would reduce Virginia tax revenue by \$5 million or more in any fiscal year, or (ii) any group of amendments would together reduce Virginia tax revenue by \$25 million or more in any fiscal year.

Patron - Stosch

☐SB310 Long-term care insurance tax credit. Increases the amount of the long-term care insurance tax credit from 15 percent to 30 percent of the amount paid by the individual during the taxable year in long-term care insurance premiums for long-term care insurance coverage for himself.

Patron - Martin

☐SB340 Virginia Retail Sales and Use Tax Act. Conforms the Commonwealth's sales and use tax laws to the provisions of the Streamlined Sales and Use Tax Agreement.

Patron - Hanger

☐SB343 Fuels taxes; annually adjusted. Adjusts fuels taxes each year on April 1 by the percentage increase in the Corporate Average Fuel Economy (sales volume weighted), Total Fleet (the CAFE) for the immediately preceding calendar year over the CAFE for calendar year 2009. The first adjustment would occur on April 1, 2011.

Patron - Hanger

☐SB452 Taxes on room rentals. Provides that retail sales and hotel taxes on transient room rentals are computed based upon the total charges or the total price paid for the use or possession of the room. For those cases in which a hotel or similar establishment contracts with an agent or other party to collect the retail sales and hotel taxes, the bill would require the agent or other party to separately state the taxes on the bill or invoice and to collect the taxes based upon the total charges or the total price paid for the use or possession of the room.

Patron - Whipple

☐SB657 Income tax; corporate; renewable energy products tax credit. Provides an income tax credit for the manufacture of renewable energy products in Virginia by a facility that begins production of such products no later than January 1, 2012. The credit would equal three percent of the total sales price of such renewable energy products that are exported. The aggregate amount of credit for each fiscal year would not exceed \$6 million.

Patron - Ruff

☐SB663 Collection of delinquent state taxes. Provides that persons appointed by the Commonwealth to collect delinquent state taxes shall be compensated in an amount equal to 20 percent of the delinquent state taxes. The person assessed with the delinquent state taxes shall be liable to the Commonwealth for the taxes plus the compensation. The appointed collector shall collect the delinquent state taxes and the compensation from such person.

Patron - Miller, J.C.

☐SB678 Income tax credits; electric energy facility producing electricity primarily from agricultural livestock waste nutrients. Establishes individual and corporate income tax credits for energy property under § 48 (a) of the U.S. Internal Revenue Code of 1986, as amended, that is (i) placed in service in the Commonwealth on or after January 1, 2010, and (ii) part of an electric energy facility producing electricity pri-

marily from agricultural livestock waste nutrients. The amount of the credit would be equal to the amount of the energy credit allowed for the taxable year under § 48 of the U.S. Internal Revenue Code of 1986, as amended, for placing such energy property in service.

Patron - Hanger

CSB733 State insurance license tax credit. Provides a tax credit against the state license tax liability on certain insurance companies for investments in Virginia small business investment companies. The tax credit will be administered by the Tax Commissioner. The tax credit is capped at \$20 million per year and may not exceed \$100 million for the life of the program. The bill has an effective date of January 1, 2011.

Patron - McWaters

Trade and Commerce

Passed

PHB555 Enterprise Zone Grant Program; preference for allocating grant funds. Changes the eligibility for enterprise zone job grants in areas with an unemployment rate that is one and one-half times or more than the state average to positions paying at least 150 percent of the federal minimum wage including health benefits. Currently positions paying less than 175 percent of the federal minimum wage are not eligible for the job grants. In addition, the bill provides that when the sum of grants for job creation and real property investment exceeds the total annual appropriation for payments, allocations shall be prioritized to fully fund the grants for job creation with any remaining funds to be allocated to the real property investment grants. The bill incorporates HB 660 and HB 1299.

Patron - Marshall, D.W.

PHB677 Specialized Biotechnology Research Performance Grant Program; established. Establishes the Specialized Biotechnology Research Performance Grant Program for nonprofit entities engaged in research, development, and production related to molecular diagnostics and drug development that enter into a performance-based memorandum of understanding with the Commonwealth prior to June 30, 2010. Grants would be paid to an eligible entity based in Fairfax County that commits in the memorandum of understanding and fulfills its obligation to (i) make a new capital investment of at least \$200 million, (ii) create at least 415 new full-time jobs, and (iii) meet any other criteria set forth in the memorandum of understanding. Grants from the program to a qualified entity shall not exceed \$22 million in the aggregate. This bill is identical to SB 644.

Patron - May

PHB872 Virginia Credit Services Businesses Act. Authorizes a credit services business to receive payments from a consumer in advance of complete and full performance of the services that the business agreed to perform for or on behalf of the consumer if the consumer has agreed to pay for services during the term of a subscription agreement, if the consumer is authorized to cancel the subscription agreement at any time. A credit service business generally undertakes to improve a consumer's credit record, history, or report or obtain an extension of credit for a consumer.

Patron - Cline

PHB1249 Virginia Health Spa Act. Clarifies provisions of the Virginia Health Spa Act by instituting consistent

usage of the term "facility" for the location where health spa services are offered, and the term "health spa" for the person selling memberships. The measure also requires that refunds by a health spa to a buyer be issued within 30 days after receipt of a notice of cancellation or the permanent closing of the buyer's facility.

Patron - Knight

PHB1257 Purchase of service handguns; resignation in good standing. Provides that certain law-enforcement officers who are eligible for retirement with at least 20 years of service and who resign from their position in good standing to take another position covered by the Virginia Retirement System may purchase their service handgun for \$1.

Patron - Miller, P.J.

PSB42 Purchase of service handguns. Allows a law-enforcement officer who retires at or after age 70 with at least 10 years of service to purchase his service handgun for \$1.

Patron - Stuart

PSB116 Virginia Consumer Protection Act; religious bodies. Provides that any transaction that involves the advertisement, sale, lease, or license, or the offering for sale, lease or license, of goods or services to a church or other religious body constitutes a "consumer transaction" for purposes of the Virginia Consumer Protection Act.

Patron - Petersen

PSB386 Admission into evidence of certificates of analysis of motor fuel or lubricating oils. Provides that a certificate of analysis of any motor fuel or lubricating oils shall be admitted into evidence in any case relating to misbranding, etc., of motor fuel or lubricating oil, provided that the requirements (for admission of certificates of analysis that comport with the decision in *Melendez-Diaz v. Massachusetts*) of subsection A of § 19.2-187.1 have been satisfied and the accused has not objected to the admission of the certificate pursuant to subsection B of § 19.2-187.1.

Patron - Obenshain

PSB491 Sale of used building fixtures; penalty. Requires dealers in secondhand building fixtures to retain records of identifying information about the seller or purchaser of such materials and to obtain documentation establishing that the person lawfully possesses any article being sold. Dealers are required to keep the records for five years. If the dealer buys copper gutters, downspouts, or similar copper or aluminum materials, he is required to hold the articles for not less than 15 days following the date he gives the required notice of the transaction to the chief of police or sheriff. The measure also increases the penalty for a first violation to a Class 3 misdemeanor and for a second or subsequent violation to a Class 1 misdemeanor.

Patron - Hurt

PSB644 Specialized Biotechnology Research Performance Grant Program; established. Establishes the Specialized Biotechnology Research Performance Grant Program for nonprofit entities engaged in research, development, and production related to molecular diagnostics and drug development that enter into a performance-based memorandum of understanding with the Commonwealth prior to June 30, 2010. Grants would be paid to an eligible entity based in Fairfax County that commits in the memorandum of understanding and fulfills its obligation to (i) make a new capital investment of at least \$200 million, (ii) create at least 415 new full-time jobs, and (iii) meet any other criteria set forth in the memorandum of understanding. Grants from the program to a qualified entity

shall not exceed \$22 million in the aggregate. This bill is identical to HB 677.

Patron - Howell

Failed

HB18 Commerce; certain made goods and services. Provides that all goods manufactured or made in Virginia and all services performed in Virginia, when such goods or services are held, maintained, or retained in Virginia, shall not be subject to the authority of the Congress of the United States under its constitutional power to regulate commerce. The measure shall not relate to goods or services ordered, procured, or purchased by the federal government or by a federal contractor.

Patron - Cole

HB181 Gift cards. Prohibits the issuance of a gift card that automatically, as a result of the passage of a period of time following its purchase or activation (i) expires, (ii) diminishes in value by the assessment of a maintenance fee or inactivity fee, or (iii) otherwise becomes unredeemable.

Patron - Morrissey

HB645 Enterprise zone job creation grants. Provides that a business firm is eligible for an enterprise zone job creation grant of \$500 per year for up to five years for each grant eligible position that during such year is 150 percent of the federal minimum wage, if the locality where the business firm is located has an unemployment rate of two percent or higher than the statewide average.

Patron - Armstrong

HB658 Enterprise Zone Grant Program; threshold for real property investment grants. Lowers the threshold for qualified real property investments under the Enterprise Zone Grant Program for distressed localities from \$100,000 to \$50,000 for the rehabilitation or expansion of a single building and from \$500,000 to \$250,000 for new construction of a single building. Under the bill, distressed locality is defined as any locality with an annual average unemployment rate that is one and one half times or more the state average unemployment rate.

Patron - Armstrong

HB660 Enterprise zone job creation grants. Provides that a business firm is eligible for an enterprise zone job creation grant of \$500 per year for up to five years for each grant eligible position that during such year is 150 percent of the federal minimum wage, if the locality where the business firm is located has an unemployment rate of 1.5 percent or higher than the statewide average. This bill was incorporated into HB 555.

Patron - Armstrong

HB794 Employees of home access businesses; penalty. Requires the owner or operator of a commercial establishment that provides a service that requires the establishment's employees regularly to enter the interior area of the residence of its customers to conduct a criminal background check of employees whose regular duties can reasonably be expected to require entering the interior area of the residences of establishment's customers. Effective September 1, 2009, employers are required to complete a criminal records check on prospective employees, but an employer is not prohibited from hiring an employee on the basis of the results of the criminal records check. Employers are required to keep copies of the fingerprints and records check for such employees. Employers shall provide identification badges to employees and require the employees to wear the badge when they are expected to enter

customers' homes. Violations constitute a Class 3 misdemeanor.

Patron - Tata

HB804 Use of personal information. Prohibits a person from sending or delivering, by letter, envelope, package, or electronic message, a solicitation or advertising material that includes the date of birth, place of birth, parents' names, or telephone number of the individual to whom it is addressed. Persons aggrieved by a violation may recover damages of \$100 per violation pursuant to the Personal Information Privacy Act.

Patron - Poindexter

HB1299 Enterprise zone grants; value of qualified investments. Reduces the amounts of qualified real property investments from \$100,000 to \$50,000 for buildings that have been rehabilitated or expanded and from \$500,000 to \$150,000 for new construction. This bill was incorporated into HB 555.

Patron - Crockett-Stark

HB1350 Virginia Post-Disaster Anti-Price Gouging Act. Shortens the potential duration of the period during which the requirements of the Virginia Post-Disaster Anti-Price Gouging Act are in effect from 30 days after the occurrence of a disaster or a renewal or extension of a state of emergency to 10 days after such events. However, if the state of emergency is extended or renewed for longer than 10 days, the longer period will apply. The measure does not limit or restrict an Executive Order declaring a state of emergency, including waivers issued by state agencies to carriers of essential commodities.

Patron - Peace

SB471 Defective drywall; penalties. Makes it a prohibited practice under the Virginia Consumer Protection Act for a supplier to sell, offer for sale, or use in the construction, remodeling, or repair of any residential dwelling in Virginia, any drywall that he knows or has reason to know is drywall that, as a result of containing the same or greater levels of strontium sulfide that has been found in drywall manufactured in China and imported between 2004 and 2007, is capable of releasing sulfur compounds into the air. Such a sale, offering or use of drywall that has been designated by the Consumer Product Safety Commission as posing a substantial product hazard is also made a prohibited practice under the Virginia Consumer Protection Act. The legislation applies to transaction occurring on or after July 1, 2010.

Patron - Miller, J.C.

SB513 Virginia Racing Commission; simulcast horse racing; allocations. Authorizes wagering on historical horse racing. The bill also allocates the proceeds from such racing with forty-two percent of the proceeds distributed to the Commonwealth Transportation Trust Fund and the remaining fifty-eight percent distributed to other entities. In addition, the bill (i) requires the existing race track to provide gambling educational programs including information on the availability of gambling addiction counseling and (ii) requires the promulgation of emergency regulations. This bill incorporates SB 655.

Patron - Norment

SB548 Customer access to restrooms; civil penalty. Requires a retail establishment that has a toilet facility for its employees to allow a customer to use that facility during normal business hours if the following conditions are met: (1) the customer requesting the use of the employee toilet facility suffers from an eligible medical condition or utilizes an ostomy device; (2) three or more employees of the retail establishment are working at the time the request is made; (3) the retail establishment does not normally make a restroom available to the

public; (4) the employee toilet facility is not located in an area where providing access would create an obvious health or safety risk to the customer; and (5) a public restroom is not immediately accessible to the customer. The bill also provides that a retail establishment is not required to make any physical changes to an employee toilet facility. The operator of a retail establishment that violates this requirement is subject to a civil penalty of not more than \$100. A violation of this act does not subject the retail establishment to further liability to the customer.

Patron - Barker

SB655 Virginia Racing Commission; simulcast horse racing; allocations. Authorizes wagering on historical horse racing. The bill also allocates the proceeds from such racing with 35 and one-half percent of the proceeds distributed to the Commonwealth Transportation Trust Fund and the remaining 64 and one-half percent distributed to other entities. In addition, the bill requires (i) the existing racetrack to provide gambling educational programs including information on the availability of gambling addiction counseling and (ii) the promulgation of emergency regulations. This bill was incorporated into SB 513.

Patron - Herring

Carried Over

HB905 Automatic dialing-announcing devices. Prohibits the use of an automatic dialing-announcing device in connection with making a call to any subscriber who has registered with the Virginia Do Not Call Registry. The bill requires the State Corporation Commission to set up the Virginia Do Not Call Registry for subscribers who wish to block all calls that use or are made in connection with automatic dialing-announcing devices by December 31, 2010.

Patron - Bell, Robert B.

Unemployment Compensation

Passed

HB535 Unemployment benefits; minimum earnings requirement. Postpones the scheduled increase, from \$2,700 to \$3,000, in the minimum amount of wages an employee must have earned in the two highest earnings quarters of his base period in order to be eligible for unemployment benefits. The increase will apply to claims filed on or after July 3, 2011; it is currently scheduled to apply to claims filed on or after July 4, 2010.

Patron - Nixon

HB550 Repayment of unemployment benefits. Allows the Virginia Employment Commission to negotiate the terms of repayment for benefits to which a recipient is not entitled. The Commission may deduct up to 50 percent of future benefits, forego collection of the payable amount until the recipient has found employment, or determine and institute an individualized repayment plan for the recipient. The Commission may reinstate any other method of collecting an overpayment if the individual fails to enter into or comply with the terms of a repayment plan.

Patron - Marshall, D.W.

HB760 Department of Veterans Services; Veterans Skills Database. Requires the Virginia Employment Commission, in cooperation with the Department of Veterans Services

and the Secretary of Commerce and Trade, to establish the Veterans Skills Database, an Internet-accessible database of veterans and their workforce skills, for the purpose of marketing and promoting the workforce skills of veterans to potential employers. The database will be free to both veterans and employers.

Patron - Stolle

Failed

HB177 Eligibility of seasonal tax preparation service employees for unemployment benefits. Disqualifies a seasonal employee of a tax preparation firm from receiving unemployment compensation benefits outside of the tax preparation season, if the individual was notified in writing at the time of his hiring that his employment is only for the term of the tax preparation season.

Patron - Morrissey

HB178 Eligibility of seasonal or temporary workers for unemployment benefits. Disqualifies an unemployed individual for unemployment compensation benefits if he was provided with written notice, and signed an acknowledgment of receipt of such notice, by his employer stating that his employment is temporary or seasonal and will be terminated by a date certain or upon the completion of seasonal work specified in the written notice.

Patron - Morrissey

HB647 Unemployment benefits; part-time employment and training programs. Provides that certain individuals who have exhausted eligibility for unemployment benefits and who are enrolled in approved training programs are eligible for up to 26 weeks of additional benefits. The measure also provides that an individual who was employed part time during at least one-half of the weeks of work in the individual's base period is deemed to satisfy the requirement that he be available for work and actively seeking and unable to obtain suitable work if he is available for and actively seeking work that is comparable to his part-time work experience in his base period.

Patron - Armstrong

SB239 Unemployment benefits; eligibility criteria and impact of legislation. Provides that certain individuals who have exhausted eligibility for unemployment benefits and who are enrolled in approved training programs are eligible for up to 26 weeks of additional benefits. The measure also provides that an individual who voluntarily separates from employment is not disqualified from receiving unemployment compensation benefits if the separation is for a compelling family reason, which is defined as domestic violence, the illness or disability of a member of the individual's immediate family; or the need for the individual to accompany such individual's spouse to a place from which it is impractical for such individual to commute and due to a change in location of the spouse's employment. A provision allowing individuals to receive unemployment benefits if they voluntarily leave employment to follow a military spouse assigned to a new duty station, which provision will become effective only if the federal government appropriates adequate funds specifically for the purpose of paying benefits to such individuals, is repealed. The measure also requires that bills enhancing unemployment compensation benefits payable to a claimant contain a statement reflecting the projected impact on the solvency level of the unemployment trust fund and the average increase in state unemployment tax liability of employers. Currently, such bills are required to contain an estimate of potential revenue losses

of state tax revenues. This bill incorporates SB 562 and SB 666.

Patron - Watkins

SB562 Unemployment benefits; part-time employment and training programs. Provides that certain individuals who have exhausted eligibility for unemployment benefits and who are enrolled in approved training programs are eligible for up to 26 weeks of additional benefits. The measure also provides that an individual who was employed part time during at least one-half of the weeks of work in the individual's base period is deemed to satisfy the requirement that he be available for work and actively seeking and unable to obtain suitable work if he is available for and actively seeking work that is comparable to his part-time work experience in his base period. This bill was incorporated into SB 239.

Patron - Puckett

SB666 Unemployment compensation; military spouses. Repeals the provision that made the enactment of a measure to allow military trailing spouses to be eligible for unemployment benefits contingent upon the appropriation by the federal government of funds for this purpose. By repealing this contingency, an employee who voluntarily leaves employment will be deemed to have had good cause for so leaving if the employee accompanies his or her spouse, who is on active duty in the military or naval services of the United States, to a new military-related assignment established pursuant to a permanent change of duty order from which the employee's place of employment is not reasonably accessible. The measure applies only if the state to which the spouse is transferred has a similar provision, unless the transfer involves members of the Virginia National Guard relocated within the Commonwealth. Benefits paid to qualifying claimants shall be charged against the pool rather than against the claimant's employer. This bill was incorporated into SB 239.

Patron - Locke

Carried Over

HB252 Waiver of overpayment of unemployment benefits due to administrative error. Requires the Virginia Employment Commission (VEC) to waive an individual's obligation to repay overpayments of unemployment compensation benefits if (i) the individual requests a waiver, (ii) the overpayment occurred solely because of an administrative error by the VEC, (iii) repayment was not demanded within the six months following the date of the overpayment, and (iv) requiring the individual to repay the overpayment would be inequitable. If the four criteria for a mandatory waiver are not satisfied, the VEC is provided the option of waiving all or part of an individual's obligation to repay overpayments of unemployment compensation benefits if the overpayment occurred solely or partially due to an administrative error by the VEC (and in no part due to the individual's false representation or failure to disclose a material fact) and the VEC determines that recovery of all or part of the overpayment would be inequitable. In determining whether requiring the individual to repay an overpayment would be inequitable, the VEC shall consider whether repayment would cause economic hardship to the individual.

Patron - Merricks

Virginia Energy Plan

Passed

HB389 Virginia Offshore Wind Project Development Authority. Creates the Virginia Offshore Wind Development Authority to facilitate and support the development of the offshore wind industry and wind-powered electric energy facilities located off the coast of the Commonwealth beyond the Commonwealth's three-mile jurisdictional limit. The Authority is charged with, among other tasks, (i) identifying existing state and regulatory or administrative barriers to the development of the offshore wind industry, (ii) collecting metocean and environmental data, (iii) upgrading port facilities to accommodate the manufacturing and assembly of project components and vessels that will support such projects, and (iv) applying to the U.S. Department of Energy for loan guarantees for such projects. SB 577 is identical.

Patron - Janis

HB756 Royalties from offshore drilling. Requires that all revenues and royalties paid to the Commonwealth as a result of offshore natural gas and oil drilling shall be distributed as follows: (i) 70 percent to the Transportation Trust Fund, (ii) 20 percent to the Virginia Coastal Energy Research Consortium, and (iii) 10 percent to localities for improvements to infrastructure and transportation. This bill incorporates HB 805 and HB 900.

Patron - Stolle

HB787 Offshore energy resources. States that it shall be the policy of the Commonwealth to support oil and natural gas exploration, development, and production 50 miles or more off Virginia's coast, taking into account the impact on affected localities, armed forces, and the mid-Atlantic regional spaceport. Currently, the policy is limited to supporting exploration for natural gas resources 50 miles or more offshore. SB 394 is identical.

Patron - Villanueva

SB394 Offshore energy resources. States that it shall be the policy of the Commonwealth to support oil and natural gas exploration, development, and production 50 miles or more off Virginia's coast, taking into account the impact on affected localities, armed forces, and the mid-Atlantic regional spaceport. Currently, the policy is limited to supporting exploration for natural gas resources 50 miles or more offshore. HB 787 is identical.

Patron - Wagner

SB577 Virginia Offshore Wind Project Development Authority. Creates the Virginia Offshore Wind Development Authority to facilitate and support the development of the offshore wind industry and wind-powered electric energy facilities located off the coast of the Commonwealth beyond the Commonwealth's three-mile jurisdictional limit. The Authority is charged with, among other tasks, (i) identifying existing state and regulatory or administrative barriers to the development of the offshore wind industry, (ii) collecting metocean and environmental data, (iii) upgrading port facilities to accommodate the manufacturing and assembly of project components and vessels that will support such projects, and (iv) applying to the U.S. Department of Energy for loan guarantees for such projects. This bill incorporates SB 393. HB 389 is identical.

Patron - McEachin

PSB713 Coastal Energy Research Consortium. Adds George Mason University to the membership of the Coastal Energy Research Consortium and the President of George Mason University or his designee to the governing board of the Consortium. The measure also directs that a representative of NASA's Langley Research Center shall serve as a nonvoting member of the Consortium's board of directors.

Patron - Petersen

Failed

FHB805 Royalties from offshore drilling. Requires that 80 percent of any revenues and royalties paid to the Commonwealth as a result of offshore natural gas and oil drilling shall be deposited to the Transportation Trust Fund. The remaining 20 percent shall be used to encourage and incentivize non-petroleum based transportation fuels. This bill was incorporated into HB 756.

Patron - Poindexter

FHB900 Offshore drilling; royalties. Apportions 80 percent of any royalties that the Commonwealth might receive from offshore drilling for natural gas and oil to the Transportation Trust Fund, and 20 percent to programs developed by the Secretary of Natural Resources to clean up the Chesapeake Bay. This bill was incorporated into HB 756.

Patron - Comstock

FHB1222 Voluntary Solar Resource Development Fund; grant program. Requires electric utilities to provide customers with the option to make voluntary contributions to the Voluntary Solar Resource Development Fund, which is established by this measure. Moneys in the Fund will be allocated by the State Corporation Commission as grants for projects that involve the acquisition, installation, or operation of photovoltaic devices, solar water heating devices, or solar space heating devices at a residence, structure occupied by a nonprofit organization, or commercial establishment.

Patron - Ebbin

FSB221 Covenants regarding natural drying devices. Provides that effective July 1, 2010, no community association shall prohibit an owner from installing or using a natural drying device on that owner's property. The bill provides that a community association may establish reasonable restrictions concerning the size, placement, duration, and manner of placement of such natural drying device.

Patron - Puller

FSB393 Virginia Offshore Wind Project Development Commission. Creates the Virginia Offshore Wind Project Development Commission to facilitate the development of wind-powered electric energy facilities located off the coast of the Commonwealth beyond the Commonwealth's three-mile jurisdictional limit. The Commission is charged, among other tasks, with applying to the U.S. Minerals Management Service for leases or easements for sites for such projects and applying to the U.S. Department of Energy for up to \$4 billion in loan guarantees for such projects. This bill was incorporated into SB 577.

Patron - Wagner

Carried Over

CHB881 Restrictive covenants regarding solar energy collection devices. Invalidates any new or existing restrictive covenant adopted by a community association that prohibits or restricts the installation or use of solar energy

collection device. Community associations may establish reasonable restrictions as to the size, place, and manner regarding the placement of such devices on private property and community areas.

Patron - BaCote

CHB1274 Impact assessment for energy mandates. Requires standing committees of the General Assembly to request that the State Corporation Commission or the Joint Legislative Audit and Review Commission prepare an assessment of the economic impact, on customers and public utilities in the Commonwealth, of any proposed state law or other mandate that affects the use, delivery, availability or regulation of energy in the Commonwealth. The assessment is required to be completed within 24 months. Evaluations of the economic impact of existing energy mandates shall be conducted in accordance with a schedule submitted by the committees of the General Assembly having jurisdiction over commerce and trade matters.

Patron - Hugo

CSB601 Royalties from offshore drilling. Requires that at least 80 percent of any revenues and royalties paid to the Commonwealth as a result of offshore natural gas and oil drilling shall be deposited to the Transportation Trust Fund.

Patron - Wagner

CSB647 Impact assessment for energy mandates. Requires standing committees of the General Assembly to request that the State Corporation Commission or the Joint Legislative Audit and Review Commission prepare an assessment of the economic impact, on customers and public utilities in the Commonwealth, of any proposed state law or other mandate that affects the use, delivery, availability or regulation of energy in the Commonwealth. The assessment is required to be completed within 24 months. Evaluations of the economic impact of existing energy mandates shall be conducted in accordance with a schedule submitted by the committees of the General Assembly having jurisdiction over commerce and trade matters.

Patron - Watkins

Waters of the State, Ports and Harbors

Passed

PHB4 Roanoke River Basin Advisory Committee. Removes the cap on reappointments for nonlegislative citizen members of the Roanoke River Basin Advisory Committee. Currently, nonlegislative citizen members may only be reappointed to three consecutive two-year terms.

Patron - Wright

PHB515 Wetlands and stream mitigation. Prohibits localities from regulating the location of wetlands and stream mitigation projects that are subject to a Virginia Water Protection Permit or a Corps of Engineer § 404 permit. However, a locality may continue to determine the allowed uses within its zoning classifications.

Patron - Rust

PHB1135 Wastewater discharge permits. Requires the owner or operator of a wastewater treatment facility with a discharge greater than 1,000 gallons per day up to 39,999 gallons per day that has not begun the discharge of pollutants prior

to January 1, 2011, to demonstrate to the Department of Environmental Quality that he has acquired waste load allocations sufficient to offset his nitrogen and phosphorus discharges.

Patron - Morgan

HB1221 Virginia Water Facilities Revolving Fund. Provides that loans may be made from the Virginia Water Facilities Revolving Fund, at the State Water Control Board's discretion, to a local government for construction of facilities or structures or implementation of best management practices that reduce or prevent pollution of state waters caused by stormwater runoff from impervious surfaces. However, under the bill, wastewater treatment facilities will have the first priority in obtaining financing from the Fund.

Patron - Bulova

HB1290 Nutrient trading. Allows wastewater treatment facilities on the Eastern Shore to acquire nitrogen and phosphorus credits from facilities in the Potomac and Rappahannock tributaries. Currently a permitted facility can acquire point source nitrogen credits, among other restrictions, from one or more permitted facilities in the same tributary.

Patron - Lewis

SB317 Roanoke River Basin Advisory Committee. Removes the cap on reappointments for nonlegislative citizen members of the Roanoke River Basin Advisory Committee. Currently, nonlegislative citizen members may only be reappointed to three consecutive two-year terms.

Patron - Ruff

SB345 Oyster restoration projects. Authorizes the Virginia Resources Authority to finance oyster restoration efforts undertaken by local governments.

Patron - Hanger

SB569 Water Supply Plan Advisory Committee. Establishes the State Water Resources Plan Advisory Committee to assist the Department of Environmental Quality (DEQ) in the development and implementation of the state water resources plan. The Director of DEQ is to appoint the members of the Committee who will be representatives of various stakeholder groups, including water users, water providers, agricultural, conservation, and environmental organizations, state and federal agencies, and university faculty.

Patron - Ticer

Failed

HB121 Virginia ports; change in ownership. Requires approval of both the Governor and the General Assembly before any change in ownership of the Virginia ports is permitted.

Patron - Purkey

HB697 Virginia Water Protection Permit. Authorizes the State Water Control Board to consider whether the proposed activity for which a water withdrawal permit is being sought is in accordance with the state water resources plan.

Patron - Bulova

HB1137 Ground water withdrawal permit fees. Increases the maximum amount that the State Water Control Board can charge for a permit to withdraw ground water from \$6,000 to \$12,000. The term of a ground water permit is up to 10 years. The State Water Control Board is also authorized to set up a fee schedule to allow permit holders to pay their permit fees on an annual basis over the term of the permit.

Patron - Morgan

SB140 Virginia ports; change in ownership. Prohibits the Commonwealth, the Virginia Port Authority, any governmental entity, and any other person from selling any harbor, seaport, marine terminal, or other port facility, or inland intermodal facility owned by the Commonwealth or the Authority. Additionally, any leases, concession agreements, or similar type of agreements that transfers to a nongovernmental entity possession or control of any such harbor, seaport, marine terminal, or other port facility, or inland intermodal facility for a period longer than 20 years at a time are prohibited. Any such leases, concession agreements, or similar type of agreements under 20 years shall be approved by the Governor. The Authority is allowed to enter into a joint venture with a nongovernmental entity relating to the management or operation of its property provided certain conditions are met. This bill incorporates SB 605.

Patron - Miller, J.C.

SB605 Virginia ports; change in ownership. Requires approval of the General Assembly before any lease for longer than 10 years or sale of the Virginia ports is permitted. This bill was incorporated into SB 140.

Patron - Saslaw

SB708 Water Quality Improvement Fund; nutrient offsets. Creates the Nutrient Offset Fund as a subfund of the Virginia Water Quality Improvement Fund to be administered by the Director of the Department of Environmental Quality for the purchase of nutrient reductions certified under the Chesapeake Bay Watershed Nutrient Credit Exchange Program. Using moneys from the subfund, the Director of the Department of Environmental Quality may enter into long-term contracts with producers of nutrient offsets to purchase such offsets. Priority shall be given to nutrient offsets produced from facilities that generate electricity from animal waste. The nutrient offsets purchased with moneys from the subfund will be available for sale to owners or operators of new or expanded facilities required to offset nutrient loads through the watershed general permit.

Patron - Hanger

Carried Over

HB508 Land application of sewage sludge. Requires the State Water Control Board to adopt a regulation that establishes procedures for notifying health sensitive individuals who live within two miles of the site where sewage sludge is going to be land applied. The land application cannot occur until the Department of Environmental Quality has established those conditions that will ensure that these individuals are not exposed to the sewage sludge. Such conditions could include the requirement for a buffer area between the site where the application will take place and a health sensitive individual's residence. The bill also requires the Board to adopt regulations that protect sensitive environmental features from the impacts of land application of sewage sludge.

Patron - Gilbert

HB696 Reporting of water withdrawals. Authorizes the State Water Control Board to impose a civil penalty, not to exceed \$1,000, upon any person who fails to register and report certain water withdrawal information. However prior, to determining whether a civil penalty should be assessed, the Board is required to give the permit holder 60 days to come into compliance with the reporting requirement. A violator also has the option of entering into a consent agreement with the Board and pay a civil charge that could be less than the \$1,000 penalty. Any person who withdraws more than one million gallons in any single month for crop irrigation or who withdraws during

any single month a daily average 10,000 gallons per day is required to be registered and report the amount of his withdrawals. The revenue generated from the civil penalties and charges will be deposited in a special fund that can be used solely to fund the Department of Environmental Quality's water supply planning responsibilities.

Patron - Bulova

HB1340 Land application of sewage sludge. Authorizes those localities located in karst regions to prohibit the land application of sewage sludge within their boundaries. Karst terrain is characterized by springs, caves, sinkholes, and a unique hydrogeology that results in aquifers that are highly productive but extremely vulnerable to contamination.

Patron - Gilbert

Welfare (Social Services)

Passed

HB411 Shaken baby syndrome; distribution of information. Requires the Department of Social Services to make information about shaken baby syndrome, its effects, and resources for help and support for caretakers available in a printable format, and information about how to acquire such information in an audiovisual format, available on a website maintained by the Department, and to inform every child welfare program licensed by the Department about the available information. This bill also provides that information about shaken baby syndrome shall be made available to foster and adoptive parents, and staff of child day programs and children's residential facilities.

Patron - Oder

HB443 Adoption assistance. Amends eligibility and application process requirements for adoption assistance; provides for separate maintenance, nonrecurring expense, and state special services payments; sets forth the requirements of each; and amends provisions governing changes in the amount of maintenance payments.

Patron - Toscano

HB718 Foster care; plan to reduce. Requires the Governor and the Department of Social Services, together with other appropriate executive branch agencies, to develop a plan to increase permanent placements of children with families to reduce the number of children in foster care by 25 percent by 2020.

Patron - Peace

HB736 Virginia Child Protection Accountability System. Adds the Department of State Police and circuit courts to the list of entities required to report information for inclusion in the Virginia Child Protection Accountability System. This bill is identical to SB 284.

Patron - Albo

HB747 Stepparent and close relative adoption; appointment of guardian ad litem not required. Allows a court to waive appointment of a guardian ad litem for a child in cases of stepparent or close relative adoption.

Patron - Toscano

HB749 Consent to parental placement adoption; out-of-state placements. Allows a birth parent who is located in the Commonwealth to waive his right to consent to the adoption of his child pursuant to the laws of the Commonwealth and

elect to exercise consent pursuant to the laws of the receiving state. Consent shall be made under oath, in writing, and signed by the parent, and shall expressly state that the parent waiving consent has received independent legal counsel from an attorney licensed in Virginia advising him of the laws of the Commonwealth and the laws of the receiving state.

Patron - Toscano

HB750 Post-adoption contact and communication agreements. Provides that in any case of adoption, adoptive parents may enter into post-adoption contact and communication agreements, and that the court may consider the appropriateness of any post-adoption contact and communication agreement at a permanency hearing for any child in foster care.

Patron - Toscano

HB921 Department of Social Services; retention of records. Requires local departments of social services to keep all records from cases involving child sexual abuse involving injuries or conditions that result in or were likely to have resulted in serious harm to a child for a period of 25 years from the date of the complaint.

Patron - Bell, Robert B.

HB1133 Adoption; explanation of legal effects. Clarifies the requirement that a local board or child-placing agency provide information about the adoption process, its legal effects, and the alternatives to adoption to the birth mother and, if reasonably available, the father of a child to be placed for adoption.

Patron - Keam

SB277 Temporary Assistance for Needy Families (TANF); applications. Allows TANF applicants to retain pre-existing support they may have received on their own behalf or on behalf of any other family member.

Patron - Quayle

SB284 Virginia Child Protection Accountability System. Adds the Department of State Police and circuit courts to the list of entities required to report information for inclusion in the Virginia Child Protection Accountability System. This bill is identical to HB 736.

Patron - Quayle

SB339 Licensure of a facility; interviews with residents or participants. Provides that interviews with residents or participants of facilities or programs licensed or seeking licensure by the Department of Social Services shall be (i) scheduled in advance of the interview and authorized by the person to be interviewed or his legally authorized representative, and (ii) limited to discussion of issues related to the applicant's or licensee's compliance with applicable laws and regulations. This bill also sets forth inspection requirements for assisted living facilities, and provides that an incident report filed by an assisted living facility, pursuant to regulations adopted by the Board, for any major incident that negatively affects or threatens the life, health, safety or welfare of any resident of the facility shall not be considered a complaint, but may trigger an investigation including an onsite visit if the Commissioner finds an investigation is necessary.

Patron - Hanger

SB415 Foster care and independent living services. Requires local departments that provide independent living services to persons between 18 and 21 years of age to provide any person who chooses to leave foster care or terminate independent living services before his twenty-first birthday written notice of his right to request restoration of independent living services. The written notice shall be included in the person's

transition plan, which shall be created at least 90 days prior to the person's discharge from foster care.

Patron - Vogel

SB728 Child support orders; emergency. Eliminates the ability of the Department of Social Services to order 2.5 percent cash medical support payments from the noncustodial parent when the child is a recipient of Medicaid or the Family Access to Medical Insurance Security Plan. The bill also requires the Department to repay any 2.5 percent payments received since July 1, 2009.

Patron - Quayle

Failed

HB80 Statewide Temporary Assistance for Needy Families Program Funding Pool. Creates the Statewide TANF Program Funding Pool, which shall consist of all TANF block grant funds to be awarded to service providers for expanded TANF programs, up to an amount equal to 12 percent of the total amount of the TANF block grant for a given year. This bill requires the Department of Social Services to administer the Statewide TANF Program Funding Pool, and to allocate funds from the Statewide TANF Program Funding Pool to TANF expanded program service providers through a competitive grant process.

Patron - Englin

HB175 Limitations on barrier crimes. Limits assault-related barrier crimes in Title 63.2 to felony assault crimes only. Currently, misdemeanor assaults are barriers to employment in certain areas.

Patron - Morrissey

HB847 Local boards of social services; removes membership limit for certain counties. Removes the three-person limit on the number of members serving on a local board of social services in a county operating under the county board form of government.

Patron - Morefield

SB59 Substance abuse screening and assessment of public assistance applicants and recipients. Requires local departments of social services to screen each VIEW program participant to determine whether probable cause exists to believe the participant is engaged in the use of illegal drugs. This bill provides that, when a screening indicates reasonable cause to believe a participant is using illegal drugs, the Department shall require a formal substance abuse assessment of the participant, which may include drug testing. Any person who fails or refuses to participate in a screening or assessment without good cause or who tests positive for the use of illegal drugs shall be ineligible to receive TANF payments for a period of one year.

Patron - Martin

SB576 Eligibility for TANF; drug-related felonies. Requires persons otherwise eligible to receive Temporary Assistance for Needy Families (TANF) benefits to not be denied benefits solely due to a previous conviction of a felony drug offense pursuant to § 18.2-250. The otherwise eligible person must comply with all obligations imposed by the criminal court and be actively engaged in or have completed a substance abuse treatment program. The bill mirrors the authorized federal exemption already granted for food stamp applicants.

Patron - Ticer

Carried Over

HB226 Eligibility for TANF; drug-related felonies. Provides that a person who is otherwise eligible to receive TANF assistance shall not be denied assistance solely because he has been convicted of a felony offense of possession of a controlled substance provided he complies with all obligations imposed by the court, has completed substance abuse treatment, and participates in drug screenings.

Patron - Watts

HB925 Substance abuse screening and assessment of public assistance applicants and recipients. Requires local departments of social services to screen each VIEW program participant to determine whether probable cause exists to believe the participant is engaged in the use of illegal drugs. This bill provides that, when a screening indicates reasonable cause to believe a participant is using illegal drugs, the Department shall require a formal substance abuse assessment of the participant, which may include drug testing. Any person who fails or refuses to participate in a screening or assessment without good cause or who tests positive for the use of illegal drugs shall be ineligible to receive TANF payments for a period of one year.

Patron - Bell, Robert B.

HB1069 Suspected adult abuse; mandatory reporting. Requires any person employed in the emergency department of any private or state-operated hospital to report to Adult Protective Services when an adult is treated for serious bodily injury and the adult is unable to explain the cause of his injuries due to physical or mental incapacity.

Patron - Athey

SB702 Child welfare; placement of children. Provides that the Department of Social Services shall consider residential placement of children when reunification with the family is not in the best interests of the child.

Patron - Marsden

Wills and Decedents' Estates

Passed

HB346 Small Estate Act; revision. Revises the Small Estate Act by repealing related provisions in the Title 6.1 (Banking and Finance), Title 51.1 (Pensions, Benefits, and Retirement), and Title 64.1 (Wills and Decedents' Estates) and consolidating them in the Act. The bill also allows that a person holding a small asset belonging to a decedent may pay or deliver the asset to a designated successor if he presents an affidavit on behalf of the other known successors if the value of the asset does not exceed \$50,000 and other conditions are met. The person holding the asset may pay or deliver it without being presented with an affidavit if the value of the asset does not exceed \$15,000. A designated successor who received an asset has a fiduciary duty to other successors to safeguard the asset and pay or deliver it to other successors as required by law. The bill also provides that a person holding a small asset may pay or deliver up to \$3,500 of the asset for the handling of the funeral of the decedent.

Patron - Watts

HB755 Wills and trusts; formula clauses referring to federal estate and generation-skipping transfer tax laws; application. Provides that a formula for calculating transfers

or devises based on federal estate or generation-skipping transfer tax law contained in a will or trust of a decedent who dies after December 31, 2009, and before January 1, 2011, shall be construed to refer to the tax law applicable on December 31, 2009. The bill is intended to address the consequences of the repeal of the federal estate and generation-skipping transfer taxes with respect to estates and taxable transfers occurring after December 31, 2009, and before January 1, 2011. The bill contains an emergency clause and its provisions will also be effective retroactive to December 31, 2009.

Patron - Janis

HB1345 Probate; list of heirs. Provides that the list of heirs that must be filed with the clerk of court when a personal representative for a decedent's estate seeks to qualify or a will is submitted to probate shall reflect the heirs in existence on the date of the decedent's death. If there are any changes as to who should be included on the list of heirs, an additional list of heirs shall be filed that includes such changes.

Patron - Barlow

Workers' Compensation

Passed

HB603 Workers' Compensation Commission; notices. Authorizes the Workers' Compensation Commission to satisfy its obligations to provide copies of notices, opinions, orders, and awards by sending them by electronic communications in the manner prescribed by the Commission. SB 611 is identical.

Patron - Loupassi

HB705 Workers' Compensation Commission; awards. Repeals provisions that require the Workers' Compensation Commission to send copies of awards by priority mail with delivery confirmation or equivalent mailing option. The measure also increases the period in which an application for review of an award may be made from 20 to 30 days. SB 612 is identical.

Patron - Merricks

HB761 Workers' Compensation Commission filings. Expands the options for filing materials with the Workers' Compensation Commission to include means of electronic transmission that have been approved by the Commission. SB 610 is identical.

Patron - Marshall, D.W.

HB807 Workers' compensation insurance; proof of coverage. Authorizes workers' compensation insurance carriers to file proof of coverage within 30 days of an insurance policy's inception. The filing shall be made electronically in the form prescribed by, and to the agent designated by, the Workers' Compensation Commission. SB 597 is identical.

Patron - Poindexter

SB597 Workers' compensation insurance; proof of coverage. Authorizes workers' compensation insurance carriers to file proof of coverage within 30 days of an insurance policy's inception. The filing shall be made electronically in the form prescribed by, and to the agent designated by, the Workers' Compensation Commission. HB 807 is identical.

Patron - Wampler

SB610 Workers' Compensation Commission filings. Expands the options for filing materials with the Work-

ers' Compensation Commission to include means of electronic transmission that have been approved by the Commission. HB 761 is identical.

Patron - Edwards

SB611 Workers' Compensation Commission; notices. Authorizes the Workers' Compensation Commission to satisfy its obligations to provide copies of notices, opinions, orders, and awards by sending them by electronic communications in the manner prescribed by the Commission. HB 603 is identical.

Patron - Edwards

SB612 Workers' Compensation Commission; awards. Repeals provisions that require the Workers' Compensation Commission to send copies of awards by priority mail with delivery confirmation or equivalent mailing option. The measure also increases the period in which an application for review of an award may be made from 20 to 30 days. HB 705 is identical.

Patron - Wagner

Failed

HB156 Workers' compensation; occupational disease presumption. Expands the presumption that specific types of cancers in firefighters and certain other public safety employees are occupational diseases compensable under the Workers' Compensation Act to include kidney cancer and any other type of cancer that results from the inhalation, ingestion, or absorption of a toxic substance. A toxic substance is currently defined as a known or suspected carcinogen, as defined by the International Agency for Research on Cancer, that causes, or is suspected to cause, leukemia or pancreatic, prostate, rectal, throat, ovarian, or breast cancer.

Patron - Dance

HB446 Workers' Compensation; exclusion of certain employees. Excludes a person from coverage under the Virginia Workers' Compensation Act if his injury, disability, or death is covered by or eligible for benefits under the Longshore and Harbor Workers' Compensation Act or the Jones Act. The measure provides that such persons continue to be employees for purposes of the Act with respect to injury by accident that occurred prior to July 1, 2010.

Patron - Ware, R.L.

HB955 Workers' compensation; occupational disease presumption. Adds salaried and volunteer lifesaving and rescue squad members to the list of public safety personnel who are entitled to a presumption that hypertension and heart disease are occupational diseases suffered in the line of duty that are covered under the Workers' Compensation Act.

Patron - Lingamfelter

HB1346 Workers' compensation; occupational disease presumption limitation. Establishes a limitations period during which a public safety employee may bring a claim under the Workers' Compensation Act for hepatitis at two years after the employee receives notice of a positive test for exposure to hepatitis. The limitation applies only to those public safety employees who are entitled to the existing presumption that hepatitis is an occupational disease. Existing law provides that the limitations period for claims involving hepatitis is the earlier to occur of (i) two years after a diagnosis of the disease is first communicated to the employee or (ii) five years from the date of the last injurious exposure in employment.

Patron - Barlow

Carried Over

HB1326 Workers' compensation; medical services. Provides that a health care provider rendering medical services outside Virginia to an injured worker whose claim and injuries have been accepted as compensable under the Virginia Workers' Compensation Act shall be reimbursed for authorized, reasonable and necessary medical treatment in an amount equal to the workers' compensation fee schedule, if any, adopted by that state. If the other state does not have a fee schedule, the provider will be reimbursed based on the charges prevailing in the same community for similar treatment when the treatment is paid for by the injured person. The measure also directs the Workers' Compensation Commission to appoint a task force to develop recommendations relating to reductions or discounts for multiple surgical procedures performed during a single operative session, liability for the costs of assistants-at-surgery, and whether prompt payment to medical providers should be required. The Commission shall develop regulations addressing these issues by November 30, 2011.

Patron - Merricks

SB367 Workers' compensation; medical services. Limits the liability of an employer for certain costs of an employee's surgical procedures in connection with an award under the Virginia Workers' Compensation Act. If more than one covered surgical procedure is performed during an operative session, the employer's liability shall be based on the applicable prevailing community rate for the procedure that has the highest prevailing community rate and one-half of the prevailing community rate for other covered surgical procedures performed. If a physician serves as an assistant-at-surgery, the employer's pecuniary liability for the service is capped at 20 percent of the prevailing community rate payable to the primary surgeon. If a nonphysician serves as an assistant-at-surgery, the employer's pecuniary liability for the service is capped at 10 percent of the prevailing community rate payable to the primary surgeon. If a health care provider renders covered medical services to an injured worker in another state, the provider will be reimbursed in accordance with that state's workers' compensation fee schedule if the state has such a schedule or at the prevailing community rate if the state does not have such a schedule.

Patron - Puckett

Constitutional Amendments

Passed

HB16 Constitutional amendment (voter referendum); property exempt from taxation. Provides for a referendum at the November 2010 election on the approval of a proposed constitutional amendment relating to property exempt from taxation. The proposed amendment allows the General Assembly to authorize localities to establish their own income or financial worth limitations for purposes of granting property tax relief for homeowners not less than 65 years of age or permanently and totally disabled. The Constitution presently requires a showing that the homeowners granted property tax relief bear an extraordinary tax burden on the property in relation to their income or financial worth as provided by the General Assembly by state law. This bill is identical to SB 547.

Patron - Cole

HB147 Constitutional amendment (voter referendum); limit on taxes or revenues and the Revenue Stabilization Fund. Provides for a referendum at the November 2010 election on the approval of a proposed constitutional amendment relating to the limit on the size of the Revenue Stabilization Fund. The proposed amendment increases the permissible size of the Fund by 50 percent; i.e., from 10 percent to 15 percent of the Commonwealth's average annual tax revenues derived from income and sales taxes for the preceding three fiscal years. This bill is identical to SB 362.

Patron - O'Bannon

HB149 Constitutional amendment (voter referendum); property tax exemptions. Provides for a referendum at the November 2, 2010, election to approve or reject an amendment requiring the General Assembly to provide a real property tax exemption for the principal residence of a veteran, or his or her surviving spouse, if the veteran has a 100 percent service-connected, permanent, and total disability. This bill incorporates HB 1270 and is identical to SB 31.

Patron - O'Bannon

HJ11 Constitutional amendment (second resolution); property exempt from taxation. Amends the Constitution of Virginia to allow the General Assembly to authorize localities to establish their own income or financial worth limitations for purposes of granting property tax relief for homeowners not less than 65 years of age or permanently and totally disabled. The Constitution presently requires a showing that the homeowners granted property tax relief bear an extraordinary tax burden on the property in relation to their income or financial worth as provided by the General Assembly by state law. This resolution is identical to SJ 97.

Patron - Cole

HJ33 Constitutional amendment (second resolution); property tax exemption for certain veterans. Directs the General Assembly to exempt from taxation real property that is the principal residence of a veteran (or widow or widower of a veteran) if the veteran has been determined by the United States Department of Veterans Affairs or its successor agency pursuant to federal law to have a 100 percent service-connected, permanent, and total disability. This resolution is identical to SJ 13.

Patron - O'Bannon

HJ34 Constitutional amendment (second resolution); limit on taxes or revenues and the Revenue Stabilization Fund. Increases the permissible size of the Fund by 50 percent; i.e., from 10 percent to 15 percent of the Commonwealth's average annual tax revenues derived from income and sales taxes for the preceding three fiscal years. This resolution is identical to SJ 81.

Patron - O'Bannon

SB31 Constitutional amendment (voter referendum); property tax exemptions. Provides for a referendum at the November 2, 2010, election to approve or reject an amendment requiring the General Assembly to provide a real property tax exemption for the principal residence of a veteran, or his or her surviving spouse, if the veteran has a 100 percent service-connected, permanent, and total disability. This bill is identical to HB 149.

Patron - Puller

SB362 Constitutional amendment (voter referendum); limit on taxes or revenues and the Revenue Stabilization Fund. Provides for a referendum at the November 2010 election on the approval of a proposed constitutional amend-

ment relating to the limit on the size of the Revenue Stabilization Fund. The proposed amendment increases the permissible size of the Fund by 50 percent; i.e., from 10 percent to 15 percent of the Commonwealth's average annual tax revenues derived from income and sales taxes for the preceding three fiscal years. This bill is identical to HB 147.

Patron - Barker

SB547 Constitutional amendment (voter referendum); property exempt from taxation. Provides for a referendum at the November 2010 election on the approval of a proposed constitutional amendment relating to property exempt from taxation. The proposed amendment allows the General Assembly to authorize localities to establish their own income or financial worth limitations for purposes of granting property tax relief for homeowners not less than 65 years of age or permanently and totally disabled. The Constitution presently requires a showing that the homeowners granted property tax relief bear an extraordinary tax burden on the property in relation to their income or financial worth as provided by the General Assembly by state law. This bill is identical to HB 16.

Patron - Barker

SJ13 Constitutional amendment (second resolution); property tax exemption for certain veterans. Directs the General Assembly to exempt from taxation real property that is the principal residence of a veteran (or widow or widower of a veteran) if the veteran has been determined by the United States Department of Veterans Affairs or its successor agency pursuant to federal law to have a 100 percent service-connected, permanent, and total disability. This resolution is identical to HJ 33.

Patron - Puller

SJ81 Constitutional amendment (second resolution); limit on taxes or revenues and the Revenue Stabilization Fund. Increases the permissible size of the Fund by 50 percent; i.e., from 10 percent to 15 percent of the Commonwealth's average annual tax revenues derived from income and sales taxes for the preceding three fiscal years. This resolution is identical to HJ 34.

Patron - Barker

SJ97 Constitutional amendment (second resolution); property exempt from taxation. Amends the Constitution of Virginia to allow the General Assembly to authorize localities to establish their own income or financial worth limitations for purposes of granting property tax relief for homeowners not less than 65 years of age or permanently and totally disabled. The Constitution presently requires a showing that the homeowners granted property tax relief bear an extraordinary tax burden on the property in relation to their income or financial worth as provided by the General Assembly by state law. This resolution is identical to HJ 11.

Patron - Barker

Failed

HB1270 Constitutional amendment (voter referendum); property tax exemptions. Provides for a referendum at the November 2, 2010, election to approve or reject an amendment requiring the General Assembly to provide a real property tax exemption for the principal residence of a veteran, or his or her surviving spouse, if the veteran has a 100 percent service-connected, permanent, and total disability. This bill was incorporated into HB 149.

Patron - Bell, Richard P.

FHJ5 Constitutional amendment (first resolution); Transportation Funds. Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, Highway Maintenance and Operating Fund, and other funds established by general law for transportation. All revenues dedicated to Transportation Funds on January 1, 2011, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house, and the loan must be repaid with reasonable interest by the end of the fourth fiscal year following the date of the borrowing.

Patron - Oder

FHJ6 Constitutional amendment (first resolution); restoration of civil rights. Authorizes the General Assembly to provide by law for the restoration of civil rights for persons convicted of nonviolent felonies who have completed service of their sentences subject to the conditions, requirements, and definitions set forth in that law. The present Constitution provides for restoration of rights by the Governor. The amendment retains the right of the Governor to restore civil rights and adds an alternative for restoration of rights pursuant to law for non-violent felons.

Patron - Howell, A.T.

FHJ7 Constitutional amendment (first resolution); health care freedom. Protects an individual's right and power to participate or to decline to participate in a health care system or plan. The amendment prohibits any law that will infringe on an individual's right to pay for lawful medical services. The amendment further prohibits the adoption of any law that imposes a penalty, tax, or fine upon an individual who declines to enter into a contract for health care coverage or to participate in a health care system or plan.

Patron - Marshall, R.G.

FHJ16 Constitutional amendment (first resolution); restoration of civil rights. Authorizes the General Assembly to provide by general law for the restoration of civil rights for persons convicted of felonies who have completed service of their sentence including any period or condition of probation, parole, or suspension of sentence. The present Constitution provides for restoration of rights by the Governor. The amendment retains the right of the Governor to restore civil rights and adds the alternative for restoration of rights pursuant to general law.

Patron - Dance

FHJ26 Constitutional amendment (first resolution); limit on appropriations. Limits total appropriations in a year to the preceding year's total appropriations plus a percentage equal to the sum of the percentage increase in the rate of inflation plus the rate of population increase. However, additional appropriations may be made (i) for tax relief, (ii) for deposits to the Revenue Stabilization Fund, or (iii) for nonrecurring capital projects. "Total appropriations" is defined so as not to include appropriated moneys that are received from the federal government or an agency or unit thereof.

Patron - Loupassi

FHJ30 Constitutional amendment (first resolution); Board of Education. Provides for the appointment of the members of the Board of Education as follows: four members,

including a member designated as president, appointed by the Governor; three members appointed by the House of Delegates; and two members appointed by the Senate, in accordance with the rules of each house. Members are to be appointed for four-year terms. Terms are staggered. No person may be appointed to more than two consecutive full terms. Members in office when the amendment takes effect will serve until their successors are appointed. Currently, the Constitution provides that all nine members are appointed by the Governor.

Patron - Purkey

EHJ31 Constitutional amendment (first resolution); Governor's term of office. Permits the Governor to succeed himself in office. The amendment allows two four-year terms (either in succession or not in succession) but prohibits election to a third term. The amendment allows Governors elected in 2013 and thereafter to serve two successive terms. Service for more than two years of a partial term counts as service for one term.

Patron - Purkey

EHJ42 Constitutional amendment (first resolution); restoration of civil rights. Authorizes the General Assembly to provide by general law for the restoration of civil rights for persons convicted of felonies who have completed service of their sentence including any period or condition of probation, parole, or suspension of sentence. The present Constitution provides for restoration of rights by the Governor. The amendment retains the right of the Governor to restore civil rights and adds the alternative for restoration of rights pursuant to general law.

Patron - Morrissey

EHJ43 Constitutional amendments (first resolution); Governor's term of office; Board of Education. Permits the Governor to succeed himself in office. The amendment allows two four-year terms (either in succession or not in succession) but prohibits election to a third term. The amendment allows Governors elected in 2013 and thereafter to serve two successive terms. Service for more than two years of a partial term counts as service for one term. A second amendment provides for the appointment of the members of the Board of Education as follows: four members, including a member designated as president, appointed by the Governor; three members appointed by the House of Delegates; and two members appointed by the Senate, in accordance with the rules of each house. Members are to be appointed for four-year terms. Terms are staggered. No person may be appointed to more than two consecutive full terms. Members in office when the amendment takes effect will serve until their successors are appointed. Presently, the Constitution provides that all nine members are appointed by the Governor.

Patron - Purkey

EHJ54 Constitutional amendment (first resolution); legislative sessions. Provides that the General Assembly may agree to delay the reconvened session for a period of up to one week. The Constitution now provides that the reconvened session will be held on the sixth Wednesday after adjournment of a regular or special session. The proposed amendment would allow the General Assembly to postpone the reconvened session for a brief period, for example, to avoid convening on a religious holiday.

Patron - Englin

EHJ55 Constitutional amendment (first resolution); marriage. Proposes the repeal of the constitutional amendment dealing with marriage that was approved by referendum at the November 2006 election. That amendment to the Bill of Rights: (i) defined marriage as "only a union between one man

and one woman," (ii) prohibited the Commonwealth and its political subdivisions from creating or recognizing "a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance, or effects of marriage," and (iii) prohibited the Commonwealth or its political subdivisions from creating or recognizing "another union, partnership, or other legal status to which is assigned the rights, benefits, obligations, qualities, or effects of marriage."

Patron - Englin

EHJ64 Constitutional amendment (first resolution); Governor's term of office. Permits the Governor to succeed himself in office. The amendment allows two four-year terms (either in succession or not in succession) but prohibits election to a third term. The amendment allows Governors elected in 2013 and thereafter to serve two successive terms. Service for more than two years of a partial term counts as service for one term.

Patron - Plum

EHJ67 Constitutional amendment (first resolution); Transportation Funds. Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, and Highway Maintenance and Operating Fund. All revenues dedicated to Transportation Funds on January 1, 2009, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Funds moneys to transportation and related purposes. The General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house, and the loan or reduction must be repaid with reasonable interest within four years.

Patron - Marshall, R.G.

EHJ69 Constitutional amendment (first resolution); Transportation Funds. Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, Highway Maintenance and Operating Fund, and other funds established by general law for transportation. All revenues dedicated to Transportation Funds on January 1, 2011, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds. The General Assembly by general law, other than a general appropriation law, may alter the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house, and the loan must be repaid with reasonable interest within four years. Moneys designated for deposit into funds other than Transportation Funds shall not be used for any transportation-related purpose except for making certain debt service payments on transportation-related bonds and notes.

Patron - Watts

EHJ70 Constitutional amendment (first resolution); restoration of civil rights. Authorizes the General Assembly to provide by general law for the restoration of civil rights for persons convicted of felonies who have completed service of their sentence including any period or condition of probation, parole, or suspension of sentence. The present Constitution provides for restoration of rights by the Governor. The amendment retains the right of the Governor to restore civil rights and

adds the alternative for restoration of rights pursuant to general law.

Patron - Ware, O.

FHJ84 Constitutional amendment (first resolution); limit on appropriations. Limits total appropriations in any fiscal year to the preceding year's total appropriations plus a percentage increase equal to the past two years' average increase in the rate of inflation plus the average percentage increase in population. The amendment provides that any revenues collected in excess of the limitation shall be distributed: 75 percent to be refunded to individual income taxpayers and 25 percent to the Revenue Stabilization Trust Fund. "Total appropriations" is defined to exclude moneys appropriated that are received from the federal government or an agency or unit thereof. If the amount in excess of the limitation is less than or equal to one percent of the limitation, the total excess shall be deposited to the Revenue Stabilization Fund if that Fund has not reached its constitutional limit, or if that Fund has reached its limit, the excess shall be appropriated to the general fund.

Patron - Gilbert

FHJ86 Constitutional amendment (first resolution); Transportation Trust Fund. Provides that the Transportation Trust Fund established in 1986 will be a permanent fund and receive all revenues generated by the 1986 package of tax and fee increases and any later enactments dedicating additional revenues to the Fund. The amendment limits the use of Trust Fund moneys to purposes of highway construction, maintenance, and improvements; public transportation; railways; seaports; and airports. The General Assembly may use fund proceeds for other purposes only by a two-thirds vote of the members in each house and, fund proceeds thus approved for other purposes must be repaid to the Fund within three years.

Patron - Marshall, D.W.

FHJ98 Constitutional amendment (first resolution); recall of Governor, Lieutenant Governor, Attorney General, or General Assembly member. Requires the filing of a petition signed by qualified voters equaling at least 25 percent of the number of votes cast in the last election for the office to initiate the recall of the Governor, Lieutenant Governor, Attorney General, or General Assembly member. The amendment further provides for the holding of an election to recall the officer, an election to replace a recalled officer, and further implementation by the General Assembly to cover local officers.

Patron - Cox, J.A.

FHJ113 Constitutional amendment (first resolution); Virginia Redistricting Commission. Establishes the Virginia Redistricting Commission to redraw congressional and General Assembly district boundaries after each decennial census. Appointments to the 11-member Commission are to be made in the census year by the most recently retired Chief Justice of the Virginia Supreme Court. Appointments are to be made to represent each congressional district. Persons to be appointed to the Commission shall be retired justices or judges of the Supreme Court, Court of Appeals, or circuit courts. The Commission is directed to certify district plans for the General Assembly within 30 days of receipt of the new census data and for the House of Representatives within 60 days of such receipt.

Patron - Barlow

FHJ114 Constitutional amendment (first resolution); taking of private property for public uses. Limits the exercise of eminent domain to the purpose of public use and specifies that, with the exception of takings for the provision of any utility or common carrier service, property can only be taken or

damaged where the primary purpose is not private financial gain, private benefit, an increase in tax base or tax revenues, or an increase in employment. No more private property may be taken than that which is necessary to achieve the stated public use. Whenever an attempt is made to take or damage property for a stated public use, the owner shall have the right to a judicial determination that the use is truly public, without regard to any legislative assertion that the use is public.

Patron - Bell, Robert B.

FHJ115 Constitutional amendment (first resolution); taking of private property for public uses. Defines the term "public uses" and specifies the instances for which private property may be taken. The measure also specifies that a taking of private property is not for a public use if the primary purpose of the property's acquisition is to increase tax base, tax revenues, or employment or otherwise to facilitate economic development.

Patron - Joannou

FHJ116 Constitutional amendment (first resolution); restoration of civil rights. Authorizes the General Assembly to provide by general law for the restoration of civil rights for persons convicted of felonies who have completed service of their sentence including any period or condition of probation, parole, or suspension of sentence. The present Constitution provides for restoration of rights by the Governor. The amendment retains the right of the Governor to restore civil rights and adds the alternative for restoration of rights pursuant to general law.

Patron - Carr

FHJ117 Constitutional amendment (first resolution); Governor's term of office. Permits the Governor to succeed himself in office. The amendment allows two four-year terms (either in succession or not in succession) but prohibits election to a third term. The amendment allows Governors first elected in 2013 and thereafter to serve two successive terms. Service for more than two years of a partial term counts as service for one term.

Patron - Scott, J.M.

FHJ118 Constitutional amendment (first resolution); taking of private property for public uses. Limits the exercise of eminent domain to the purpose of public use and specifies that, with the exception of takings for the provision of any utility or common carrier service, property can only be taken or damaged where the primary purpose is not private financial gain, private benefit, an increase in tax base or tax revenues, or an increase in employment. No more private property may be taken than that which is necessary to achieve the stated public use. Whenever an attempt is made to take or damage property for a stated public use, the owner shall have the right to a judicial determination that the use is truly public, without regard to any legislative assertion that the use is public.

Patron - Crockett-Stark

Carried Over

CSB113 Constitutional amendment (voter referendum); tax exemptions. Provides for a referendum at the November 2, 2010, election to approve or reject an amendment allowing the General Assembly to authorize legislation that permits localities to exempt or partially exempt certain energy and resource efficient equipment, facilities, or devices from real or personal property taxes. The present Constitution allows exemptions for pollution abatement and solar energy equipment.

Patron - Petersen

CSJ15 Constitutional amendment (first resolution); electoral boards and general registrars. Permits the General Assembly to provide by law that two or more counties and cities may share one electoral board and general registrar if a majority of the voters in each participating county and city so approve. This proposed amendment is patterned after the provision in the present Constitution for the sharing of constitutional officers by consenting localities.

Patron - Martin

CSJ24 Constitutional amendment (first resolution); General Assembly powers; regulations. Provides that the General Assembly may suspend or nullify any or all portions of any administrative rule or regulation by joint resolution agreed to by a majority of the members elected to each house. The General Assembly may designate a joint legislative commission or pair of standing committees representing both houses to suspend any administrative rule or regulation during the interim that the General Assembly is not in session.

Patron - McDougle

CSJ25 Constitutional amendment (second resolution); property exempt from taxation. Authorizes the General Assembly to enact laws to permit localities to exempt from property taxes, any property, including real or personal property, equipment, facilities, or devices, constructed or designed to conserve energy and natural resources in a manner that meets or exceeds performance standards established for such purposes. The amendment also deletes the authorization for the General Assembly by general law to directly exempt from property taxes such property and property designed to abate pollution or transfer or store solar energy.

Patron - Petersen

CSJ27 Constitutional amendment (first resolution); taking of private property for public uses. Limits the exercise of eminent domain for the purpose of public use and specifies that, with the exception of property taken for public service corporations, public service companies, or railroads, property may not be taken if the primary purpose of the taking is private financial gain, private benefit, an increase in tax base or tax revenues, or an increase in employment. No more property shall be taken than is necessary to achieve the stated public use.

Patron - Obenshain

CSJ62 Constitutional amendment (first resolution); restoration of civil rights. Authorizes the General Assembly to provide by law for the restoration of civil rights for persons convicted of nonviolent felonies who have completed service of their sentences subject to the conditions, requirements, and definitions set forth in that law. The present Constitution provides for restoration of rights by the Governor. The amendment retains the right of the Governor to restore civil rights and adds the alternative for restoration of rights pursuant to law.

Patron - Miller, Y.B.

CSJ69 Constitutional amendment (first resolution); property taxes; relief for certain businesses. Allows the General Assembly to authorize localities to exempt in whole or in part from property taxes (i) the property of a business that is new to the Commonwealth so long as the locality is defined by law to have the capacity to accept the expansion and (ii) the property of a business located in the Commonwealth so long as the business is presently located in an area defined by law as lacking the capacity to accommodate business expansion and so long as the locality granting the exemption is defined by law to have the capacity to accommodate the expansion. The General Assembly is required to provide definitions, restrictions,

and conditions to implement this authorization and to limit the duration of the tax relief to three years.

Patron - Stuart

CSJ92 Constitutional amendment (first resolution); conference committee report for general appropriation bills. Provides that if no conference committee report for the general appropriation bill is agreed to by April 1 in an odd-numbered year or by May 1 in an even-numbered year, the chairmen of the House Committee on Appropriations and the Senate Committee on Finance shall provide a bill that includes all proposed appropriations, general appropriation terms and conditions, anticipated revenues, and other matters in the general appropriation bill for which there is no disagreement to the Clerks of both houses. The bill would then be enrolled and presented to the Governor.

Patron - Wagner

CSJ95 Constitutional amendment (first resolution); property exempt from taxation. Amends the Constitution of Virginia to allow the General Assembly to authorize localities to exempt or partially exempt from taxation forest harvesting and silvicultural activity equipment.

Patron - Hurt

CSJ100 Constitutional amendment (first resolution); Transportation Funds. Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, Highway Maintenance and Operating Fund, Priority Transportation Fund, and other funds established by general law for transportation. All revenues dedicated to Transportation Funds on January 1, 2013, by general law, other than a general appropriation law, shall be deposited to the Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house, and the loan must be repaid with reasonable interest within four years.

Patron - Newman

CSJ137 Constitutional amendment (first resolution); Transportation Funds. Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, Highway Maintenance and Operating Fund, and Priority Transportation Fund. All revenues dedicated to Transportation Funds on January 1, 2011, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment requires Funds be appropriated only for transportation systems and projects. The General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house, and the loan or reduction must be repaid with reasonable interest within three years. The amendment also limits the use of general and other nontransportation funds for transportation purposes except for certain debt service payments.

Patron - Norment

Other Resolutions

Passed

PHJ25 Designating the Virginia Rail Heritage Region in the Commonwealth. Designates the Virginia Rail Heritage Region in the Commonwealth, consisting of the Counties of Allegheny, Amherst, Bedford, Botetourt, Campbell, and Roanoke, and the Cities of Bedford, Covington, Lynchburg, Roanoke, and Salem, as well as the Towns of Buchanan, Clifton Forge, Troutville, Amherst, Iron Gate, and Vinton.
Patron - Putney

PHJ32 Recognition of the Nottoway Indian Tribe. Recognizes the existence of the Nottoway Indian Tribe of Virginia within the Commonwealth and grants the Nottoway Indian Tribe of Virginia, Incorporated, representation on the Virginia Council on Indians.
Patron - Tyler

PHJ50 Textile Heritage Week in Virginia. Designates the first week of September, in 2010 and in each succeeding year, as Textile Heritage Week in Virginia.
Patron - Merricks

PHJ52 Designating Hurricane Awareness and Preparedness Week in Virginia. Designates the last week of May, in 2010 and in each succeeding year, as Hurricane Awareness and Preparedness Week in Virginia.
Patron - Sherwood

PHJ95 Virginia Farm-to-School Week. Designates the second full week of November, in 2010 and in each succeeding year, as Virginia Farm-to-School Week in the Commonwealth.
Patron - Scott, E.T.

PHJ101 Resolution; Virginia Workplace Readiness Skills; report. Requests that the Board of Education approve the revised Virginia's Workplace Readiness Skills and test. The Board of Education must submit an executive summary and report of its progress in meeting the request of this resolution to the Governor and 2011 Regular Session of the General Assembly.
Patron - Peace

PHJ132 Resolution; establishing a mechanism for the coordination of services for senior citizens in Virginia; report. Requests the Secretary of Health and Human Resources to establish a mechanism for the coordination of services to senior citizens in Virginia. The Secretary of Health and Human Resources must submit an executive summary and report of his progress in meeting the request of this resolution to the 2011 Regular Session of the General Assembly.
Patron - McQuinn

PHJ133 Resolution; breast cancer detection. Requests the State Health Commissioner to promote and emphasize yearly mammograms as an effective tool in breast cancer prevention. The State Health Commissioner must submit an executive summary and report of his progress in meeting the request of this resolution to the 2011 Regular Session of the General Assembly.
Patron - McQuinn

PHJ136 Welcome Home Vietnam Veterans Day. Designates March 30, in 2010 and in each succeeding year, as Welcome Home Vietnam Veterans Day in Virginia to celebrate the

service and numerous contributions of the Commonwealth's Vietnam-era veterans and to coincide with the national observance of the day.

Patron - Bulova

PHJ137 Veterans; Honor and Remember Flag. Designates the Honor and Remember Flag as the Commonwealth's emblem of service and sacrifice by the brave men and women of the United States Armed Forces who have given their lives in the line of duty.

Patron - Cosgrove

PHJ138 Preservation of Lumpkin's Slave Jail and slave burial ground. Encourages the preservation of the historic site of Lumpkin's Slave Jail and Burial Ground for Negroes in Richmond's Shockoe Bottom, and encourages the Governor to help promote the preservation of the historic sites.

Patron - McQuinn

PHJ150 Recognition of the Patawomeck Indian Tribe. Extends official state recognition to the Patawomeck Indian Tribe of Virginia and grants the Patawomeck Indian Tribe of Virginia representation on the Virginia Council of Indians.

Patron - Howell, W.J.

PHJ156 Earned Income Tax Credit Awareness Day. Designates January 29, in 2010 and in each succeeding year, as National Earned Income Tax Credit Awareness Day.

Patron - Toscano

PHJ161 Nonprofit employment service organizations. Recognizes the services provided by nonprofit employment services organizations, vended through the Virginia Department of Rehabilitative Services through the Virginia Public Procurement Act.

Patron - Oder

PHJ171 Recognition of the Cheroenhaka (Nottoway) Indian Tribe. Extends state recognition of the Cheroenhaka (Nottoway) Indian Tribe of Southampton County, Virginia.

Patron - Tyler

PHJ182 Contributions of Philanthropy. Recognizes the importance of philanthropy and its contributions to the Commonwealth. This resolution also recognizes the generosity of philanthropic organizations and private individuals and encourages the General Assembly to promote laws and policies to facilitate the creation and protect the work of philanthropies. This resolution is identical to SJR 164.

Patron - Howell, W.J.

PHJ190 Teen Organ Donation Awareness Day. Designates April 9, in 2010 and in each succeeding year, as Teen Organ Donation Awareness Day in Virginia to honor teen donors, educate teens on organ donation, and encourage organizations to embrace organ donation education.

Patron - Lohr

PHJ195 Lupus Awareness Month. Designates May, in 2010 and in each succeeding year, as Lupus Awareness Month in Virginia.

Patron - Sickles

PHJ198 Youth Fitness Day. Designates April 25, in 2010 and in each succeeding year, as Youth Fitness Day in Virginia.

Patron - Toscano

PHJ259 American Heart Month. Designates the month of February, in 2010 and in each succeeding year, as American Heart Month in Virginia.

Patron - Hope

PHJ275 Memorial at Chickamauga and Chattanooga National Military Park. Recognizes the 63rd Virginia Infantry/54th Virginia Infantry Descendants Association as Virginia's agent to fund and erect a monument to the Virginia Confederate soldiers at Chickamauga and Chattanooga National Military Park.

Patron - Carrico

PHR19 U.S. Navy's East Coast aircraft carriers. Encourages the Governor of Virginia and Virginia Congressional Delegation to take action to ensure that the U.S. Navy's East Coast aircraft carriers remain in Hampton Roads.

Patron - Stolle

PSJ11 Commemorative commission; honoring the contributions of the women of Virginia with a monument on the grounds of Capitol Square. Establishes a commemorative commission consisting of the Governor, the Chairwoman of the Senate Committee on Rules, the Speaker of the House of Delegates, representatives from the Senate and the House of Delegates, the Clerk of the Senate, the Clerk of the House of Delegates, and nonlegislative citizen members. The Secretary of Administration or his designee, the Librarian of Virginia or her designee, the Executive Director of the Capitol Square Preservation Council, and the Executive Director of the Virginia Capitol Foundation shall serve ex officio with nonvoting privileges. The Commission shall determine and recommend to the General Assembly an appropriate monument in Capitol Square to commemorate the contributions of the women of Virginia. The Commission shall seek private funding for the operation and support of the Commission and the erection of an appropriate monument. The costs of implementation of the Commission, its work, and the compensation and reimbursement of members shall be borne by the Commission from such private funds as it may acquire to cover the costs of its operation and work. Until completion of the Commission's work or the erection of the monument, whichever occurs later, the Commission shall report annually by December 1, the status of its work, including any findings and recommendations, to the General Assembly, beginning on December 1, 2010.

Patron - Stosch

PSJ12 Recognition of the Nottoway Indian Tribe. Extends state recognition to the Nottoway Indian Tribe of Virginia Incorporated, and provides for representation of the Nottoway Indian Tribe on the Virginia Council of Indians.

Patron - Lucas

PSJ23 Professional Social Work Month. Designates the month of March, in 2010 and in each succeeding year, as Professional Social Work Month in Virginia.

Patron - Quayle

PSJ42 Welcome Home Vietnam Veterans Day. Designates March 30, in 2010 and in each succeeding year, as Welcome Home Vietnam Veterans Day in Virginia to celebrate the service and numerous contributions of the Commonwealth's Vietnam-era veterans and to coincide with the national observance of the day.

Patron - Petersen

PSJ45 Department of Social Services; awareness of abuse of adults and children with disabilities. Encourages the Department of Social Services to work together with public

and private partners to conduct a comprehensive public awareness and education program on the identification, prevention, and reporting of abuse, neglect, and exploitation of adults and children who have a disability.

Patron - Puller

PSJ50 Resolution; Virginia Workplace Readiness Skills; report. Requests that the Board of Education approve the revised Virginia's Workplace Readiness Skills and test. The Board of Education must submit an executive summary and report of its progress in meeting the request of this resolution to the Governor and 2011 Regular Session of the General Assembly.

Patron - Miller, Y.B.

PSJ65 Youth Art Month. Designates March, in 2010 and in each succeeding year, as Youth Art Month in Virginia.

Patron - Miller, J.C.

PSJ124 Healthy Youth Day. Designates January 20, in 2010 and in each succeeding year, as Healthy Youth Day in Virginia.

Patron - Northam

PSJ127 Recognition of the Cheroenhaka (Nottoway) Indian Tribe. Extends state recognition to the Cheroenhaka (Nottoway) Indian Tribe of Southampton County, Virginia and provides for their representation on the Virginia Council on Indians.

Patron - Ruff

PSJ149 Revocation of transfer of Jens Soering. Expresses support of the revocation of the Commonwealth's consent to the transfer of Jens Soering to the Federal Republic of Germany.

Patron - Newman

PSJ164 Resolution; philanthropy. Recognizes the important contributions of philanthropy and private foundations.

Patron - McWaters

PSJ167 Commemorating the fiftieth anniversary of the Thalhimers Department Store Lunch Counter Sit-In. Commemorates the fiftieth anniversary of the Thalhimers Department Store Lunch Counter Sit-In, a historic event in the history of the Civil Rights Movement, when 34 Virginia Union University students were arrested for protesting racial discrimination and Jim Crow laws.

Patron - Marsh

Failed

FHJ53 Honor and Remember Flag. Memorializes the Congress of the United States to designate the Honor and Remember Flag as a national emblem of the service and sacrifice by the brave men and women of the United States Armed Forces who have given their lives in the line of duty.

Patron - Sherwood

FHJ81 Implementation of Hampton Roads Bridge-Tunnel study recommendations; report. Requests the Virginia Department of Transportation to implement the recommendations of the Independent Review Panel and report on the status of such implementation to the Joint Commission on Transportation Accountability.

Patron - Oder

FHJ88 Memorializing Congress to propose an amendment to the Constitution of the United States for a balanced budget requirement. Expresses the General Assembly's support for a balanced budget amendment and urges Congress to submit such an amendment to the states for ratification in order to promote fiscal integrity at the federal level.

Patron - Cole

FHJ96 Commission on Virginia's Transportation Needs. Establishes the Commission on Virginia's Transportation Needs to look at transportation needs in Virginia and alternatives for planning and financing Virginia's transportation system.

Patron - May

FHJ125 State sovereignty; Tenth Amendment of the United States Constitution. Urges Congress to honor state sovereignty under the Tenth Amendment of the Constitution of the United States and claims sovereignty for the Commonwealth under the Tenth Amendment over all powers not otherwise enumerated and granted to the federal government by the United States Constitution.

Patron - Athey

FHJ183 United States Constitution; constitutional convention. Urges the Congress of the United States to call a constitutional convention for the purposes of amending the Constitution of the United States to require (i) a balanced federal budget, (ii) line item veto authority to the President, and (iii) prohibition of unfunded mandates to the various states.

Patron - LeMunyon

FHJ191 Resolution; health insurance choice; report. Requests the Secretary of Commerce and Trade, in consultation with the State Corporation Commission, appropriate business and trade associations, and independent agent trade organizations to develop a blueprint for greater health insurance choice in the Commonwealth. The Secretary of Commerce and Trade must submit an executive summary and report of his progress in meeting the request of this resolution to the Governor and the 2011 Session of the General Assembly.

Patron - Peace

FHJ193 Memorializing the Congress; Parental Rights Amendment. Urges Congress to pass the Parental Rights Amendment to the U.S. Constitution and submit it to the states for ratification. By this resolution, the Virginia General Assembly also affirms the Parental Rights Amendment to the United States Constitution.

Patron - Pogge

FHR5 State sovereignty; Tenth Amendment of the United States Constitution. Urges Congress to honor state sovereignty under the Tenth Amendment to the Constitution of the United States and claims sovereignty for the Commonwealth under the Tenth Amendment over all powers not otherwise enumerated and granted to the federal government by the United States Constitution.

Patron - Landes

FSJ17 Memorializing Congress; state sovereignty. Urges the Congress of the United States to honor state sovereignty under the Tenth Amendment to the Constitution of the United States.

Patron - Martin

FSJ96 Honor and Remember Flag. Memorializes the Congress of the United States to designate the Honor and Remember Flag as a national emblem of the service and sacri-

fice by the brave men and women of the United States Armed Forces who have given their lives in the line of duty.

Patron - Hurt

Miscellaneous (Including Budget and Bonds)

Passed

P HB5 Claims; Victor Anthony Burnette. Provides relief in the amount of \$226,065 to Victor Anthony Burnette, who was incarcerated from October 1979 to November 1987 after being convicted of rape and burglary. Forensic testing conducted in 2006 using previously unavailable technology excluded Burnette as a contributor of evidence samples recovered from the victim. The compensation award is in an amount equal to 90 percent of the Virginia per capita personal income as reported by the Bureau of Economic Analysis of the United States Department of Commerce for each year of Burnette's incarceration. The payment of the award will be in an initial lump sum equal to 20 percent of the total compensation award to be paid on August 1, 2010, and the remaining 80 percent to purchase an annuity to be paid out in monthly payments over 25 years commencing August 1, 2011. In addition, the bill entitles Burnette to receive up to \$10,000 for tuition for career and technical training within the Virginia Community College System. Under the bill, Burnette will immediately be ineligible to receive any unpaid amounts from the compensation award if he is subsequently convicted of any felony.

Patron - Loupassi

P HB29 Budget Bill. Amending Chapter 781, 2009 Acts of Assembly.

Patron - Putney

P HB30 Budget Bill. Appropriations of the Budget submitted by the Governor of Virginia providing a portion of revenues for the two years ending respectively on the thirtieth day of June, 2011, and the thirtieth day of June, 2012.

Patron - Putney

P HB41 Bonds; capital projects at colleges and universities. Authorizes the Treasury Board to issue bonds pursuant to Article X, Section 9 (c) of the Constitution of Virginia in an amount up to \$206,870,000 plus financing costs to finance revenue-producing capital projects at institutions of higher education. The bill declares that an emergency exists and that the bill is effective upon passage.

Patron - Putney

PSB1 Relief for purchaser of property sold at treasurers' sales; Charles L. Kingrea. Provides relief to Charles L. Kingrea. In 1970 and 1971, Mr. Kingrea purchased real property in Floyd County pursuant to the treasurer's delinquent tax sale. Under law at the time, Mr. Kingrea would have been eligible after a number of years to make application to obtain clear title; however, a statute that would have permitted him to continue the process to completion was repealed in 1984 pursuant to the recodification of Title 58 of the Code of Virginia because it was deemed "obsolete." The bill would allow Mr. Kingrea to complete the process to obtain clear title to the properties. The bill has a July 1, 2014, sunset clause. This bill also contains an emergency clause.

Patron - Reynolds

PSB15 Bonds; capital projects at colleges and universities. Authorizes the Treasury Board to issue bonds pursuant to Article X, Section 9 (c) of the Constitution of Virginia in an amount up to \$206,870,000 plus financing costs to finance revenue-producing capital projects at institutions of higher education. The bill declares that an emergency exists and that the bill is effective upon passage.

Patron - Colgan

Failed

FHB481 Claims; Lois Ann Grimes. Provides relief in the amount of \$52,293.24 to Lois Ann Grimes for medical bills and other health care costs incurred between 2000 and 2008. Mrs. Grimes was married to Rodney Dean Grimes, who was a Special Agent in Charge with the Virginia State Police, was killed in an automobile accident in 1983. Mrs. Grimes discovered in 2008 that she was eligible to receive assistance under the Line of Duty Act beginning in 2000, but had never been notified of the eligibility.

Patron - Carrico

FHB611 Budget Bill; estimate of impact on the number of state employees. Requires the Director of the House Appropriations Committee staff to estimate the net change in the number of state employees resulting from Budget Bills pending before the House of Delegates.

Patron - Purkey

FHB962 Claims; Daniel and Brenda Brewer. Provides relief in the amount of \$214,967.22 to Daniel and Brenda Brewer to correct structural problems with their home. The home contains several structural problems that were not noted by the local building official during any of the inspections conducted by the Uniform Statewide Building Code. In addition, the building official issued a certificate of occupancy despite the existence of the structural problems

Patron - Carrico

FHB1059 Bonds for transportation projects. Authorizes the Commonwealth Transportation Board to issue bonds in an aggregate amount not to exceed \$3,963,000,000 for specific transportation projects throughout the Commonwealth. The bonds will be paid for by the revenues collected for each project through tolls and other fares or fees.

Patron - Marshall, R.G.

FHB1061 General obligation bonds for transportation projects. Authorizes issuance of general obligation bonds in an amount not to exceed \$3,963,000,00 to finance capital transportation projects.

Patron - Marshall, R.G.

ESB11 Claims; Botswana Imani. Provides \$1,000 in relief to Botswana Imani for damages to her home caused by forced entry attempts by the Sheriff's Department of Washington County.

Patron - Wampler

ESB29 Budget Bill. Amending Chapter 781, 2009 Acts of Assembly.

Patron - Colgan

ESB30 Budget Bill. Appropriations of the Budget submitted by the Governor of Virginia providing a portion of revenues for the two years ending respectively on the thirtieth day of June, 2011, and the thirtieth day of June, 2012.

Patron - Colgan

ESB62 Claims; Howard M. and Inez O. Berry. Provides \$400,000 in relief to Howard M. and Inez O. Berry of Midlothian, Virginia. The Berrys' daughter, Jo Ann Berry, was killed in an automobile accident in 1977 caused by a juvenile driver. The driver was charged with involuntary manslaughter, but the case never went to trial. The Berrys could not get any information on the disposition of the case because of the driver's status as a minor and were told they would have to wait for 20 years. When the Berrys attempted to get the information in 1999, they discovered that the records had been destroyed.

Patron - Martin

Carried Over

CHB338 Claims; Mr. and Mrs. Brian Cebula. Provides relief in the amount of \$1.2 million to compensate Mr. and Mrs. Brian Cebula for property that was damaged and made unsuitable for development by an inadequate storm water management system installed by VDOT.

Patron - Marshall, R.G.

Charters

Passed

PHB6 Charter; Town of Duffield. Amends the charter of the Town of Duffield to allow elections for members of the town council to be held every four years, effective 2010, rather than every two years as the current charter provides. This bill is identical to SB 2.

Patron - Kilgore

PHB337 Charter; Town of Middleburg. Updates the town boundaries, clarifies powers of appointed council members, conforms meeting frequency requirements and quorum requirements with general law, and deletes provisions related to the town sergeant.

Patron - Marshall, R.G.

PHB751 Charter; City of Charlottesville. Eliminates the requirement that the clerk of the city council of Charlottesville must reside in the city of Charlottesville.

Patron - Toscano

PHB763 Charter; City of Richmond. Amends the city's charter to clarify that the Council has the authority to appoint legislative, oversight and constituent relations employees and that the chief administrative officer has the authority to supervise only administrative personnel. The bill further amends the charter to clarify that the personnel of the Richmond Retirement System are under the control of the Retirement System's Board of Trustees and the Board-appointed executive director. The proposed changes also remove limitations on the mayor's current veto power. Lastly, the proposed changes to the charter allow residential property owners to receive waivers of stormwater charges for certain stormwater-related improvements, replacing the credit system currently in place. This bill is identical to SB 594.

Patron - McClellan

PHB875 Charter; Town of Amherst. Replaces a boundary description with a reference to the survey plat, removes salary limits for the mayor and council members, deletes the reference to the treasurer's term of office and cor-

rects inconsistencies between council terms and appointment dates.

Patron - Cline

HB895 Charter; Town of Windsor. Repeals the existing charter and provides a new charter containing powers typically granted to towns.

Patron - Barlow

HB922 Charter; Town of Scottsville. Updates the town boundaries and adds Fluvanna County courts as having jurisdiction within the town.

Patron - Bell, Robert B.

HB994 Charter; Town of Christiansburg. Amends the charter of the Town of Christiansburg to change the date of the town council member and mayoral election to the general election date in November. The changes provide that three council members shall be elected on the November 2011 general election date and every four years thereafter and a mayor and three other council members shall be elected on the November 2013 general election date and every four years thereafter. The terms of office of the council members and mayor begin on the January following their election, instead of the September following their election.

Patron - Nutter

SB2 Charter; Town of Duffield. Amends the charter of the Town of Duffield to allow elections for members of the town council to be held every four years, effective 2010, rather than every two years as the current charter provides. This bill is identical to HB 6.

Patron - Wampler

SB38 Charter; City of Norfolk. Amends the charter for the City of Norfolk to authorize the city council to supplement the salary paid by the Commonwealth to Norfolk's Director of Public Health.

Patron - Miller, Y.B.

SB73 Charter; Town of Floyd. Updates a reference to the town's boundaries.

Patron - Reynolds

SB91 Charter; Town of Windsor. Repeals the existing charter and provides a new charter containing powers typically granted to towns.

Patron - Quayle

SB292 Charter; City of Charlottesville. Eliminates the requirement that the clerk of the city council of Charlottesville must reside in the city of Charlottesville.

Patron - Deeds

SB324 Charter; Town of Amherst. Replaces a boundary description with a reference to the survey plat, removes salary limits for the mayor and council members, deletes the reference to the treasurer's term of office, and corrects inconsistencies between council terms and appointment dates.

Patron - Ruff

SB496 Charter; Town of Chatham. Amends the charter for the Town of Chatham to change council member and mayoral elections from May to November. Further changes are made to the appointment procedure and qualification of the town manager. This legislation contains an emergency provision. EMERGENCY

Patron - Hurt

SB497 Charter; Town of Gretna. Amends the current charter to allow for elections for mayor and council members to be held at the November general election, rather than the first Tuesday of May, effective 2010. This legislation contains an emergency provision.

Patron - Hurt

SB503 Charter; Town of Fincastle. Amends the charter for the Town of Fincastle by making technical changes regarding the number of council members, staggering elections of the mayor and town council members, granting the mayor the power to vote, and allowing the town council to hire a town manager, who shall have the powers of the town mayor when appointed. The charter is further amended by adding a section detailing the appointment procedure and duties of the town manager.

Patron - Smith

SB509 Charter; Town of Vinton. Amends the charter for the town of Vinton by changing the number of days that vacancies on the council shall be filled from within 30 days of when the vacancy occurs to within 45 days of when the vacancy occurs.

Patron - Smith

SB572 Charter; City of Alexandria. Amends the charter of the City of Alexandria so that the board of review of real estate assessment is composed of nine members rather than five members, with five members appointed by the circuit court and four members appointed by city council. The bill further amends the charter to allow the board of review to sit in panels of at least three members each, with each panel performing its duties independently of the others. This legislation also changes the standard by which a variance can be granted by eliminating the "approaching confiscation requirement."

Patron - Ticer

SB594 Charter; City of Richmond. Amends the city's charter to clarify that the Council has the authority to appoint legislative, oversight and constituent relations employees and that the Chief Administrative Officer has the authority to supervise only administrative personnel. Further amends the charter to clarify that the personnel of the Richmond Retirement System are under the control of the Retirement System's Board of Trustees and the Board-appointed Executive Director. The proposed changes also remove limitations on the mayor's current veto power. Lastly, the proposed changes to the charter allow residential property owners to receive waivers of storm-water charges for certain stormwater-related improvements, replacing the credit system currently in place. This bill is identical to HB 793.

Patron - Marsh

Failed

HB466 Charter; City of Hampton. Provides that the city council and its members shall deal with the administrative services solely through the city manager. Any councilman violating the provisions of this section shall be guilty of a Class 4 misdemeanor, and upon conviction thereof shall cease to be a councilman.

Patron - Ward

SB231 Charter; County of Chesterfield. Amends the county charter to authorize the county administrator to obtain the same information that the commissioner of revenue obtains from the state tax department and that the commissioner of revenue provides to the state tax department.

Patron - Watkins

FSB734 Charter; Town of Dumfries. Amends the charter for the Town of Dumfries to allow the Town to levy personal property tax on motor vehicles, trailers, and semitrailers.

Patron - Colgan

Study Resolutions

Passed

PHJ27 Study; indigent health care in the Commonwealth; report. Directs the Joint Commission on Health Care to (i) determine the volume of indigent health care provided by private, specialty, and not-for-profit hospitals in the Commonwealth; (ii) determine the financial cost of indigent health care to private, specialty, and not-for-profit hospitals in the Commonwealth; and (iii) identify and analyze potential tax and other incentives that may be offered to private and specialty hospitals and other health care providers to encourage the provision of care to indigent individuals.

Patron - Purkey

PHJ60 Study; JLARC; local school divisions to contract collectively in certain areas of procurement; report. Directs the Joint Legislative Audit and Review Commission to study the feasibility and effectiveness of requiring local school divisions to contract collectively in certain areas of procurement.

Patron - Cox, M.K.

PHJ82 Study; Joint Commission on Health Care to study chronic health care homes; report. Directs the Joint Commission on Health Care to review available information including information about chronic health care home systems in other states to develop recommendations related to the development of a system of chronic health care homes in the Commonwealth.

Patron - Hope

PHJ90 Department of Health Professions; medication aides in nursing homes; report. Requests that the Department of Health Professions study the advisability of permitting the use of medication aides to administer medications that would normally be self-administered to residents of nursing homes.

Patron - O'Bannon

PHJ97 Study; Virginia State Crime Commission to study prostitution-related offenses involving children; report. Directs the Virginia State Crime Commission to study the penalties for taking indecent liberties with children and prostitution-related offenses involving children.

Patron - Bulova

PHJ99 Study; catastrophic health insurance coverage; report. Directs the Joint Commission on Health Care to study catastrophic health insurance coverage options. In conducting its study, the Commission shall (i) determine the availability and usage of catastrophic health insurance policies in the Commonwealth, (ii) examine the results of efforts in other states to increase the use of catastrophic health insurance policies, and (iii) evaluate the potential benefits and risks of facilitating the offering within the Commonwealth of health insurance policies or plans that provide catastrophic coverage only.

Patron - Stolle

PHJ121 Ownership of coalbed methane and other natural gases; study. Directs the Virginia Coal and Energy Commission to study ownership rights of coalbed methane and other natural gases under the Virginia Gas and Oil Act and opportunities to encourage production and use of natural gas in Virginia.

Patron - Griffith

PHJ126 Study; privatizing Commonwealth's rest areas; report. Requests that the Virginia Transportation Research Council study the privatization of all or portions of the Commonwealth's rest areas.

Patron - Nutter

PHJ127 Study; JLARC to study the Commonwealth's Medicaid program to identify opportunities to reduce waste, inefficiency, fraud, and abuse; report. Directs the Joint Legislative Audit and Review Commission to study the Commonwealth's Medical Assistance program to identify opportunities to reduce waste, inefficiency, fraud, and abuse.

Patron - Cox, M.K.

PHJ130 Study; feasibility of developing a standard software package for local governments; report. Requests the Secretary of Technology to study the feasibility of developing a standard software package for local governments. The Secretary of Technology shall also study the feasibility of identifying, developing, and customizing software applications that will improve the administration and operation of local programs and services, while providing cost savings.

Patron - Poindexter

PHJ134 Study; transportation network of Hampton Roads; report. Extends the Joint Subcommittee to Study the Transportation Network of Hampton Roads for a third year.

Patron - Jones

PHJ135 Study; Joint Subcommittee to Study Development and Land Use Tools in Virginia's Localities; report. Continues the Joint Subcommittee to Study Development and Land Use Tools in Virginia's Localities for one year to examine and monitor the transition to channeling development into Urban Development Areas and determine if additional legislation is needed to help localities as they transition to Urban Development Areas. The joint subcommittee shall also continue to make a comprehensive evaluation of all existing land use planning tools and infrastructure financing options and make any recommendations deemed appropriate.

Patron - Athey

PSJ21 Study; Joint Legislative Audit and Review Commission; report. Directs the Joint Legislative Audit and Review Commission to study the effectiveness of tax preferences.

Patron - Howell

PSJ31 Study; JLARC to study reading proficiency among third grade public school students. Directs the Joint Legislative Audit and Review Commission to study ways to promote and ensure early reading proficiency and comprehension among third graders in the public schools. In conducting its study, JLARC shall (i) determine the number of third graders who read at grade level; (ii) rank the school divisions according to the number of third graders who passed the most recent third grade reading test; (iii) identify best practices utilized by school divisions with the highest percentage of third graders who read at grade level; (iv) examine the findings and recommendations of state and national studies pertaining to the efficacy of early reading proficiency and comprehension and

its relationship to academic success, and recommend those recommendations appropriate for implementation in Virginia; and (v) determine strategies to increase the number of third graders who pass the third grade reading test and ways to improve and sustain the early reading proficiency of third grade students. The Joint Legislative Audit and Review Commission must submit an executive summary of its findings and recommendations to the Governor and 2011 and 2012 Sessions of the General Assembly.

Patron - Miller, J.C.

PSJ32 Study; directing the Joint Legislative Audit and Review Commission to study the role of the Secretary of Education in improving coordination between K-12, community colleges, and four-year institutions of higher education; report. Directs the Joint Legislative Audit and Review Commission to study the role of the Secretary of Education in improving coordination between K-12, community colleges, and four-year institutions of higher education. In conducting its study, JLARC shall (i) examine the statutory authority and duties of the Secretary of Education in overseeing education in the Commonwealth from K-12 through higher education, (ii) consider possible ways of expanding such authority or duties in order to better coordinate education at all levels throughout the Commonwealth, (iii) emphasize the need to better anticipate the workforce needs of the Commonwealth, and ways to direct students toward education and training that will fulfill those needs, and (iv) make recommendations as to how to accomplish these objectives legislatively or otherwise.

Patron - McDougale

PSJ35 Study; Virginia Institute of Marine Science; tidal shoreline management. Requests the Virginia Institute of Marine Science to review tidal shoreline management in the Commonwealth and similarly situated states; identify potential changes to the regulatory structure of tidal shoreline management to reduce the cost and time required to issue a permit; identify regulatory innovations that would increase adoption of living shorelines among shoreline landowners; and make specific recommendations to achieve the sustained protection of tidal shoreline resources.

Patron - Northam

PSJ63 Study; expansion and funding of high-speed passenger rail service; report. Creates a 10-member joint subcommittee to study funding of high speed and intercity passenger rail operations in Virginia.

Patron - Miller, Y.B.

PSJ73 Continuing the Joint Subcommittee to Study Substance Abuse Treatment and Prevention. Continues the Joint Subcommittee to Study Strategies and Models for Substance Abuse Prevention and Treatment for one additional year. This bill incorporates SJ 74 and SJ 75.

Patron - Hanger

PSJ87 Study; dyslexia screening in kindergarten; report. Requests the Department of Education to study dyslexia screening for kindergarteners. In conducting its study, the Department shall (i) examine available scientific data on the success of early screening for dyslexia, (ii) consider the cost-effectiveness of such strategy, and (iii) make recommendations as to whether such screening is advisable and, if so, the particular method that is most effective.

Patron - Vogel

PSJ89 Study; Joint Subcommittee to Study Development and Land Use Tools in Virginia's Localities; report. Continues the Joint Subcommittee to Study Development and Land Use Tools in Virginia's Localities for one year to examine

and monitor the transition to channeling development into Urban Development Areas, and determine if additional legislation is needed to help localities as they transition to Urban Development Areas. The joint subcommittee shall also continue to make a comprehensive evaluation of all existing land use planning tools and infrastructure financing options and make any recommendations deemed appropriate.

Patron - Vogel

PSJ99 Study; JLARC; privatizing Commonwealth's rest areas; report. Requests the Virginia Transportation Research Council to study alternatives to the public funding and operation of all or portions of the Commonwealth's interstate safety rest areas.

Patron - Herring

PSR10 Study; investment portfolio managed by VRS; report. Directs the Senate Committee on Finance to study the investment portfolio managed by the Virginia Retirement System. In conducting its study, the committee shall examine how the Virginia Retirement System selects firms to manage its investment portfolio and determine if more minority-owned firms should be used to help the Virginia Retirement System manage its investment portfolio.

Patron - McEachin

Failed

FHJ14 Study; defensive medicine. Establishes a joint subcommittee to study alternatives to the existing medical liability system that will reduce the costs of defensive medicine. The joint subcommittee is directed to (i) determine the extent to which defensive medicine is practiced by health care providers in the Commonwealth; (ii) quantify the cost of defensive medicine and the effect of such costs on the health care system; (iii) determine the extent to which aspects of Virginia's medical malpractice system, including the cap on liability, contribute to the amount of defensive medicine practiced in Virginia; (iv) determine the extent to which the implementation of an administrative compensation system or other alternatives to the existing system would reduce defensive medicine practices, and (v) address potential challenges to the implementation of an administrative compensation system, such as its abrogation of the traditional role of juries and the judiciary.

Patron - Marshall, R.G.

FHJ22 Study; establishing a joint committee of the House Committee on Education and the Senate Committee on Education and Health to study the impact of No Child Left Behind on the Standards of Learning and high school graduation rates in Virginia; report. Establishes a joint committee of the House Committee on Education and the Senate Committee on Education and Health to study the impact of No Child Left Behind on the Standards of Learning and high school graduation rates in Virginia. In conducting its study, the joint committee shall (i) review the requirements of No Child Left Behind and monitor proposed changes in the federal law; (ii) review and compare the requirements of the Standards of Learning for the core subjects vis-à-vis the current requirements of NCLB, and evaluate the effect of the federal law on the implementation of the Standards of Learning and dropout and graduation rates across the Commonwealth; (iii) recommend appropriate alternatives to address any problems identified and to facilitate the requirements of the Standards of Learning and compliance with NCLB; and (iv) consider such other related matters as the joint subcommittee deems appropriate to the conduct of the study. In its deliberations, the joint committee shall provide opportunity for the participation of classroom teachers, school administrators, state and local edu-

cation entities, and other interested persons in the manner deemed appropriate by the joint committee. The joint committee must submit its final findings and recommendations to the Governor and the 2012 Session of the General Assembly.

Patron - Bell, Richard P.

FHJ23 Study; Virginia Unemployment Compensation Act; report. Directs the Joint Legislative Audit and Review Commission to study the effectiveness of deputy-level hearings on claims under the Virginia Unemployment Compensation Act. The resolution recites that it is appropriate to determine the rate at which decisions at the deputy level approving benefits claims are overturned and whether the reasons for the rate of reversals on appeal indicate a failure of decision makers at the deputy level properly to interpret and to implement the applicable provisions of the Virginia Unemployment Compensation Act.

Patron - Marshall, R.G.

FHJ28 Study; small business acting collectively to obtain health insurance; report. Establishes a joint subcommittee to study whether state laws and regulations impede the ability of small businesses to act collectively in procuring health insurance. The study shall propose recommendations for legislation to eliminate any barriers created by state laws and regulations found to be so impeding small businesses.

Patron - Purkey

FHJ29 Study; severe shortage of medical doctors; report. Establishes a joint subcommittee to study the current and impending severe shortage of medical doctors in Virginia. The joint subcommittee shall consider the impact of the current and impending shortage of medical doctors on the health care system in the Commonwealth and identify options to prepare for and remedy the shortage. In conducting its study, the joint subcommittee shall, among other things, (i) determine whether a shortage of medical doctors exists in the Commonwealth per specialty and geographical region; (ii) identify and assess factors that contribute to the shortage of medical doctors, including medical school admissions, the costs of medical education, and the effect of excessive malpractice insurance premiums, malpractice laws and caps, the shortage of nurses, and ancillary regulations such as the Certificate of Public Need; and (iii) identify the medical specialties primarily affected by the shortage of doctors and recommend ways to alleviate such problems. The joint subcommittee must submit its preliminary findings and recommendations to the 2010 Session and its final findings and recommendations to the 2011 Session of the General Assembly.

Patron - Purkey

FHJ35 Study; reforms to the Commonwealth's private health insurance system; report. Establishes a joint subcommittee on Healthcare Reform to recommend reforms to the Commonwealth's private health insurance system. The joint subcommittee is directed to identify strategies to reduce the rate of increases in the cost of health insurance and related products through mechanisms that allow Virginians to exercise greater control over decisions involving expenditures on health insurance and other aspects of health care. In conducting its study, the joint subcommittee shall examine (i) the need to improve health insurance literacy; (ii) the feasibility of implementing a health insurance exchange; (iii) measures to increase transparency within the health care and health insurance systems; (iv) options to increase the level of competition and decrease market concentration among health insurers in the Commonwealth; (v) the advisability of requiring health insurers and providers to disclose certain changes to provider agreements; (vi) ways to increase the use by Virginia's health insurers of uniform forms; (vii) the rate by which Virginia's

health insurers are implementing recent legislative initiatives that sought to make health insurance more affordable for small employers and more accessible to their employees; (viii) the desirability of amending Virginia's health insurance laws in response to federal health care reform legislation; and (ix) the potential benefits and detriments of the Commonwealth's opting out of including a federally sponsored health plan in a health insurance exchange or market, if federal legislation provides states with such an option.

Patron - O'Bannon

FHJ48 Study; joint subcommittee to study the extent and cost of hunger and malnutrition in the Commonwealth; report. Establishes a joint subcommittee to study the extent and cost of hunger and malnutrition in the Commonwealth, including the scope and nature of hunger in the Commonwealth, the impacts of hunger on the Commonwealth, and promising practices for reducing hunger.

Patron - Alexander

FHJ57 Study; Administration of animal welfare and enforcement. Creates a legislative study to examine best management practices in Virginia and other states for animal humane law enforcement and regulation; the most effective standards for training and supervision of animal control officers; the real and potential conflicts between animal welfare and animal health professionals; the appropriate oversight agency and division of responsibilities for animal health and humane laws and regulatory programs; and the perceived and actual costs of shifting from the existing institutional design.

Patron - Griffith

FHJ61 Study; Commission on Virginia's Transportation Needs; report. Establishes the Commission on Virginia's Transportation Needs to look at transportation needs in Virginia and alternatives for planning and financing Virginia's transportation system.

Patron - Plum

FHJ62 Study; whether to establish a bank operated by the Commonwealth; report. Establishes a joint subcommittee to study whether to establish a bank operated by the Commonwealth. The study shall consider recommendations for legislation to establish a state owned, controlled, and operated bank.

Patron - Marshall, R.G.

FHJ63 Study; state government efficiency; report. Establishes a joint subcommittee to review each of the ten organizational secretariats of state government to identify efficiencies and determine specific operational areas where savings may be realized among the agencies within individual secretariat, including identifying (i) monetary savings among agencies within the secretariat, (ii) changes in management practices among agencies within the secretariat, and (iii) specific actions involving elimination, realignment, or consolidation of programs or activities within the secretariat.

Patron - Marshall, R.G.

FHJ68 Study; tolling of highways; report. Directs the Joint Commission on Transportation Accountability to develop a plan to toll certain highways.

Patron - Rust

FHJ74 Study; Eastern Shore bottomland habitat; report. Requests the Virginia Institute of Marine Science to study management options for state-owned submerged lands on the seaside of the Eastern Shore.

Patron - Lewis

FHJ79 Study; Joint Legislative Audit and Review Commission; report. Directs the Joint Legislative Audit and Review Commission to study the costs and benefits to the Commonwealth of providing financial and other incentives to localities that collaborate on capital facilities, construction projects, and other operating services.

Patron - Dance

FHJ80 Study; zero-based budgeting; report. Establishes a joint subcommittee to study implementing zero-based budgeting to determine its utility in the Commonwealth. The joint subcommittee shall identify a limited number of state agencies to implement zero-based budgeting, determine if cost savings from this budget technique could be realized, and make recommendations about the implementation of zero-based budgeting by all state agencies.

Patron - Bell, Richard P.

FHJ83 JLARC; study the costs and benefits of implementing the Home and Community-Based Services State Plan Option; report. Directs the Joint Legislative Audit and Review Commission to study the costs and benefits of implementing the Home and Community-Based Services State Plan Option.

Patron - Brink

FHJ87 Study; JLARC study of costs and benefits of drug testing recipients of TANF cash assistance; report. Directs the Joint Legislative Audit and Review Commission to study the costs and benefits of drug testing recipients of Temporary Assistance for Needy Families cash assistance in the Commonwealth in order to reduce costs associated with substance abuse.

Patron - Marshall, D.W.

FHJ89 Study; children's mental health services; report. Establishes a joint subcommittee to study options for improving the availability and accessibility of children's mental health services through increased coordination and integration among state agencies. In conducting its study, the joint subcommittee shall (i) examine the current structure of all state agencies responsible for providing children's mental health services or funding for such services and how those services and funding pass down to the local level, (ii) review models of state government organization and structure used in other states for improving coordination of the mental health service delivery and funding system to result in greater access for children and families, (iii) make a recommendation about which entity within state government should have the authority and responsibility for children's mental health services, and (iv) make recommendations about needed improvements and opportunities for coordination or consolidation of funding and service delivery functions within the other entities in state government currently responsible for providing these services.

Patron - O'Bannon

FHJ91 Study; Alcoholic Beverage Control Board; disposition of real estate used for government stores. Directs the Alcoholic Beverage Control Board to, on or before December 31, 2010, complete an implementation study for the discontinuation of government stores and for the disposition of all real property owned or leased by the Board upon which government stores are operated. The resolution also directs the Board to submit an implementation plan for the disposition of the real property owned or leased by the Board and operated as government stores to the chairs of the House Committee on General Laws and to the Senate Committee on Rehabilitation and Social Services on or before December 31, 2010.

Patron - Purkey

FHJ92 Study; establishes a joint subcommittee to study ways to increase college graduates with science, technology, engineering, and mathematics related baccalaureate degrees; report. Establishes a joint subcommittee to study ways to increase college graduates with science, technology, engineering, and mathematics related baccalaureate degrees; report. In conducting its study, the joint subcommittee shall: (i) review current statistics on the number of STEM-related degrees awarded annually at higher education institutions in Virginia; (ii) explore the creation of individual income tax incentives; (iii) identify impediments to STEM education; (iv) review existing and successful Virginia Community College programs; (v) consider future industry needs in STEM fields; and (vi) examine ways to encourage partnerships between STEM-related departments at institutions of higher education and science and technology based businesses in the Commonwealth.

Patron - Purkey

FHJ93 Study; impact of federal stimulus spending; report. Establishes a joint subcommittee to study the impact of federal stimulus spending in the Commonwealth.

Patron - Purkey

FHJ94 Study; Department of Health Professions; access to health care and health care professions in Southwest Virginia; report. Requests the Department of Health Professions to study current access to health care and health care professionals in Southwest Virginia, the need for increased access to health care and additional health care professionals in the region, and methods to increase the number of health care professionals and access to health care in the region. This bill has been incorporated into HJR 124.

Patron - Kilgore

FHJ119 Study; U.S. Route 1 Corridor; report. Establishes a joint subcommittee to study the creation of a U.S. Route 1 Corridor.

Patron - Surovell

FHJ120 Study; establishes a joint subcommittee to study ways to increase the number of bachelor's degrees awarded annually by public institutions of higher education in the Commonwealth; report. Establishes a joint subcommittee to study ways to increase the number of bachelor's degrees awarded annually by public institutions of higher education in the Commonwealth. In conducting its study, the joint subcommittee shall (i) identify the economic impact of a more educated population on the Commonwealth; (ii) identify any capacity issues confronting the public institutions of higher education in the Commonwealth; (iii) examine ways to attract nontraditional student populations to pursue higher education degrees and enroll in bachelor's degree programs; (iv) consider expansion of dual enrollment programs at community colleges or distance learning programs to increase capacity in bachelor's degree programs; (v) make recommendations regarding how Virginia public institutions of higher education can increase the number of bachelor's degrees awarded annually by 10,000 over the next 10 years; and (vi) explore such other issues as it deems appropriate.

Patron - Athey

FHJ122 Study; minimum standards for supervised visitation of children; report. Establishes a joint subcommittee to study the feasibility of establishing statewide minimum standards for the oversight of supervised visitation with children.

Patron - Crockett-Stark

FHJ123 Study; local revenue sources; report. Establishes a joint subcommittee to study ways to improve the balance of local revenue sources.

Patron - Morgan

FHJ128 JLARC; study the feasibility of a gross receipts assessment on pharmaceutical manufacturers to fund substance abuse treatment and prevention in the Commonwealth; report. Directs the Joint Legislative Audit and Review Commission to study the feasibility of establishing a gross receipts assessment on pharmaceutical manufacturers doing business in the Commonwealth, and allocation of funds collected to support substance abuse treatment and prevention programs.

Patron - Phillips

FHJ129 Study; Virginia Indigent Defense Commission; public defender office to serve Montgomery County; report. Requests the Virginia Indigent Defense Commission to study the creation of a public defender office to serve Montgomery County.

Patron - Nutter

FHJ131 Study; International Baccalaureate Diploma Programme; report. Requests the State Council of Higher Education for Virginia (SCHEV) to study the feasibility and appropriateness of the International Baccalaureate Diploma Programme as a continuum of education in Virginia. In conducting its study, SCHEV shall (i) review the requirements and organizational structure of the IB program; (ii) evaluate the systems of public and higher education in Virginia to identify areas of commonality with the IB program, including, but not limited to, curriculum offerings and diploma requirements, teacher preparation and licensure, student assessments, NCLB, school accountability, and professional development; (iii) identify and assess IB programs offered by local school divisions; (iv) determine whether and how the IB program complements higher education in Virginia and prepares students for high academic achievement and success in higher education programs; (v) assess the IB program's ability to groom students for positive interactions with other cultures and participation in a global community; and (vi) consider such other issues necessary to determine the efficacy of the IB program as a continuum of education in Virginia. SCHEV must submit an executive summary and report of its findings and recommendations to the Governor and 2011 General Assembly, and report its final findings and recommendations to the Governor and 2012 General Assembly.

Patron - Scott, J.M.

FHJ151 Norfolk's Light Rail project. Directs the Auditor of Public Accounts to conduct a financial audit of Norfolk's Light Rail project to be completed by September 1, 2010.

Patron - Miller, P.J.

FHJ154 Study; costs and benefits of establishing mental health courts; report. Directs the Virginia State Crime Commission to study the costs and benefits associated with establishing mental health courts designed to divert nonviolent offenders with mental illnesses from local jails and state prisons and place them into judicially monitored treatment programs.

Patron - Loupassi

FHR1 Study; state government efficiency; report. Establishes a House of Delegates subcommittee to review each of the ten organizational secretariats of state government to identify efficiencies and determine specific operational areas

where savings may be realized among the agencies within individual secretariat, including identifying (i) monetary savings among agencies within the secretariat, (ii) changes in management practices among agencies within the secretariat, and (iii) specific actions involving elimination, realignment, or consolidation of programs or activities within the secretariat.

Patron - Marshall, R.G.

FJSJ26 Study; effects of the economic recession on public schools and families in Virginia. Directs the Virginia Commission on Youth to study the effects of the economic recession on public schools and families in Virginia. In conducting its study, the Commission on Youth shall (i) evaluate the effects of the economic crisis on public schools in Virginia; (ii) determine the number of school-age children affected by recent home foreclosures with the decline of the housing industry, the unemployment of a parent, and homelessness, and, if possible, correlate these events in the lives of school children to academic performance; (iii) determine whether the economic crisis has contributed to an increase in family dysfunction, unemployment, crime, familial breakdown, divorce and separation, substance abuse, mental health problems, school and college dropout rates, and domestic violence; (iv) ascertain how and which educational programs and services have been reduced or eliminated by public schools as a result of funding reductions due to the economic crisis; (v) determine whether there has been an increase in the number of homeless students in Virginia public schools, and the fiscal and programmatic effect of such increase; and (vi) determine ways to assist public schools, children, and their families in coping with the economic crisis so as to minimize adverse consequences to them and governmental agencies. In the course of its deliberations, the Commission on Youth shall provide opportunities for the participation of professional and community organizations, the corporate and faith communities, and other persons with expertise and interest in public and higher education, and the welfare of children and their families.

Patron - Marsh

FJSJ30 Study; costs incurred resulting from tort claims brought against the Commonwealth and localities; report. Directs the Joint Legislative Audit and Review Commission to study the costs incurred by the Commonwealth and localities resulting from tort claims brought against such entities. This resolution is a recommendation of the Boyd-Graves Conference.

Patron - Edwards

FJSJ34 Study; uniform grading in public schools; report. Requests the Department of Education to study the impact of a uniform grading policy in the Commonwealth. In conducting its study, the Department shall (i) examine other states' uniform grading policies and their effects on the public school systems in those states, (ii) consider the implication of implementing a similar policy in the Commonwealth, and (iii) if such a policy is found to be desirable, consider and make recommendations on specific elements of such a policy, including (a) consistent numerical breaks for letter grades, (b) standards to define honors courses, (c) a methodology for appropriately weighting advanced and honors courses, and (d) a determination of courses and weightings to be used in the calculation of class rank.

Patron - Northam

FJSJ46 Study; JLARC to study Board of Medicine; report. Directs the Joint Legislative Audit and Review Commission to conduct a follow-up review of the effectiveness of the Board of Medicine in regulating the practice of medicine.

Patron - Puller

FSJ51 Study; Joint Legislative Audit and Review Commission; State Office of the State Long-Term Care Ombudsman. Requests the Joint legislative Audit and Review Commission to examine the need for additional state funding for the Office of the State Long-Term Care Ombudsman and the local offices and whether the state Office should have greater administrative control over resource allocation and other administrative decisions.

Patron - Puller

FSJ64 Study; healthy lifestyle SOL; report. Requests the Department of Education to study the feasibility of adding a curriculum and Standard of Learning relating to healthy lifestyle choices and reducing childhood obesity. In conducting its study, the Department shall (i) examine existing Standards of Learning to see where such curriculum might fit within the existing framework, (ii) consider the feasibility of adding a new curriculum and Standard of Learning to address this need, (iii) consider other ways of implementing this type of curriculum outside of the Standards of Learning, and (iv) consider input from local school divisions on this issue.

Patron - Miller, J.C.

FSJ74 Resolution; Bureau of Insurance to collect information on substance abuse treatment services insurance parity; report. Requests the Bureau of Insurance of the State Corporation Commission to collect and report on data and information on the coverage provided by health insurers, health service plans, and health maintenance organizations for substance abuse treatment services. This bill is incorporated into SJR 73.

Patron - Hanger

FSJ75 Study; Prescription Monitoring Program; report. Requests that the Department of Health Professions collect data on and information about use of the Prescription Monitoring Program by prescribers and dispensers of controlled substances and responses to notifications of substantial or unusual activity or potential misuse of prescription drugs sent by the Department to prescribers. This bill is incorporated into SJR 73.

Patron - Hanger

FSJ80 Study; Department of Health Professions; medication aides in nursing homes; report. Requests the Department of Health Professions to study the advisability of permitting the use of medication aides in nursing homes. In conducting its study, the Department shall (i) research the prevalence of medication aides in nursing homes in other states, (ii) examine the potential for such additional level of staff in nursing homes to enhance team care and extend licensed nursing care for residents, (iii) consider the regulatory protections and safeguards needed if medication aides were permitted to administer certain medications in nursing homes in the Commonwealth, and (iv) consult with nursing home, pharmacy, and nursing professionals in each aspect of the study.

Patron - Barker

FSJ90 Study; distribution of state funds to community services boards; report. Requests the Department of Behavioral Health and Developmental Services to study the funding formula used to distribute resources to community services boards. In conducting its study, the Department shall (i) review the various programs and services being provided by community services boards across the state, including any voluntary or pilot programs, and how such programs and services are funded, (ii) examine the effectiveness of the current formula in adequately funding such programs and services, and (iii) consider the most effective use of limited funds in provid-

ing the most essential services through the community services boards to meet the needs of citizens of the Commonwealth.

Patron - Herring

FSJ91 Study; JLARC; methodology employed to develop the Biennial Report on Public School Teacher Compensation; report. Directs the Joint Legislative Audit and Review Commission to study the methodology employed by the Director of Human Resource Management to develop the Biennial Report on Public School Teacher Compensation. In conducting its study, JLARC shall (i) review the current methodology used to develop this biennial report for scientific accuracy, (ii) compare this methodology with that used by private entities that have produced similar reports with substantially different results, and (iii) make recommendations as to how to improve this methodology to produce unbiased, accurate results.

Patron - Houck

FSJ94 Study; replacement of the state motor fuel tax; report. Requests the Virginia Transportation Research Council to study the desirability and feasibility of replacing the state motor fuel tax with a mileage-based fee predicated on vehicle-miles traveled in Virginia.

Patron - Miller, J.C.

FSJ98 Joint Subcommittee to Study the Feasibility of Creating a Regional Rapid Transit Network for Connecting Existing and Emerging Population Centers in Major Transportation Corridors; report. Continues the work of the joint subcommittee for a third year.

Patron - Barker

FSJ147 Study; ethics issues affecting the General Assembly. Establishes a joint committee of the General Assembly and Senate and House Ethics Advisory Panels to evaluate the adequacy of the current law in spelling out ethics rules, defining improper behavior, and providing for the proper disposition of complaints alleging that the General Assembly Conflicts of Interests Act has been violated.

Patron - Norment

Carried Over

CHB1123 Second Chance Act. Directs the Secretaries of Public Safety and Health and Human Resources to study and make recommendations related to implementation of the Second Chance Act.

Patron - Keam

CHJ49 Study; overpayment of unemployment compensation benefits; report. Directs the Joint Legislative Audit and Review Commission (JLARC) to study the overpayment of unemployment compensation benefits as a result of administrative errors by the Virginia Employment Commission. In conducting its study, JLARC shall (i) identify the number of instances of unemployment compensation benefit overpayments occurring in each of the past five years and the aggregate amount of such overpayments; (ii) identify the number of such overpayments, and the aggregate amount thereof, that resulted from administrative error by the Virginia Employment Commission; (iii) determine the amount of the overpayments described in clause (ii) that has been recovered from the payees; (iv) identify the causes of the Virginia Employment Commission's administrative errors resulting in overpayments of benefits; and (v) recommend measures to prevent the causes of such administrative errors, including means of making responsible parties accountable for such errors.

Patron - Merricks

☐HJ124 Directing the Joint Commission on Health Care to study access to medical care in rural Southwest Virginia; report. Directs the Joint Commission on Health Care to study access to medical care in Southwest Virginia. In conducting the study, the Joint Commission on Health Care shall examine (i) the feasibility and effectiveness of a pilot program narrowly tailored to the coalfield region whereby a mechanism would be set up to temporarily allow naturopaths who have graduated from, and met the residency requirements of, a naturopathic medical school accredited by the Association of Accredited Naturopathic Medical Colleges to provide health counseling to the adult citizens of this region in the area of preventative medicine, including smoking cessation, diabetes prevention, and diet and nutrition management, and (ii) ways to encourage more licensed medical doctors and doctors of osteopathy to practice medicine in these traditionally underserved areas, including fully funding the Physician Loan Repayment Program for physicians practicing in these underserved areas. The Commission shall also determine current access to health care and health care professionals in Southwest Virginia, the need for increased access and additional health care professionals in the region, and methods to increase the number of professionals and improve access to health care in the region. This bill incorporates HJR 94.

Patron - Kilgore

☐SJ52 Study; SCC; management of continuing care retirement communities and the need for resident representation in management and governance; report. Requests the State Corporation Commission to study the management of continuing care retirement communities and the need for resident representation in management and governance including the various management and governance structures of continuing care retirement communities in the Commonwealth, and the need for and any benefits associated with requiring resident participation in management and governance of continuing care retirement communities. If the State Corporation Commission determines that a need exists and benefits would result from requiring resident participation in management and governance of continuing care retirement communities, the State Corporation Commission is further directed to study and make recommendations related to the best method for implementing such requirement, including any statutory or regulatory changes that may be required.

Patron - Barker

☐SJ68 Study; voter registration and election system. Establishes a joint subcommittee to study the structure and operation of the registration and election processes. The joint subcommittee is to examine (i) measures that might be necessary or desirable in enhancing the authority of the State Board of Elections to establish and enforce uniform administration of state and federal laws by local election officials; (ii) methods by which the State Board might improve the training of local election officials and verify that local officials have participated in the appropriate level of training; (iii) measures to promote stability and reduce turnover among those responsible at the state level for administering the voter registration and election system; (iv) the desirability of establishing the position of professional agency director for the Board of Elections; and (v) any other matters that might promote the efficiency, uniformity, and integrity of the administration of the voter registration and election processes.

Patron - Martin

☐SJ88 Study; joint subcommittee to study local government reorganization; report. Establishes a nine-member joint subcommittee to recommend methods for modernizing local government structure and organization, including the

potential benefits of regional solutions to local problems and regional delivery of local services. This is a two-year study.

Patron - Vogel

☐SJ145 Study; Appalachian Power; report. Directs the Commission on Electric Utility Regulation to study alternatives to the monopoly service provided by Appalachian Power, which is the existing investor-owned electric utility serving portions of Southwest and Southside Virginia. The Commission is specifically directed to determine if customers within Appalachian Power's certificated service territory should be provided the option to purchase electric generation and other services from other providers of such services, including electric distribution cooperatives, investor-owned electric utilities, or licensed competitive service providers, and to determine if it would be in the best interests of the Commonwealth if Appalachian Power were to be replaced by another entity, which may be a new or existing investor-owned electric utility or electric cooperative, as the certificated provider of electric utility services within Appalachian Power's service territory.

Patron - Wampler

Index of House Bills

<u>Bill Number</u>	<u>Page</u>	<u>Bill Number</u>	<u>Page</u>	<u>Bill Number</u>	<u>Page</u>	<u>Bill Number</u>	<u>Page</u>
House Bills							
HB1	50	HB51	35	HB103	108	HB155	32
HB2	157	HB52	54	HB104	81	HB156	167
HB3	32	HB53	54	HB105	24	HB157	83
HB4	163	HB54	54	HB106	54	HB158	84
HB5	175	HB55	141	HB107	45	HB159	40
HB6	176	HB56	89	HB108	40	HB160	130
HB7	77	HB57	157	HB109	36	HB161	84
HB8	51	HB58	122	HB110	157	HB162	122
HB9	129	HB59	88	HB111	69	HB163	119
HB10	109	HB60	16	HB112	97	HB164	48
HB11	98	HB61	119	HB113	54	HB165	69
HB12	114	HB62	94	HB114	83	HB166	51
HB13	62	HB63	81	HB115	141	HB167	54
HB14	26	HB64	83	HB116	109	HB168	92
HB15	130	HB65	83	HB117	100	HB169	23
HB16	168	HB66	69	HB118	127	HB170	54
HB17	146	HB67	26	HB119	151	HB171	55
HB18	160	HB68	64	HB120	40	HB172	55
HB19	141	HB69	54	HB121	164	HB173	98
HB20	125	HB70	72	HB122	13	HB174	1
HB21	24	HB71	29	HB123	13	HB175	166
HB22	121	HB72	54	HB124	122	HB176	122
HB23	53	HB73	157	HB125	81	HB177	161
HB24	53	HB74	92	HB126	127	HB178	161
HB25	104	HB75	125	HB127	122	HB179	84
HB26	54	HB76	73	HB128	91	HB180	55
HB27	35	HB77	109	HB129	32	HB181	160
HB28	112	HB78	83	HB130	73	HB182	64
HB29	175	HB79	54	HB131	91	HB183	65
HB30	175	HB80	166	HB132	100	HB184	65
HB31	112	HB81	88	HB133	151	HB185	84
HB32	78	HB82	35	HB134	104	HB186	40
HB33	40	HB83	130	HB135	7	HB187	20
HB34	112	HB84	62	HB136	32	HB188	20
HB35	100	HB85	98	HB137	40	HB189	100
HB36	100	HB86	146	HB138	90	HB190	119
HB37	122	HB87	112	HB139	130	HB191	137
HB38	35	HB88	140	HB140	16	HB192	131
HB39	54	HB89	115	HB141	146	HB193	1
HB40	68	HB90	49	HB142	90	HB194	91
HB41	175	HB91	127	HB143	130	HB195	22
HB42	93	HB92	140	HB144	28	HB196	69
HB43	78	HB93	109	HB145	122	HB197	103
HB44	112	HB94	157	HB146	69	HB198	112
HB45	112	HB95	104	HB147	168	HB199	93
HB46	117	HB96	73	HB148	100	HB200	36
HB47	157	HB97	119	HB149	168	HB201	131
HB48	1	HB98	119	HB150	22	HB202	84
HB49	54	HB99	45	HB151	130	HB203	24
HB50	80	HB100	54	HB152	29	HB204	140
		HB101	83	HB153	131	HB205	113
		HB102	54	HB154	73	HB206	40

Index of House Bills

<u>Bill Number</u>	<u>Page</u>	<u>Bill Number</u>	<u>Page</u>	<u>Bill Number</u>	<u>Page</u>	<u>Bill Number</u>	<u>Page</u>
HB207	68	HB259	106	HB311	62	HB363	41
HB208	69	HB260	109	HB312	107	HB364	151
HB209	103	HB261	35	HB313	107	HB365	119
HB210	51	HB262	1	HB314	62	HB366	16
HB211	1	HB263	36	HB315	109	HB367	36
HB212	122	HB264	108	HB316	127	HB368	28
HB213	137	HB265	113	HB317	109	HB369	108
HB214	103	HB266	73	HB318	36	HB370	147
HB215	81	HB267	131	HB319	131	HB371	98
HB216	60	HB268	151	HB320	104	HB372	27
HB217	81	HB269	151	HB321	95	HB373	90
HB218	55	HB270	98	HB322	16	HB374	36
HB219	27	HB271	151	HB323	84	HB375	32
HB220	81	HB272	29	HB324	128	HB376	24
HB221	122	HB273	126	HB325	100	HB377	69
HB222	103	HB274	78	HB326	30	HB378	119
HB223	151	HB275	151	HB327	145	HB379	26
HB224	104	HB276	106	HB328	95	HB380	1
HB225	73	HB277	104	HB329	33	HB381	122
HB226	166	HB278	131	HB330	95	HB382	131
HB227	51	HB279	18	HB331	74	HB383	145
HB228	146	HB280	60	HB332	100	HB384	147
HB229	122	HB281	15	HB333	104	HB385	1
HB230	151	HB282	27	HB334	101	HB386	27
HB231	131	HB283	46	HB335	134	HB387	140
HB232	40	HB284	1	HB336	40	HB388	1
HB233	147	HB285	48	HB337	176	HB389	162
HB234	125	HB286	131	HB338	176	HB390	81
HB235	20	HB287	100	HB339	113	HB391	104
HB236	40	HB288	55	HB340	84	HB392	125
HB237	151	HB289	127	HB341	84	HB393	101
HB238	73	HB290	90	HB342	19	HB394	70
HB239	28	HB291	62	HB343	40	HB395	122
HB240	50	HB292	50	HB344	95	HB396	41
HB241	50	HB293	50	HB345	101	HB397	74
HB242	50	HB294	91	HB346	166	HB398	7
HB243	55	HB295	1	HB347	102	HB399	91
HB244	55	HB296	90	HB348	135	HB400	95
HB245	106	HB297	36	HB349	1	HB401	41
HB246	13	HB298	122	HB350	119	HB402	103
HB247	22	HB299	108	HB351	40	HB403	122
HB248	22	HB300	78	HB352	110	HB404	104
HB249	73	HB301	102	HB353	74	HB405	135
HB250	131	HB302	147	HB354	19	HB406	131
HB251	55	HB303	113	HB355	147	HB407	137
HB252	162	HB304	69	HB356	81	HB408	131
HB253	134	HB305	23	HB357	129	HB409	131
HB254	47	HB306	27	HB358	40	HB410	101
HB255	129	HB307	68	HB359	41	HB411	165
HB256	129	HB308	131	HB360	65	HB412	20
HB257	69	HB309	27	HB361	129	HB413	20
HB258	109	HB310	27	HB362	84	HB414	21

Index of House Bills

<u>Bill Number</u>	<u>Page</u>	<u>Bill Number</u>	<u>Page</u>	<u>Bill Number</u>	<u>Page</u>	<u>Bill Number</u>	<u>Page</u>
HB415	98	HB467	36	HB519	8	HB571	56
HB416	132	HB468	132	HB520	135	HB572	46
HB417	137	HB469	8	HB521	32	HB573	44
HB418	103	HB470	139	HB522	56	HB574	113
HB419	1	HB471	78	HB523	147	HB575	74
HB420	125	HB472	122	HB524	14	HB576	113
HB421	103	HB473	119	HB525	101	HB577	152
HB422	108	HB474	145	HB526	146	HB578	92
HB423	7	HB475	55	HB527	84	HB579	41
HB424	136	HB476	132	HB528	76	HB580	120
HB425	151	HB477	141	HB529	126	HB581	74
HB426	1	HB478	41	HB530	103	HB582	2
HB427	7	HB479	2	HB531	110	HB583	41
HB428	93	HB480	141	HB532	110	HB584	105
HB429	17	HB481	176	HB533	140	HB585	62
HB430	147	HB482	19	HB534	123	HB586	41
HB431	1	HB483	115	HB535	161	HB587	132
HB432	1	HB484	35	HB536	115	HB588	18
HB433	1	HB485	2	HB537	32	HB589	93
HB434	2	HB486	91	HB538	119	HB590	132
HB435	55	HB487	91	HB539	115	HB591	2
HB436	36	HB488	92	HB540	105	HB592	138
HB437	151	HB489	55	HB541	115	HB593	123
HB438	30	HB490	55	HB542	8	HB594	8
HB439	135	HB491	70	HB543	129	HB595	8
HB440	115	HB492	122	HB544	92	HB596	34
HB441	145	HB493	108	HB545	152	HB597	136
HB442	140	HB494	44	HB546	125	HB598	135
HB443	165	HB495	107	HB547	19	HB599	152
HB444	2	HB496	139	HB548	110	HB600	36
HB445	119	HB497	84	HB549	120	HB601	136
HB446	167	HB498	84	HB550	161	HB602	8
HB447	147	HB499	81	HB551	17	HB603	167
HB448	110	HB500	62	HB552	36	HB604	3
HB449	7	HB501	30	HB553	36	HB605	107
HB450	81	HB502	56	HB554	110	HB606	142
HB451	108	HB503	30	HB555	159	HB607	14
HB452	101	HB504	119	HB556	110	HB608	85
HB453	48	HB505	51	HB557	70	HB609	8
HB454	8	HB506	104	HB558	74	HB610	128
HB455	116	HB507	36	HB559	24	HB611	176
HB456	65	HB508	164	HB560	126	HB612	34
HB457	147	HB509	19	HB561	126	HB613	152
HB458	24	HB510	8	HB562	126	HB614	152
HB459	122	HB511	128	HB563	2	HB615	8
HB460	8	HB512	136	HB564	103	HB616	125
HB461	41	HB513	119	HB565	74	HB617	95
HB462	122	HB514	2	HB566	70	HB618	46
HB463	101	HB515	163	HB567	2	HB619	30
HB464	13	HB516	103	HB568	62	HB620	18
HB465	26	HB517	107	HB569	47	HB621	16
HB466	177	HB518	2	HB570	152	HB622	76

Index of House Bills

<u>Bill Number</u>	<u>Page</u>	<u>Bill Number</u>	<u>Page</u>	<u>Bill Number</u>	<u>Page</u>	<u>Bill Number</u>	<u>Page</u>
HB623	70	HB675	145	HB727	128	HB779	105
HB624	147	HB676	3	HB728	65	HB780	74
HB625	135	HB677	159	HB729	22	HB781	74
HB626	147	HB678	3	HB730	115	HB782	14
HB627	30	HB679	9	HB731	74	HB783	123
HB628	41	HB680	152	HB732	78	HB784	157
HB629	34	HB681	65	HB733	99	HB785	37
HB630	18	HB682	51	HB734	157	HB786	85
HB631	103	HB683	157	HB735	108	HB787	162
HB632	157	HB684	56	HB736	165	HB788	105
HB633	3	HB685	60	HB737	116	HB789	3
HB634	135	HB686	101	HB738	26	HB790	44
HB635	36	HB687	107	HB739	35	HB791	152
HB636	65	HB688	51	HB740	94	HB792	132
HB637	51	HB689	9	HB741	51	HB793	65
HB638	85	HB690	36	HB742	120	HB794	160
HB639	142	HB691	65	HB743	88	HB795	93
HB640	8	HB692	120	HB744	56	HB796	37
HB641	14	HB693	9	HB745	152	HB797	132
HB642	95	HB694	41	HB746	120	HB798	135
HB643	95	HB695	128	HB747	165	HB799	74
HB644	95	HB696	164	HB748	48	HB800	110
HB645	160	HB697	164	HB749	165	HB801	92
HB646	85	HB698	102	HB750	165	HB802	92
HB647	161	HB699	28	HB751	176	HB803	148
HB648	85	HB700	42	HB752	123	HB804	160
HB649	9	HB701	56	HB753	18	HB805	163
HB650	132	HB702	138	HB754	140	HB806	103
HB651	89	HB703	77	HB755	166	HB807	167
HB652	89	HB704	70	HB756	162	HB808	44
HB653	142	HB705	167	HB757	129	HB809	65
HB654	9	HB706	97	HB758	129	HB810	120
HB655	93	HB707	37	HB759	103	HB811	42
HB656	60	HB708	98	HB760	161	HB812	139
HB657	95	HB709	70	HB761	167	HB813	95
HB658	160	HB710	98	HB762	98	HB814	95
HB659	135	HB711	26	HB763	176	HB815	96
HB660	160	HB712	29	HB764	147	HB816	96
HB661	29	HB713	132	HB765	147	HB817	107
HB662	132	HB714	138	HB766	42	HB818	105
HB663	65	HB715	138	HB767	9	HB819	35
HB664	89	HB716	9	HB768	85	HB820	148
HB665	14	HB717	30	HB769	51	HB821	69
HB666	105	HB718	165	HB770	62	HB822	49
HB667	138	HB719	89	HB771	74	HB823	65
HB668	142	HB720	115	HB772	85	HB824	56
HB669	70	HB721	130	HB773	61	HB825	50
HB670	56	HB722	113	HB774	30	HB826	50
HB671	142	HB723	132	HB775	56	HB827	26
HB672	36	HB724	14	HB776	29	HB828	56
HB673	146	HB725	132	HB777	157	HB829	65
HB674	123	HB726	3	HB778	97	HB830	152

Index of House Bills

<u>Bill Number</u>	<u>Page</u>	<u>Bill Number</u>	<u>Page</u>	<u>Bill Number</u>	<u>Page</u>	<u>Bill Number</u>	<u>Page</u>
HB831	3	HB883	49	HB935	57	HB987	45
HB832	85	HB884	17	HB936	57	HB988	9
HB833	135	HB885	51	HB937	116	HB989	57
HB834	3	HB886	56	HB938	57	HB990	10
HB835	85	HB887	42	HB939	110	HB991	123
HB836	9	HB888	16	HB940	92	HB992	29
HB837	148	HB889	152	HB941	51	HB993	58
HB838	130	HB890	32	HB942	52	HB994	177
HB839	66	HB891	152	HB943	3	HB995	61
HB840	125	HB892	127	HB944	3	HB996	10
HB841	120	HB893	152	HB945	129	HB997	89
HB842	101	HB894	42	HB946	63	HB998	158
HB843	9	HB895	177	HB947	57	HB999	148
HB844	56	HB896	152	HB948	105	HB1000	81
HB845	157	HB897	101	HB949	85	HB1001	75
HB846	42	HB898	74	HB950	52	HB1002	37
HB847	166	HB899	78	HB951	30	HB1003	42
HB848	103	HB900	163	HB952	18	HB1004	58
HB849	120	HB901	123	HB953	132	HB1005	79
HB850	142	HB902	57	HB954	108	HB1006	79
HB851	42	HB903	77	HB955	167	HB1007	79
HB852	42	HB904	16	HB956	138	HB1008	135
HB853	152	HB905	161	HB957	123	HB1009	61
HB854	56	HB906	9	HB958	22	HB1010	52
HB855	29	HB907	70	HB959	57	HB1011	79
HB856	120	HB908	46	HB960	42	HB1012	120
HB857	28	HB909	37	HB961	78	HB1013	45
HB858	9	HB910	158	HB962	176	HB1014	81
HB859	35	HB911	47	HB963	132	HB1015	14
HB860	158	HB912	28	HB964	133	HB1016	79
HB861	148	HB913	129	HB965	9	HB1017	101
HB862	46	HB914	42	HB966	35	HB1018	110
HB863	46	HB915	123	HB967	37	HB1019	14
HB864	68	HB916	120	HB968	105	HB1020	45
HB865	56	HB917	35	HB969	142	HB1021	10
HB866	37	HB918	46	HB970	9	HB1022	140
HB867	23	HB919	57	HB971	44	HB1023	96
HB868	56	HB920	57	HB972	148	HB1024	136
HB869	51	HB921	165	HB973	29	HB1025	101
HB870	42	HB922	177	HB974	49	HB1026	79
HB871	51	HB923	57	HB975	120	HB1027	142
HB872	159	HB924	57	HB976	14	HB1028	3
HB873	115	HB925	166	HB977	9	HB1029	91
HB874	148	HB926	76	HB978	76	HB1030	58
HB875	176	HB927	62	HB979	63	HB1031	130
HB876	106	HB928	77	HB980	105	HB1032	10
HB877	37	HB929	116	HB981	153	HB1033	52
HB878	66	HB930	46	HB982	133	HB1034	3
HB879	42	HB931	46	HB983	135	HB1035	10
HB880	42	HB932	57	HB984	153	HB1036	4
HB881	163	HB933	94	HB985	148	HB1037	119
HB882	37	HB934	51	HB986	57	HB1038	4

Index of House Bills

<u>Bill Number</u>	<u>Page</u>	<u>Bill Number</u>	<u>Page</u>	<u>Bill Number</u>	<u>Page</u>	<u>Bill Number</u>	<u>Page</u>
HB1039	99	HB1091	153	HB1143	17	HB1195	63
HB1040	34	HB1092	52	HB1144	15	HB1196	50
HB1041	15	HB1093	21	HB1145	133	HB1197	59
HB1042	58	HB1094	115	HB1146	58	HB1198	28
HB1043	4	HB1095	110	HB1147	25	HB1199	70
HB1044	153	HB1096	123	HB1148	85	HB1200	96
HB1045	148	HB1097	102	HB1149	85	HB1201	124
HB1046	153	HB1098	43	HB1150	153	HB1202	85
HB1047	105	HB1099	22	HB1151	59	HB1203	81
HB1048	123	HB1100	30	HB1152	139	HB1204	63
HB1049	66	HB1101	107	HB1153	153	HB1205	80
HB1050	158	HB1102	138	HB1154	59	HB1206	37
HB1051	153	HB1103	105	HB1155	153	HB1207	61
HB1052	143	HB1104	58	HB1156	49	HB1208	43
HB1053	96	HB1105	34	HB1157	96	HB1209	59
HB1054	113	HB1106	25	HB1158	105	HB1210	59
HB1055	128	HB1107	4	HB1159	120	HB1211	38
HB1056	17	HB1108	123	HB1160	90	HB1212	79
HB1057	88	HB1109	103	HB1161	129	HB1213	31
HB1058	138	HB1110	58	HB1162	90	HB1214	59
HB1059	176	HB1111	75	HB1163	91	HB1215	96
HB1060	76	HB1112	10	HB1164	137	HB1216	63
HB1061	176	HB1113	63	HB1165	137	HB1217	70
HB1062	42	HB1114	58	HB1166	133	HB1218	92
HB1063	37	HB1115	153	HB1167	137	HB1219	133
HB1064	43	HB1116	10	HB1168	136	HB1220	31
HB1065	24	HB1117	123	HB1169	136	HB1221	164
HB1066	77	HB1118	148	HB1170	136	HB1222	163
HB1067	75	HB1119	76	HB1171	118	HB1223	105
HB1068	123	HB1120	47	HB1172	70	HB1224	154
HB1069	166	HB1121	46	HB1173	113	HB1225	81
HB1070	117	HB1122	153	HB1174	107	HB1226	4
HB1071	37	HB1123	183	HB1175	123	HB1227	94
HB1072	139	HB1124	105	HB1176	124	HB1228	11
HB1073	4	HB1125	123	HB1177	45	HB1229	80
HB1074	113	HB1126	108	HB1178	136	HB1230	140
HB1075	113	HB1127	26	HB1179	117	HB1231	154
HB1076	37	HB1128	75	HB1180	31	HB1232	124
HB1077	4	HB1129	75	HB1181	92	HB1233	117
HB1078	58	HB1130	11	HB1182	114	HB1234	59
HB1079	136	HB1131	105	HB1183	118	HB1235	82
HB1080	29	HB1132	153	HB1184	118	HB1236	145
HB1081	105	HB1133	165	HB1185	117	HB1237	143
HB1082	98	HB1134	58	HB1186	154	HB1238	77
HB1083	123	HB1135	163	HB1187	37	HB1239	79
HB1084	123	HB1136	58	HB1188	37	HB1240	120
HB1085	139	HB1137	164	HB1189	127	HB1241	104
HB1086	10	HB1138	153	HB1190	143	HB1242	85
HB1087	66	HB1139	123	HB1191	52	HB1243	125
HB1088	16	HB1140	11	HB1192	107	HB1244	4
HB1089	117	HB1141	75	HB1193	25	HB1245	70
HB1090	148	HB1142	58	HB1194	63	HB1246	141

Index of House Bills

<u>Bill Number</u>	<u>Page</u>	<u>Bill Number</u>	<u>Page</u>	<u>Bill Number</u>	<u>Page</u>	<u>Bill Number</u>	<u>Page</u>
HJ93	181	House Resolutions					
HJ94	181	HR1	182				
HJ95	173	HR2	96				
HJ96	175	HR5	175				
HJ97	178	HR19	174				
HJ98	171						
HJ99	178						
HJ100	75						
HJ101	173						
HJ113	171						
HJ114	171						
HJ115	171						
HJ116	171						
HJ117	171						
HJ118	171						
HJ119	181						
HJ120	181						
HJ121	178						
HJ122	181						
HJ123	182						
HJ124	184						
HJ125	175						
HJ126	178						
HJ127	178						
HJ128	182						
HJ129	182						
HJ130	178						
HJ131	182						
HJ132	173						
HJ133	173						
HJ134	178						
HJ135	178						
HJ136	173						
HJ137	173						
HJ138	173						
HJ150	173						
HJ151	182						
HJ154	182						
HJ156	173						
HJ161	173						
HJ171	173						
HJ182	173						
HJ183	175						
HJ190	173						
HJ191	175						
HJ193	175						
HJ195	173						
HJ198	173						
HJ259	174						
HJ275	174						

Index of Senate Bills

<u>Bill Number</u>	<u>Page</u>	<u>Bill Number</u>	<u>Page</u>	<u>Bill Number</u>	<u>Page</u>	<u>Bill Number</u>	<u>Page</u>
Senate Bills							
SB1	175	SB51	82	SB103	15	SB155	27
SB2	177	SB52	5	SB104	133	SB156	27
SB3	52	SB53	26	SB105	116	SB157	47
SB4	96	SB54	59	SB106	63	SB158	67
SB5	96	SB55	82	SB107	121	SB159	89
SB6	98	SB56	146	SB108	133	SB160	12
SB7	59	SB57	149	SB109	12	SB161	69
SB8	90	SB58	102	SB110	38	SB162	64
SB9	124	SB59	166	SB111	144	SB163	111
SB10	124	SB60	82	SB112	141	SB164	106
SB11	176	SB61	82	SB113	171	SB165	77
SB12	38	SB62	176	SB114	154	SB166	79
SB13	133	SB63	22	SB115	158	SB167	21
SB14	96	SB64	38	SB116	159	SB168	124
SB15	176	SB65	23	SB117	107	SB169	136
SB16	124	SB66	11	SB118	96	SB170	126
SB17	31	SB67	27	SB119	88	SB171	118
SB18	120	SB68	28	SB120	43	SB172	121
SB19	43	SB69	69	SB121	154	SB173	86
SB20	21	SB70	67	SB122	124	SB174	155
SB21	21	SB71	143	SB123	43	SB175	128
SB22	61	SB72	63	SB124	50	SB176	67
SB23	5	SB73	177	SB125	59	SB177	49
SB24	75	SB74	144	SB126	67	SB178	149
SB25	52	SB75	63	SB127	49	SB179	158
SB26	18	SB76	106	SB128	31	SB180	79
SB27	28	SB77	75	SB129	119	SB181	144
SB28	38	SB78	67	SB130	149	SB182	79
SB29	176	SB79	59	SB131	34	SB183	53
SB30	176	SB80	23	SB132	154	SB184	94
SB31	168	SB81	149	SB133	155	SB185	91
SB32	16	SB82	133	SB134	86	SB186	97
SB33	143	SB83	86	SB135	75	SB187	136
SB34	116	SB84	24	SB136	124	SB188	102
SB35	121	SB85	68	SB137	82	SB189	25
SB36	114	SB86	24	SB138	21	SB190	50
SB37	124	SB87	63	SB139	86	SB191	25
SB38	177	SB88	63	SB140	164	SB192	90
SB39	143	SB89	53	SB141	80	SB193	99
SB40	92	SB90	149	SB142	61	SB194	133
SB41	53	SB91	177	SB143	155	SB195	134
SB42	159	SB92	128	SB144	86	SB196	71
SB43	89	SB93	93	SB145	71	SB197	71
SB44	128	SB94	32	SB146	46	SB198	43
SB45	121	SB95	28	SB147	15	SB199	50
SB46	71	SB96	121	SB148	5	SB200	107
SB47	90	SB97	29	SB149	67	SB201	94
SB48	86	SB98	47	SB150	144	SB202	91
SB49	82	SB99	154	SB151	138	SB203	75
SB50	82	SB100	34	SB152	86	SB204	89
		SB101	94	SB153	64	SB205	49
		SB102	15	SB154	25	SB206	128

Index of Senate Bills

<u>Bill Number</u>	<u>Page</u>	<u>Bill Number</u>	<u>Page</u>	<u>Bill Number</u>	<u>Page</u>	<u>Bill Number</u>	<u>Page</u>
SB207	77	SB259	46	SB311	111	SB363	26
SB208	68	SB260	23	SB312	79	SB364	44
SB209	77	SB261	17	SB313	83	SB365	106
SB210	75	SB262	5	SB314	87	SB366	26
SB211	76	SB263	136	SB315	39	SB367	168
SB212	124	SB264	149	SB316	129	SB368	128
SB213	128	SB265	99	SB317	164	SB369	44
SB214	136	SB266	102	SB318	39	SB370	39
SB215	134	SB267	97	SB319	69	SB371	104
SB216	134	SB268	43	SB320	61	SB372	141
SB217	93	SB269	71	SB321	121	SB373	121
SB218	149	SB270	139	SB322	39	SB374	137
SB219	121	SB271	43	SB323	12	SB375	21
SB220	25	SB272	5	SB324	177	SB376	118
SB221	163	SB273	134	SB325	155	SB377	116
SB222	38	SB274	17	SB326	79	SB378	12
SB223	155	SB275	134	SB327	139	SB379	39
SB224	102	SB276	31	SB328	99	SB380	44
SB225	12	SB277	165	SB329	48	SB381	150
SB226	86	SB278	43	SB330	12	SB382	25
SB227	12	SB279	29	SB331	60	SB383	39
SB228	124	SB280	155	SB332	15	SB384	25
SB229	124	SB281	116	SB333	71	SB385	64
SB230	124	SB282	139	SB334	53	SB386	159
SB231	177	SB283	111	SB335	128	SB387	64
SB232	127	SB284	165	SB336	24	SB388	12
SB233	149	SB285	106	SB337	24	SB389	49
SB234	32	SB286	5	SB338	39	SB390	12
SB235	33	SB287	30	SB339	165	SB391	124
SB236	5	SB288	12	SB340	158	SB392	155
SB237	18	SB289	92	SB341	149	SB393	163
SB238	145	SB290	109	SB342	155	SB394	162
SB239	161	SB291	39	SB343	158	SB395	31
SB240	19	SB292	177	SB344	145	SB396	50
SB241	5	SB293	121	SB345	164	SB397	60
SB242	12	SB294	20	SB346	6	SB398	91
SB243	92	SB295	20	SB347	6	SB399	114
SB244	31	SB296	86	SB348	43	SB400	146
SB245	33	SB297	6	SB349	117	SB401	45
SB246	39	SB298	114	SB350	94	SB402	44
SB247	118	SB299	71	SB351	106	SB403	80
SB248	64	SB300	61	SB352	71	SB404	121
SB249	17	SB301	87	SB353	76	SB405	104
SB250	22	SB302	87	SB354	71	SB406	121
SB251	17	SB303	87	SB355	150	SB407	155
SB252	39	SB304	87	SB356	69	SB408	53
SB253	71	SB305	87	SB357	150	SB409	49
SB254	104	SB306	82	SB358	102	SB410	6
SB255	104	SB307	87	SB359	87	SB411	139
SB256	126	SB308	82	SB360	23	SB412	76
SB257	149	SB309	83	SB361	71	SB413	72
SB258	50	SB310	158	SB362	168	SB414	72

Index of Senate Bills

<u>Bill Number</u>	<u>Page</u>	<u>Bill Number</u>	<u>Page</u>	<u>Bill Number</u>	<u>Page</u>	<u>Bill Number</u>	<u>Page</u>
SB415	165	SB467	46	SB519	125	SB571	45
SB416	87	SB468	47	SB520	53	SB572	177
SB417	111	SB469	12	SB521	47	SB573	137
SB418	45	SB470	99	SB522	121	SB574	125
SB419	139	SB471	160	SB523	117	SB575	93
SB420	39	SB472	150	SB524	97	SB576	166
SB421	155	SB473	6	SB525	13	SB577	162
SB422	53	SB474	134	SB526	69	SB578	156
SB423	134	SB475	6	SB527	121	SB579	48
SB424	21	SB476	150	SB528	130	SB580	60
SB425	22	SB477	111	SB529	23	SB581	116
SB426	87	SB478	150	SB530	61	SB582	18
SB427	25	SB479	121	SB531	44	SB583	33
SB428	150	SB480	13	SB532	53	SB584	60
SB429	144	SB481	155	SB533	53	SB585	115
SB430	6	SB482	87	SB534	80	SB586	48
SB431	94	SB483	18	SB535	111	SB587	48
SB432	6	SB484	15	SB536	102	SB588	61
SB433	39	SB485	13	SB537	121	SB589	53
SB434	80	SB486	47	SB538	72	SB590	19
SB435	107	SB487	60	SB539	125	SB591	47
SB436	48	SB488	67	SB540	100	SB592	67
SB437	124	SB489	48	SB541	106	SB593	83
SB438	102	SB490	64	SB542	155	SB594	177
SB439	111	SB491	159	SB543	155	SB595	60
SB440	20	SB492	64	SB544	80	SB596	134
SB441	141	SB493	64	SB545	156	SB597	167
SB442	12	SB494	64	SB546	92	SB598	77
SB443	19	SB495	60	SB547	169	SB599	61
SB444	67	SB496	177	SB548	160	SB600	13
SB445	26	SB497	177	SB549	100	SB601	163
SB446	60	SB498	76	SB550	45	SB602	53
SB447	91	SB499	7	SB551	45	SB603	97
SB448	102	SB500	93	SB552	104	SB604	61
SB449	39	SB501	53	SB553	104	SB605	164
SB450	144	SB502	31	SB554	7	SB606	20
SB451	44	SB503	177	SB555	7	SB607	7
SB452	158	SB504	60	SB556	61	SB608	77
SB453	125	SB505	88	SB557	76	SB609	45
SB454	80	SB506	83	SB558	118	SB610	167
SB455	6	SB507	15	SB559	118	SB611	167
SB456	6	SB508	97	SB560	118	SB612	167
SB457	134	SB509	177	SB561	118	SB613	117
SB458	150	SB510	44	SB562	162	SB614	31
SB459	6	SB511	114	SB563	146	SB615	67
SB460	114	SB512	94	SB564	118	SB616	68
SB461	126	SB513	160	SB565	144	SB617	68
SB462	67	SB514	97	SB566	125	SB618	97
SB463	87	SB515	97	SB567	102	SB619	150
SB464	114	SB516	94	SB568	146	SB620	47
SB465	111	SB517	125	SB569	164	SB621	7
SB466	114	SB518	125	SB570	17	SB622	111

