

# Administration of Government

## Passed

**HB1457 Freedom of Information Act; violations and penalties.** Doubles the civil penalties imposed for willful and knowing violations of FOIA. The bill also clarifies existing law that officers, employees, and members of public bodies may be subject to the civil penalties for knowing and willful violations of FOIA.

*Patron - Marshall, R.G.*

**HB1477 Risk management plan; prison chaplains.** Amends the Commonwealth's risk management plan to include prison chaplains who provide services at state correctional facilities for compensation. Current law only includes volunteer chaplains under the risk management plan.

*Patron - Cox, M.K.*

**HB1557 Department of Veterans Services; ratio of department staff to veterans residing in the Commonwealth.** Clarifies that the number of employees assigned to the processing of benefit claims shall be sufficient to maintain a ratio of one staff person for every 26,212 veterans residing in the Commonwealth. This bill is identical to SB 1399.

*Patron - Cox, M.K.*

**HB1592 Public procurement; posting on website.** Requires all state authorities, agencies, institutions, departments, and other units of state government to put requests for proposal and invitations to bid on the Department of General Services' website. The bill encourages, but does not require, local public bodies to do likewise.

*Patron - Iaquinto*

**HB1595 Virginia Public Procurement Act; procurement of professional services by local public bodies.** Increases the threshold from \$30,000 to \$50,000 for local public bodies procuring professional services in the aggregate or for the sum of all phases of such a contract or project. The bill provides that where such contracts are not expected to exceed \$50,000, the public body may establish written small purchase procedures that provide for competition wherever practicable.

*Patron - Iaquinto*

**HB1609 Virginia Public Procurement Act; definitions; public body.** Adds metropolitan planning organizations and planning district commissions to the definition of "public body" as used in the Virginia Public Procurement Act. This bill is identical to SB 958.

*Patron - Orrock*

**HB1666 Department of Veterans Services; duties of Commissioner; establishment of advisory committees for veterans care centers.** Removes the requirement for the Commissioner of the Department of Veterans Services to establish an advisory committee on the administration of veterans care centers established in the Commonwealth. The bill also contains a technical amendment. This bill is identical to SB 958.

*Patron - Cole*

**HB1679 State Executive Council for Comprehensive Services for At-Risk Youth and Families; powers and duties.** Authorizes the State Executive Council for Comprehensive Services for At-Risk Youth and Families to deny funding to a locality if services are not provided in compliance with applicable state law or policy or federal law. This bill also

establishes timelines for development of policies governing denial of funding by the State Executive Council and provides that the provisions of this act shall apply to services provided on or after July 1, 2011. This bill contains an emergency clause. This bill is identical to SB 1171.

*Patron - Bell, Richard P.*

**HB1757 Address Confidentiality Program.** Expands the Address Confidentiality Program for victims of domestic violence to all jurisdictions within the Commonwealth. The bill also provides that the Office of the Attorney General will prepare an evaluation of the statewide implementation of the program by December 31, 2012, and repeals the enactment clause that conditioned the continuation of the program upon an appropriation for that purpose. The bill is identical to SB 1199.

*Patron - Wilt*

**HB1761 Department of Human Resource Management; TRICARE supplemental health coverage.** Authorizes the Department of Human Resource Management to offer coverage under the state's cafeteria plan established under § 125 of the Internal Revenue Code to military retirees and their dependents who are eligible for benefits under the TRICARE Military Health System supplemental health plan. This bill is identical to SB 892.

*Patron - Cox, M.K.*

**HB1773 Secretary of Veterans Affairs and Homeland Security.** Establishes the Office of the Secretary of Veterans Affairs and Homeland Security with responsibility to the Governor for veterans services and homeland preparedness and security. The state entities reporting through the new Secretary's Office are the Department of Veterans Services, Secure Commonwealth Panel, Veterans Services Foundation, Virginia Military Advisory Council, and Virginia War Memorial Foundation. The bill also makes technical changes and is identical to SB 1263. The bill has an emergency clause.

*Patron - Sherwood*

**HB1842 Boards, commissions and councils; membership; appointing authority; abolition.** Makes policy improvements and clarifications to several state boards, commissions, and councils including (i) establishing staggered terms for nonlegislative citizen members appointed by the Governor, (ii) clarifying the Governor's authority when provided lists of nominees by nongovernmental entities, and (iii) standardizing the terms of chairmen of entities appointed by the Governor to two years and limiting such appointees to two consecutive terms as chair. The bill contains technical amendments and is identical to SB 1280.

*Patron - Cole*

**HB1859 Public Procurement Act; verification of legal presence.** Provides that any employer with more than an average of 50 employees for the previous 12 months entering into a contract in excess of \$50,000 with any agency of the Commonwealth to perform work or provide services pursuant to such contract shall register and participate in the federal E-Verify program to verify information and work authorization of its newly hired employees performing work pursuant to such public contract. Any such employer who fails to comply shall be debarred from contracting with any agency of the Commonwealth for a period up to one year. Such debarment shall cease upon the employer's registration and participation in the E-Verify program. This bill is identical to SB 1049.

*Patron - Anderson*

**HB1860 Freedom of Information Act; proceedings for enforcement.** Requires that the party against whom a

FOIA petition is brought must receive a copy of the petition at least three working days prior to the filing of the petition. The bill contains technical amendments and is a recommendation of the FOIA Council. The bill is identical to SB 763.

*Patron - Anderson*

**HB1929 Virginia Public Procurement Act; price matching by Virginia businesses.** Provides that whenever the lowest responsive and responsible bidder is a resident of any other state and such state allows a resident contractor of that state a price-matching preference, then a like preference shall be allowed to responsive and responsible bidders who are residents of Virginia.

*Patron - Marshall, D.W.*

**HB1939 Regulations promulgated when mandated by statute; requirements.** Requires agencies, for regulatory changes that are nondiscretionary and necessary to conform to a change in law, to file the updated regulations with the Registrar of Regulations within 90 days of the law's effective date. The bill also requires the filing of a Notice of Intended Regulatory Action within 120 days of a law's effective date whenever a Virginia statutory change necessitates a change to, or repeal of, all or a portion of a regulation or the adoption of a new regulation.

*Patron - Pollard*

**HB1951 Virginia Public Procurement Act; bid, performance, and payment bonds.** Raises the minimum contract amount required for bid, performance, or payment bonds from \$100,000 to \$500,000 for nontransportation-related construction projects. The bill provides that for nontransportation related construction projects between \$100,000 and \$500,000 where the bond requirements are waived, the prospective contractors must be prequalified. The amount (\$250,000) for transportation-related projects partially or wholly funded by the Commonwealth, however, remains the same.

*Patron - Villanueva*

**HB1982 Governor's Development Opportunity Fund; criteria for grants or loans from the fund.** Reduces, among other things, the threshold for private investment and new job creation from \$10 million and 100 new jobs to \$5 million and at least 50 new jobs, and allows for awards from the Fund for projects with a minimum private investment of \$100 million that create at least 25 new jobs. The bill also sets forth new investment and job creation thresholds for projects in fiscally stressed localities. This bill incorporates HB 2112, HB 2234, and HB 2240 and is identical to SB 1379.

*Patron - Kilgore*

**HB2003 Department of General Services; surplus real property; inventory of state-owned land.** Changes the fund to receive the 50 percent portion of the proceeds from the sale, lease, or conveyance of surplus property owned by the Commonwealth from the Conservation Resources Fund to the State Park Acquisition and Development Fund. The bill requires the Department of General Services to develop the criteria for and conduct an inventory of all real property, as defined in § 2.2 1147, owned by state departments, agencies and institutions by January 1, 2012, and update the inventory at least annually thereafter. In addition, the bill requires the Department to provide a listing of surplus real property owned by the Commonwealth on its website with a description of the properties, including parcel identification. This bill is identical to SB 1257.

*Patron - LeMunyon*

**HB2006 Regulatory flexibility for small businesses; periodic review.** Clarifies the process for the notice of

completion of the small business impact statement and review of existing regulations to minimize the economic impact of regulations on small businesses. The bill (i) changes the periodic review requirement from five years to four years to conform to the procedures for regulatory review adopted by each Governor under §§ 2.2-4013 and 2.2-4017, (ii) adds a requirement to publish a notice of the review and report of the findings in the Virginia Register of Regulations and post the notice on the Virginia Regulatory Town Hall, and (iii) provides for a 21-day public comment period after publication of the notice. The bill is recommended by the Virginia Code Commission based on a report of the Administrative Law Advisory Committee. The bill is identical to SB 1070.

*Patron - LeMunyon*

**HB2010 Southwest Virginia Cultural Heritage Foundation.** Creates the Southwest Virginia Cultural Heritage Foundation to replace the Southwest Virginia Cultural Heritage Commission, which will cease to exist on July 1, 2011. The bill sets out the membership and powers and duties of the Foundation. The bill provides that the Southwest Virginia Cultural Heritage Foundation is the successor in interest to the Southwest Virginia Cultural Heritage Commission, removes the Chancellor of the Virginia Community College System, and provides that members of the Commission currently serving terms shall continue their terms as members of the board of trustees of the Southwest Virginia Cultural Heritage Foundation. The bill contains technical amendments.

*Patron - Carrico*

**HB2020 Virginia Freedom of Information Act; definitions.** Clarifies that the definition of a "public record" does not include records that are not prepared for or used in the transaction of public business. The bill is in response to a court case in Loudoun County.

*Patron - May*

**HB2041 Virginia Freedom of Information Act; record and meeting exemption for certain commissions.** Allows any commission created by executive order to study and make recommendations concerning the prevention of closure and realignment of federal security installations in Virginia to withhold from public disclosure certain records relating to the relocation of national security facilities. The bill also allows those portions of meetings where such records are discussed to be closed to the public. The bill is identical to SB 1296.

*Patron - Anderson*

**HB2042 Veterans Services Foundation.** Requires the Veterans Services Foundation to provide an annual report to the Secretary of Public Safety on or before November 30. The bill also (i) provides that ex officio members of the Foundation are ineligible to serve as the Foundation's chair, (ii) provides that the Foundation shall meet four times per year, and (iii) clarifies that a majority of voting members constitutes a quorum. The bill also contains a technical amendment.

*Patron - Anderson*

**HB2076 Office of the Inspector General.** Establishes the Office of the Inspector General to be headed by a State Inspector General to investigate complaints alleging fraud, waste, abuse, or corruption by a state agency or nonstate agency or the officers and employees thereof. The bill also authorizes the State Inspector General to examine the management and operation of state agencies. The bill defines "nonstate agency" and provides a record exemption under the Freedom of Information Act for certain investigative/audit documents of the Office. The bill consolidates the offices of inspector general of the Departments of Behavioral Health and Develop-

mental Services, Corrections, Juvenile Justice, and Transportation into this new office, and adds responsibility for tobacco indemnification and revitalization. The bill contains technical amendments. This bill incorporates HB 1800. The bill is identical to SB 1477.

*Patron - Landes*

**HB2093 State and Local Government Conflict of Interests Act; prohibited conduct by constitutional officers.** Prohibits a constitutional officer, during the one year after the termination of his public service, from acting in a representative capacity on behalf of any person or group, for compensation, on any matter before the agency of which he was an officer. The bill provides that it does not apply to attorneys for the Commonwealth.

*Patron - Jones*

**HB2179 Local choice health insurance pool; inclusion of employees of area agencies on aging.** Includes employees of area agencies on aging in the local choice health insurance pool.

*Patron - Phillips*

**HB2190 Department of Social Services; plan for the provision of services to victims of human trafficking.** Requires the Department of Social Services to develop a plan for the provision of services to victims of human trafficking, which shall include provisions for (i) identifying victims of human trafficking in the Commonwealth; (ii) assisting victims of human trafficking with applying for benefits and services to which they may be entitled; (iii) coordinating the delivery of services for victims of human trafficking; (iv) preparing and disseminating educational and training programs and materials to increase awareness of human trafficking and services available to victims; (v) developing and maintaining community-based services for victims of human trafficking; and (vi) assisting victims with family reunification or return to their place of origin if the person so desires.

*Patron - Ebbin*

**HB2198 Employment of personnel in the executive branch of state government.** Clarifies that if an executive branch agency employee is promoted within the same agency to a higher position classification that requires a new probationary period and is unable to complete or satisfy the probationary period of employment for any reason other than misconduct, then such employee must be offered the previous classified position or an equivalent position for which a vacancy exists.

*Patron - Comstock*

**HB2201 Department of Planning and Budget; payroll services.** Provides that the Department of Planning and Budget, in consultation with the Department of Accounts, shall require all agencies of the Commonwealth to participate to the fullest extent feasible in the Payroll Service Bureau operated by the Department of Accounts. Any agency identified by the Department of Planning and Budget not participating in the Payroll Service Bureau as of July 1, 2011, may be exempted from such participation if it can demonstrate to the satisfaction of the Department of Planning and Budget that participation is not feasible or fiscally advantageous.

*Patron - Comstock*

**HB2205 Secretary of the Commonwealth; acceptance of certain electronic signatures.** Provides that nonsalaried citizen members of policy and supervisory boards, commissions, and councils in the executive branch of state government, and local boards, commissions, and councils, may sign their disclosure forms using electronic signatures. In addition,

the bill authorizes the Secretary of the Commonwealth to accept electronic signatures on applications for recommissioning a notary or electronic notary. The bill is identical to SB 1247.

*Patron - Comstock*

**HB2236 Commercial use of seals of the Commonwealth.** Authorizes the Governor to direct the State Treasurer to cause to be minted gold, platinum and silver coins for commemorative use that bear the seals of the Commonwealth.

*Patron - Marshall, R.G.*

**HB2277 Compensation paid to citizen members of state boards, commissions, and other collegial bodies.** Provides that nonlegislative members of boards, commissions, committees, councils, or other collegial bodies who are appointed at the state level and receive three or more travel reimbursements annually shall be required to participate in the Electronic Data Interchange Program administered or authorized by the Department of Accounts as a condition of accepting such appointment. The bill provides that the requirement applies only to such nonlegislative members who are appointed or reappointed on or after July 1, 2011.

*Patron - Keam*

**HB2282 Department of General Services; centralized fleet; alternative fuels.** Requires the Director of the Department of General Services, in conjunction with the Secretary of Administration and the Governor's senior advisor on energy, to develop a plan providing for the replacement of vehicles in the centralized fleet with vehicles that operate using natural gas, electricity, or other alternative fuels, to the greatest extent practicable, considering available infrastructure, the location and use of vehicles, capital and operating costs, and potential for fuel savings. The plan shall be submitted to the Governor for his review and approval. Once the plan is approved by the Governor, the Director is required to implement the plan for the centralized fleet. The bill provides that all state agencies and institutions shall cooperate with the Director in implementing the plan.

*Patron - Marshall, D.W.*

**HB2317 Information Technology Advisory Council; technology application framework.** Requires the ITAC to advise the Chief Information Officer on the creation of a technology application governance framework through which executive branch agencies can address agency business needs with potential information technology solutions. Agency leaders and information technology managers shall participate with the ITAC in the design of this framework. This bill is identical to SB 943.

*Patron - Byron*

**HB2319 State agency mandates on localities.** Provides that the assessment of mandates imposed on local governments currently required include an estimate of the fiscal impact of the mandates on the affected local governments in addition to a written justification as to why the mandate should or should not be eliminated. The bill is identical to SB 1382.

*Patron - Byron*

**HB2324 Investment in research and technology in the Commonwealth.** Amends the Commonwealth Research Commercialization Fund (CRCF) to allow for awards for a matching funds program and an eminent researcher program. The bill also expands upon the Innovation and Entrepreneurship Investment Authority's (IEIA) current responsibility to develop a strategic roadmap for research in the Commonwealth. The roadmap shall identify areas of focus for research investment in the Commonwealth based upon criteria set forth

in the bill, and any awards from the CRCF must fall into one of these areas of focus. The bill establishes a Research and Technology Advisory Committee to assist the IEIA in making awards from the CRCF by ensuring that applications considered for awards are based upon sound science and research, are in an area of focus identified in the roadmap, and present significant potential for commercialization in the Commonwealth. This bill incorporates HB 1639 and HB 2250 and is identical to SB 1485.

*Patron - Lingamfelter*

**[P]HB2328 Six-Year Capital Outlay Plan.** Specifies the process by which agencies' requests for capital projects are presented to the Six-Year Capital Outlay Plan Advisory Committee and the process the Advisory Committee shall follow. This bill is identical to SB 1428.

*Patron - Lingamfelter*

**[P]HB2330 Secretary of Public Safety; information exchange program.** Requires the Secretary of Public Safety to establish an information exchange program with states that share a border with Mexico or Canada. The purpose of the exchange is to aid in the sharing of intelligence relating to international gangs, terrorist organizations, and other illegal activities in the Commonwealth. The Secretary is required to present a plan for establishing the exchange to the House Committee on Militia, Police and Public Safety and the Senate Committee for Courts of Justice no later than October 1, 2011.

*Patron - Lingamfelter*

**[P]HB2337 State agencies; use of certified mail for certain notices.** Provides that whenever a state agency sends any mail or notice by certified mail and such mail or notice is sent certified mail, return receipt requested, then any additional mail or notice that is sent by such state agency pertaining to the same subject matter and purpose may be sent by regular mail.

*Patron - Garrett*

**[P]HB2375 Commonwealth Information Technology Governance and Oversight; information technology project risk and complexity.** Provides for the creation of the Commonwealth Project Management Standard, by which information technology projects in state agencies and most public institutions of higher education will be initiated, procured and governed. Also, this bill clarifies the roles of the Secretary of Technology and the Chief Information Officer (CIO) in the governance and oversight of technology projects. Projects shall be approved or disapproved by either the Secretary of Technology or the CIO based on the overall cost, as well as the overall risk and complexity of the project.

*Patron - O'Bannon*

**[P]HB2376 Elimination of agency mandates.** Directs the Department of Social Services to eliminate mandates related to office space and facility requirements imposed on local departments of social services.

*Patron - Habeeb*

**[P]HB2448 Political contributions; prohibition during procurement process.** Clarifies that a person must knowingly violate the prohibition against making or soliciting certain political contributions during the procurement process to the Governor, his political action committee, or the Governor's Secretaries in order to be subject to the civil penalty. The bill also requires that the party receiving a prohibited contribution must return it or, if the contributor cannot be identified, donate it to charity. The bill also provides that in order to trigger the prohibition against political contributions, the bid or

proposal must be submitted to an executive branch agency that is directly responsible to the Governor.

*Patron - Gilbert*

**[P]HB2479 Virginia Liaison Office; Office of Intergovernmental Affairs; powers and duties.** Changes the title of the Virginia Liaison Office to the Office of Intergovernmental Affairs. The bill also reorganizes and clarifies the responsibilities of the Office and removes a general policy statement regarding the support of federal efforts to encourage pooling of health insurance by small businesses. The bill is identical to SB 1414.

*Patron - Byron*

**[P]HB2520 Advisory boards, councils, etc.; elimination.** Eliminates certain advisory boards, councils, and other advisory collegial bodies. The bill contains numerous technical amendments. This bill is identical to SB 1471.

*Patron - Peace*

**[P]SB744 State and Local Government Conflict of Interests Act; employees of school boards; exception.** Provides that certain relatives of a school board member in Planning District 3 may be considered for employment if (i) the board member certifies that he had no involvement with the hiring decision and (ii) the superintendent certifies to the remaining members of the governing body 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. Without the exception, employment of such relatives would only be permissible if the relative had been employed by the school division prior to the taking of office of the board member or prior to the inception of the relationship. The bill adds the exception for Planning District 3 that is currently held by Planning Districts 11, 12, and 13.

*Patron - Reynolds*

**[P]SB763 Freedom of Information Act; proceedings for enforcement.** Requires that the party against whom a FOIA petition is brought must receive a copy of the petition at least three working days prior to the filing of the petition. The bill contains technical amendments and is a recommendation of the FOIA Council. This bill is identical to HB 1860.

*Patron - Puller*

**[P]SB815 State Grievance Procedure; scope of hearing officer's decision; reinstatement.** Clarifies that the reinstatement remedy that may be ordered by the hearing officer under the State Grievance Procedure consists of reinstatement to the same position, or if the position is filled, to an equivalent position.

*Patron - McEachin*

**[P]SB859 Mid-Atlantic Offshore Wind Energy Infrastructure Development Compact.** Repeals the Mid-Atlantic Offshore Wind Energy Infrastructure Development Compact.

*Patron - Wagner*

**[P]SB892 Department of Human Resource Management; TRICARE supplemental health coverage.** Authorizes the Department of Human Resource Management to offer coverage under the state's cafeteria plan established under § 125 of the Internal Revenue Code to military retirees and their dependents who are eligible for benefits under the TRICARE Military Health System supplemental health plan. This bill is identical to HB 1761.

*Patron - Wampler*

**SB893 Southwest Virginia Cultural Heritage Foundation.** Creates the Southwest Virginia Cultural Heritage Foundation to replace the Southwest Virginia Cultural Heritage Commission, which will cease to exist on July 1, 2011. The bill sets out the membership and powers and duties of the Foundation. The bill provides that the Southwest Virginia Cultural Heritage Foundation is the successor in interest to the Southwest Virginia Cultural Heritage Commission, and further provides that members of the Commission currently serving terms shall continue their terms as members of the board of trustees of the Southwest Virginia Cultural Heritage Foundation. The bill contains technical amendments.

*Patron - Wampler*

**SB943 Information Technology Advisory Council; technology application framework.** Requires the ITAC to advise the Chief Information Officer on the creation of a technology application governance framework through which executive branch agencies can address agency business needs with potential information technology solutions. Agency leaders and information technology managers shall participate with the ITAC in the design of this framework. This bill is identical to HB 2317.

*Patron - Howell*

**SB951 Freedom of Information Act; transfer of records.** Clarifies that the Library of Virginia is the custodian of records transferred to it for permanent archiving pursuant to the duties imposed by the Virginia Public Records Act (§ 42.1-76 et seq.) and for responding to requests for such records made under FOIA. This bill is a recommendation of the Freedom of Information Advisory Council.

*Patron - Houck*

**SB958 Department of Veterans Services; duties of Commissioner; establishment of advisory committees for veterans care centers.** Removes the requirement for the Commissioner of the Department of Veterans Services to establish an advisory committee on the administration of veterans care centers established in the Commonwealth. The bill also contains a technical amendment. This bill is identical to HB 1666.

*Patron - Miller, J.C.*

**SB1032 Revenue Stabilization Fund; maximum size.** Directs the Auditor of Public Accounts, when annually calculating the maximum size of the Revenue Stabilization Fund, to calculate the maximum at 15 percent (rather than 10 percent) as a result of the passage of the constitutional amendment that increased the maximum size from 10 percent to 15 percent.

*Patron - Barker*

**SB1049 Public Procurement Act; verification of legal presence.** Provides that any employer with more than an average of 50 employees for the previous 12 months entering into a contract in excess of \$50,000 with any agency of the Commonwealth to perform work or provide services pursuant to such contract shall register and participate in the federal E-Verify program to verify information and work authorization of its newly hired employees performing work pursuant to such public contract. Any such employer who fails to comply shall be debarred from contracting with any agency of the Commonwealth for a period up to one year. Such debarment shall cease upon the employer's registration and participation in the E-Verify program. This bill incorporates SB 1288. This bill is identical to HB 1859.

*Patron - Barker*

**SB1057 Reports by executive branch entities to the General Assembly.** Authorizes state entities required to submit a report to multiple legislative branch entities to develop a consolidated report containing all required information. Such report shall be (i) formatted in compliance with the specific reporting requirements and (ii) provided in a manner designed to clearly delineate each legislative branch entity for which specific information is provided.

*Patron - McDougle*

**SB1070 Regulatory flexibility for small businesses; periodic review.** Clarifies the process for the notice of completion of the small business impact statement and review of existing regulations to minimize the economic impact of regulations on small businesses. The bill (i) changes the periodic review requirement from five years to four years to conform to the procedures for regulatory review adopted by each Governor under §§ 2.2-4013 and 2.2-4017, (ii) adds a requirement to publish a notice of the review and report of the findings in the Virginia Register of Regulations and post the notice on the Virginia Regulatory Town Hall, and (iii) provides for a 21-day public comment period after publication of the notice. The bill is recommended by the Virginia Code Commission based on a report of the Administrative Law Advisory Committee. The bill is identical to HB 2006.

*Patron - Edwards*

**SB1106 Department of General Services; centralized fleet; minimum mileage standard.** Requires the Director of the Department of General Services to promulgate a minimum mileage standard for passenger-type vehicles assigned to the centralized fleet, taking into account best value, industry standard practices, and the use of alternative transportation methods. Currently, the minimum mileage required for assigning a vehicle is calculated using a statutory formula.

*Patron - Hanger*

**SB1107 Virginia Public Procurement Act; small purchases.** Increases from \$50,000 to \$100,000 the small purchases exemption under the Virginia Public Procurement Act for single or term contracts for goods and services other than professional services. The bill also provides that, in addition to a written informal solicitation of a minimum of four bidders or offerors for such purchases that are expected to exceed \$30,000, state agencies, departments, and institutions must post the notice on the Department of General Services' central electronic procurement website. The bill also encourages local public bodies to use the Department of General Services' central electronic procurement website.

*Patron - Hanger*

**SB1114 Department of General Services; review of proposed use and occupancy of real property by state agencies; Governor's approval required.** Clarifies that the use and occupancy of real property by state agencies shall comply with guidelines developed by the Department of General Services and require approval of the Governor.

*Patron - Watkins*

**SB1126 Virginia Public Procurement Act; transportation-related construction projects.** Provides for the duration of contract terms for environmental location, design and inspection work to one initial term of two years and clarifies that the sum of all projects in a one-year term may not exceed \$5 million. The bill also provides for the Commonwealth Transportation Commissioner to appoint a committee to review performance and payment bonding requirements for construction projects. The committee shall make recommendations regarding any changes to such performance and payment

bonding requirements to the Commissioner by December 1, 2011.

*Patron - Stosch*

**[P]SB1171 State Executive Council for Comprehensive Services for At-Risk Youth and Families; powers and duties.** Authorizes the State Executive Council for Comprehensive Services for At-Risk Youth and Families to deny funding to a locality if services are not provided in compliance with applicable state law or policy or federal law. This bill also establishes timelines for development of policies governing denial of funding by the State Executive Council and provides that the provisions of this act shall apply to services provided on or after July 1, 2011. This bill contains an emergency clause. This bill is identical to HB 1679.

*Patron - Marsden*

**[P]SB1199 Address Confidentiality Program.** Expands the Address Confidentiality Program for victims of domestic violence to all jurisdictions within the Commonwealth. The bill also provides that the Office of the Attorney General will prepare an evaluation of the statewide implementation of the program by December 31, 2012, and repeals the enactment clause that conditioned the continuation of the program upon an appropriation for that purpose. This bill is identical to HB 1757.

*Patron - Obenshain*

**[P]SB1247 Secretary of the Commonwealth; acceptance of certain electronic signatures.** Provides that nonsalaried citizen members of policy and supervisory boards, commissions, and councils in the executive branch of state government, and local boards, commissions, and councils, may sign their disclosure forms using electronic signatures. In addition, the bill authorizes the Secretary of the Commonwealth to accept electronic signatures on applications for recommissioning a notary or electronic notary. This bill is identical to HB 2205.

*Patron - Vogel*

**[P]SB1255 FOIA exemption; Medicaid Fraud Control Unit.** Exempts records of the Medicaid Fraud Control Unit from the mandatory disclosure provisions of the Virginia Freedom of Information Act.

*Patron - Vogel*

**[P]SB1257 Department of General Services; surplus real property; inventory of state-owned land.** Changes the fund to receive the 50 percent portion of the proceeds from the sale, lease, or conveyance of surplus property owned by the Commonwealth from the Conservation Resources Fund to the State Park Acquisition and Development Fund. The bill requires the Department of General Services to develop the criteria for and conduct an inventory of all real property, as defined in § 2.2-1147, owned by state departments, agencies and institutions by January 1, 2012, and update the inventory at least annually thereafter. In addition, the bill requires the Department to provide a listing of surplus real property owned by the Commonwealth on its website with a description of the properties, including parcel identification. This bill is identical to HB 2003.

*Patron - Vogel*

**[P]SB1263 Secretary of Veterans Affairs and Homeland Security.** Establishes the Office of the Secretary of Veterans Affairs and Homeland Security with responsibility to the Governor for veterans services and homeland preparedness and security. The state entities reporting through the new Secretary's Office are the Department of Veterans Services, Secure Commonwealth Panel, Veterans Services Foundation, Virginia

Military Advisory Council, and Virginia War Memorial Foundation. The bill also makes technical changes and has an emergency clause. This bill is identical to HB 1773.

*Patron - Vogel*

**[P]SB1280 Boards, commissions and councils; membership; appointing authority; abolition.** Makes policy improvements and clarifications to several state boards, commissions, and councils including (i) establishing staggered terms for nonlegislative citizen members appointed by the Governor, (ii) clarifying the Governor's authority when provided lists of nominees by nongovernmental entities, and (iii) standardizing the terms of chairmen of entities appointed by the Governor to two years. This bill is identical to HB 1842.

*Patron - McWaters*

**[P]SB1296 Virginia Freedom of Information Act; record and meeting exemption for certain commissions.** Allows any commission created by executive order to study and make recommendations concerning the prevention of closure and realignment of federal security installations in Virginia to withhold from public disclosure certain records relating to the relocation of national security facilities. The bill also allows those portions of meetings where such records are discussed to be closed to the public. This bill is identical to HB 2041.

*Patron - Ruff*

**[P]SB1301 Virginia Public Procurement Act; exemptions for certain transactions.** Resolves the conflict between two sections of the Virginia Public Procurement Act relating to the amount (\$50,000) for local construction contracts involving state aid.

*Patron - Ruff*

**[P]SB1315 Governor's Development Opportunity Fund.** Provides that the contract between the political subdivision and the business beneficiary regarding a grant awarded under the Governor's Development Opportunity Fund must include consideration of layoffs when determining the total net number of new jobs created over the course of the contract. In addition, the bill provides that whenever net layoffs instituted by a business beneficiary over the course of the period covered by a grant contract causes the total number of the new jobs to be fewer than the number agreed to, then the business beneficiary must return such portion of any funds received as provided by the formula established in the guidelines. The bill contains technical amendments.

*Patron - McEachin*

**[P]SB1336 Aerospace Advisory Council; membership.** Provides that the President and CEO of the Virginia Economic Development Partnership or his designee shall be one of five ex officio members of the Aerospace Advisory Council.

*Patron - Herring*

**[P]SB1337 Freedom of Information Act; Commercial Space Flight Authority.** Creates an exemption from the mandatory disclosure requirements of FOIA for (i) records relating to rate structures or charges for using the facilities of the Commercial Space Flight Authority and (ii) records provided by a private entity to the Commercial Space Flight Authority, to the extent that such records contain (a) trade secrets of the private entity as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.); (b) financial records of the private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (c) other information submitted by the private entity, where, if the records were made public, the financial interest or bargaining position of the Authority or private entity would be

adversely affected. The bill also contains a meeting exemption for the discussion of the above records.

*Patron - Herring*

**SB1379 Governor's Development Opportunity Fund; criteria for grants or loans from the fund.** Reduces, among other things, the threshold for private investment and new job creation from \$10 million and 100 new jobs to \$5 million and at least 50 new jobs, and allows for awards from the Fund for projects with a minimum private investment of \$100 million that create at least 25 new jobs. The bill also sets forth new investment and job creation thresholds for projects in fiscally stressed localities. This bill incorporates SB 1050 and is identical to HB 1982.

*Patron - Stanley*

**SB1382 State agency mandates on localities.** Provides that the assessment of mandates imposed on local governments currently required include an estimate of the fiscal impact of such mandates on the affected local governments in addition to a written justification regarding why the mandate should or should not be eliminated. This bill is identical to HB 2319.

*Patron - Stanley*

**SB1399 Department of Veterans Services; ratio of department staff to veterans residing in the Commonwealth.** Clarifies that the number of employees assigned to the processing of benefit claims shall be sufficient to maintain a ratio of one staff person for every 26,212 veterans residing in the Commonwealth. This bill is identical to HB 1557.

*Patron - Locke*

**SB1400 Fort Monroe Authority Act.** Moves the Fort Monroe Authority Act's enabling legislation from Title 15.2 to Title 2.2 and makes necessary technical changes. Additionally, the Authority may fix, charge, and collect rents, fees, and charges for the use of the services or facilities provided, owned, operated, or financed by the Authority benefiting property within the Authority's Area of Operation, with an exception provided for use by the Commonwealth or the City of Hampton. The Authority is expressly prohibited from arranging or contracting for the furnishing of works, services, privileges, or facilities the City of Hampton provides, except to the extent necessary to provide additional, more complete, or more timely services than are generally available in the City of Hampton to the residents, businesses, and visitors of Fort Monroe. The bill provides a formula detailing the fees the Authority shall pay the City of Hampton each year.

*Patron - Locke*

**SB1414 Virginia Liaison Office; Office of Intergovernmental Affairs; powers and duties.** Changes the title of the Virginia Liaison Office to the Office of Intergovernmental Affairs. The bill also reorganizes and clarifies the responsibilities of the Office and removes a general policy statement regarding the support of federal efforts to encourage pooling of health insurance by small businesses. This bill is identical to HB 2479.

*Patron - Norment*

**SB1424 Virginia Public Procurement Act; action against contractor's payment.** Provides that any claimant with a direct contractual relationship with any subcontractor but who has no contractual relationship with the contractor, may bring an action on the contractor's payment bond only if he has given written notice to the contractor within 90 days from the day on which the claimant performed the last of the labor or furnished the last of the materials for which he claims

payment. Currently, the time for providing the notice is 180 days.

*Patron - Locke*

**SB1425 Virginia Public Procurement Act; process for withdrawal of bid due to error.** Clarifies the procedure for withdrawal of a bid when the public body opens bids one day after the time fixed for the submission of bids. Under the procedure, the bidder must submit to the public body his original work papers, documents, and materials used in the preparation of the bid at or prior to the time fixed for the opening of bids. The bill provides for the public body to notify the bidder of its decision within five days of the withdrawal request.

*Patron - Locke*

**SB1428 Six-Year Capital Outlay Plan.** Specifies the process by which agencies' requests for capital projects are presented to the Six-Year Capital Outlay Plan Advisory Committee and the process the Advisory Committee shall follow. This bill is identical to HB 2328.

*Patron - Marsh*

**SB1453 Department of Criminal Justice Services; human trafficking.** Requires the Department of Criminal Justice Services to, in conjunction with the Office of the Attorney General, advise law-enforcement agencies and attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human trafficking offenses using the common law and existing Virginia criminal statutes.

*Patron - Newman*

**SB1471 Advisory boards, councils, etc.; elimination.** Eliminates certain advisory boards, councils, and other advisory collegial bodies. The bill contains numerous technical amendments. This bill is identical to HB 2520.

*Patron - Martin*

**SB1477 Office of the Inspector General.** Establishes the Office of the Inspector General to be headed by a State Inspector General to investigate complaints alleging fraud, waste, abuse, or corruption by a state agency or nonstate agency or the officers and employees thereof. The bill also authorizes the State Inspector General to examine the management and operation of state agencies. The bill defines "nonstate agency" and provides a record exemption under the Freedom of Information Act for certain investigative/audit documents of the Office. The bill consolidates the offices of inspector general of the Departments of Behavioral Health and Developmental Services, Corrections, Juvenile Justice, and Transportation into this new office, and adds responsibility for tobacco indemnification and revitalization. The bill contains technical amendments. The bill is identical to HB 2076.

*Patron - Stosch*

**SB1485 Investment in research and technology in the Commonwealth.** Amends the Commonwealth Research Commercialization Fund (CRCF) to allow for awards for a matching funds program and an eminent researcher program. The bill also expands upon the Innovation and Entrepreneurship Investment Authority's (IEIA) current responsibility to develop a strategic roadmap for research in the Commonwealth. The roadmap shall identify areas of focus for research investment in the Commonwealth based upon criteria set forth in the bill, and any awards from the CRCF must fall into one of these areas of focus. The bill establishes a Research and Technology Advisory Committee to assist the IEIA in making awards from the CRCF by ensuring that applications considered for awards are based upon sound science and research, are in an area of focus identified in the roadmap, and present sig-



nificant potential for commercialization in the Commonwealth. This bill incorporates SB 1322 and is identical to HB 2324.

*Patron - Newman*

## Failed

**[F]HB1420 Enforcement of immigration laws; agreement with United States Immigration and Customs Enforcement.** Provides that the Superintendent of State Police shall seek to enter into a memorandum of agreement with Immigration and Customs Enforcement that would allow the State Police to perform certain federal immigration law-enforcement functions in the Commonwealth. Such an agreement is often referred to as an agreement under the federal 287(g) program. This bill was incorporated into HB 1934.

*Patron - Albo*

**[F]HB1421 Enforcement of federal immigration law by the Commonwealth and its political subdivisions.** Provides that no agency of the Commonwealth, political subdivision of the Commonwealth or locality, or an employee of any of them acting in his official capacity, may limit or restrict the enforcement of federal immigration laws to less than the full extent permitted by federal law.

*Patron - Albo*

**[F]HB1484 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*

**[F]HB1485 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*

**[F]HB1509 Employment; prohibit discrimination based on sexual orientation.** Prohibits discrimination in employment based on sexual orientation.

*Patron - Scott, J.M.*

**[F]HB1549 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 cir-

cumstances when procuring Virginia-grown food products for student consumption.

*Patron - Kory*

**[F]HB1555 Department of Minority Business Enterprise; definition of small business.** Amends the definition of "small business" to include a business entity partly owned by another business entity provided (i) the same individuals hold ownership interests in both businesses and (ii) both businesses otherwise qualify for small business certification under the rules promulgated by the Department.

*Patron - Wilt*

**[F]HB1581 Virginia Public Procurement Act; establishment of historically underutilized business zones (HUB zones).** 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.

*Patron - Dance*

**[F]HB1620 Virginia National Defense Industrial Authority; membership.** Increases the membership on the Virginia National Defense Industrial Authority from 18 to 19 members by adding an additional gubernatorial appointee. In addition to the Secretary of Commerce and Trade being a named member of the Authority, the Governor would be given the power to appoint an Assistant to the Governor or other Cabinet member.

*Patron - Knight*

**[F]HB1639 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 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. This bill was incorporated into HB 2324.

*Patron - Purkey*

**[F]HB1671 Public procurement; person with a disability-owned businesses.** Includes person with a disability-owned business in the public procurement provisions for small, women-owned, and minority-owned businesses. The bill defines "person with a disability-owned business" and "disability." The bill contains technical amendments.

*Patron - Pogge*

**[F]HB1681 Zero-based budgeting.** Whenever a state agency which receives general fund revenue requests the Governor or his designee for funding to be included in the Governor's next Executive Budget, the state agency shall submit its budget request utilizing a zero-based budgeting methodology.

*Patron - Bell, Richard P.*

**[F]HB1687 State property; leases to private entities by public institutions of higher education.** Provides that public institutions of higher education may enter into agreements with university-related foundations, private individuals, firms,



corporations, or other entities to lease property in the possession or control of the institution provided the institutions meet the conditions prescribed in subsection B of § 23-38.88 of the Restructured Higher Education Financial and Administrative Operations Act. Currently such agreements are subject to the approval of the General Assembly.

*Patron - Dance*

**HB1722 Freedom of Information Act (FOIA); designation of records; penalties for certain violations.** Requires that at the time of creation of any public record, the custodian of such records that are subject to FOIA shall designate whether the record is subject to FOIA's mandatory disclosure provisions or otherwise exempt from disclosure. The bill requires that such designation shall appear on the face of the record and be updated by the custodian in a timely manner in the event of any changes. Failure to make the required designation shall, upon receipt of a request for such record, waive any charge authorized under FOIA. The bill also provides that in addition to the civil penalty under FOIA, a public employee found to have committed a willful and knowing violation of FOIA may be subject to other disciplinary action, including suspension, demotion, or termination of public employment. The bill contains technical amendments.

*Patron - Marshall, R.G.*

**HB1752 Virginia Respite Care Registry and Fund established.** 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 2086.

*Patron - Plum*

**HB1755 Virginia Human Rights Act; policy of the Commonwealth.** Adds sexual orientation and gender identity to the safeguards for all individuals in the Commonwealth from unlawful discrimination. The bill defines sexual orientation and gender identity.

*Patron - Plum*

**HB1817 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 standard. 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*

**HB1824 Secretary of the Commonwealth; authentication of certain documents.** Clarifies the authorization for the Secretary of the Commonwealth to issue certificates of

authentication for documents executed or issued in the state. The bill further provides that no authentication may be issued for a document if the Secretary has reasonable cause to believe that the authentication is requested for an unlawful or improper purpose.

*Patron - Oder*

**HB1846 Virginia Public Procurement Act; Neighborhood Assistance Act Tax Credit program; definition of professional services.** Amends the definition of "professional services" contained in the Virginia Public Procurement Act and under the provisions of the neighborhood Assistance Act Tax Credit program to include mediators certified pursuant to guidelines promulgated by the Judicial Council of Virginia.

*Patron - Athey*

**HB1854 Local mandates.** Provides that any mandate on localities shall include a fiscal impact statement and identify the funding source.

*Patron - Dance*

**HB1870 Virginia Economic Development Partnership Authority; reports by businesses receiving development subsidies.** Requires any business entity that receives a development subsidy to file an annual report with the granting agency or the Authority no later than 60 days before the end of the fiscal year during which the development subsidy was received. The bill sets out the requirements for the annual report. The bill defines development subsidy as any expenditure of public funds with a value of at least \$25,000 expended for the purposes of stimulating economic development and job creation in the Commonwealth, and including bonds, grants, loan guarantees, fee waivers, price subsidies, tax abatement, tax exemptions, or tax credits.

*Patron - Toscano*

**HB1882 Virginia Public Procurement Act; use of best value contracting by localities.** Authorizes the use of best value contracting by localities as an alternative to competitive bidding. The bill defines best value contracting as a procurement process where the lowest responsible bidder may be selected on the basis of objective criteria with the resulting selection representing the best combination of price and qualifications.

*Patron - Filler-Corn*

**HB1902 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 specified in the contract or in § 2.2-4363, shall be submitted for arbitration, mediation, or other nonbinding alternative dispute resolution procedures. The bill provides that nothing shall be construed to limit the contractor's right to institute immediate legal action pursuant to § 2.2-4364; provided that if a contractual claim is subject to this subsection, then no legal action shall be filed until at least 60 days after the matter has been submitted to such nonbinding alternative dispute resolution procedures. The bill provides that it applies only to contracts entered into on or after July 1, 2011.

*Patron - Hugo*

**HB1938 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 covering the immediately following fiscal year is not passed by the General Assembly within the time frame allowed for the conduct-

ing 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 an allowance for expenses 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 covering such fiscal year.

*Patron - Pollard*

**HB1949 Virginia Small Business Financing Authority; definition of eligible business.** Removes the requirement that an eligible business that is a 501(c)(3) be operating in Virginia and replaces it with a requirement that the 501(c)(3) business (i) has received \$10 million or less in annual gross receipts under generally accepted accounting principles for each of its last three fiscal years or lesser time period if it has been in existence less than three years, (ii) has fewer than 250 employees, and (iii) has a net worth of \$2 million or less.

*Patron - Villanueva*

**HB1964 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 contains technical amendments.

*Patron - Rust*

**HB2039 Procurement by public bodies; use of certain contracting processes.** Limits the use of the construction management at-risk method for building construction to projects with a total value of \$25 million or more. The bill also amends the definition of "qualifying project" in the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.) to require that the project be totally supported by private funds.

*Patron - Cox, J.A.*

**HB2046 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*

**HB2086 Virginia Respite Care Registry and Fund established.** 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 1752.

*Patron - Herring*

**HB2112 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 less than 50,000 or between 50,000 and 100,000 that also have unemployment rates one and one-half times or more than the state average. This bill was incorporated into HB 1982.

*Patron - Armstrong*

**HB2113 Governor; elimination of motor fuel supplied by a foreign country in all state-owned or leased vehicles.** Requires the Governor to develop a plan to eliminate the use of motor fuels supplied by a foreign country in all state-owned or leased vehicles. The bill requires the Governor, by executive order, to implement the plan on January 1, 2012, and provides that the plan may include criteria for determining when a particular vehicle qualifies for an exemption from the plan. Any exemption from the plan shall include a description of the vehicles so exempted and state the reasons for the exemption.

*Patron - Armstrong*

**HB2129 Virginia Small Business Financing Authority; definitions; eligible business.** Removes from the definition of "eligible business" a nonprofit entity granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code.

*Patron - Barlow*

**HB2156 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 commercial activities list. The bill provides that upon a written determination made in advance by a state agency that the procurement of services from a commercial source is neither practicable nor fiscally advantageous, such service may continue to be performed by the state agency. The bill also requires the Commonwealth Competition Council to update its commercial activities list annually rather than every two years. The bill contains technical amendments.

*Patron - Cline*

**HB2189 Virginia Information Technologies Agency; electronic government services.** Provides for the Virginia Information Technologies Agency to assist public bodies of the Commonwealth to determine the rules and standards applicable to the acceptance and distribution of electronic records and electronic signatures.

*Patron - Robinson*

**HB2196 Government Transparency Act.** Establishes a searchable database website that would allow persons to search and aggregate information including but not limited to (i) individual or specific appropriations or budget items, (ii) state agency spending and procurement data, (iii) financial disclosure statements, (iv) audit and state agency performance reports, and (v) contact information for public records access purposes. Under the bill, the searchable database website will be developed and maintained by the Department of Planning and Budget and is required to be operational by July 1, 2012. When fully operational, all data in the database would be maintained for a minimum of 10 years. The bill requires the Department to work with the Auditor of Public Accounts and the Joint Legislative Audit and Review Commission to avoid duplication of effort. The bill also establishes the Government Transparency Advisory Council to advise the Department on the practical usability of the website, considering all intended end users.

*Patron - Comstock*

**HB2199 Journalists as witnesses.** Prohibits a body with the authority to issue a subpoena or other compulsory process from compelling a journalist to testify regarding or to produce or disclose in an official proceeding any confidential or nonconfidential information, document, or item obtained or prepared while the person was acting as a journalist or to pro-

duce or disclose in an official proceeding the source of any such material. The bill prohibits a subpoena or other compulsory process from compelling the parent, subsidiary, division, or affiliate of a communication service provider or news medium to disclose the information, documents, or items, or the source of such material, that is privileged from disclosure under the provisions of the bill. The bill further authorizes a court, in limited circumstances, to compel a journalist, a journalist's employer, or a person with an independent contract with a journalist to testify regarding or to produce or disclose any information, document, or item or the source of any such material obtained while the person was acting as a journalist.

*Patron - Comstock*

**HB2234 Governor's Development Opportunity Fund; criteria for awarding grants or loans.** Expands the options that a grant or loan may be awarded from the Governor's Development Opportunity Fund by including proposed project that involve (i) a minimum private investment of \$50 million creating 50 jobs for which the average wage, excluding fringe benefits, is no less than the prevailing average wage or (ii) a minimum private investment of \$100 million creating 25 jobs for which the average wage, excluding fringe benefits, is no less than the prevailing average wage. The bill also provides that if a project represents an emerging technology deemed to be of benefit to the Commonwealth and creates a minimum of 25 jobs for which the average wage, excluding fringe benefits, is no less than one and one-half times the prevailing average wage of the local community, a grant or loan may be awarded from the Fund. This bill was incorporated into HB 1982.

*Patron - Miller, J.H.*

**HB2240 Governor's Development Opportunity Fund; criteria for awarding grants or loans.** Expands the options that a grant or loan may be awarded from the Governor's Development Opportunity Fund by including proposed project that involve (i) a minimum private investment of \$50 million creating 50 jobs for which the average wage excluding fringe benefits, is no less than the prevailing average wage, or (ii) a minimum private investment of \$100 million creating 25 jobs for which the average wage, excluding fringe benefits, is no less than the prevailing average wage. The bill also provides that if a project represents an emerging technology deemed to be of benefit to the Commonwealth and creates a minimum of 25 jobs for which the average wage, excluding fringe benefits, is no less than one and one-half times the prevailing average wage of the local community, a grant or loan may be awarded from the Fund. This bill was incorporated into HB 1982.

*Patron - Torian*

**HB2262 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 U.S. Green Building Council Leadership in Energy and Environmental Design green building rating standard (LEED) Silver or Green Globes two globe standards. Exemptions from the requirement may be granted by the Director of the Department of General Services for state construction projects or the governing body of a locality or school board for local projects. The bill has a delayed implementation date of July 1, 2012, for local public bodies and school boards.

*Patron - Morgan*

**HB2269 Virginia Freedom of Information Act; access to criminal records.** Provides that criminal records are exempt from the mandatory provisions of FOIA prior to judicial proceedings, but pertinent records or pertinent information from records that are otherwise unlawful to disclose shall be

disclosed in any judicial proceeding where such records or information is requested in the interest of transparency of government, except where disclosure of any pertinent record or information is specifically prohibited by law. A denial without legal grounds of pertinent records or information disclosure or a failure upon appeal to remand a case back to the court where there had been a denial without legal grounds of pertinent records or information disclosure by any judge is grounds for judicial impeachment, enforceable retroactively, in the interest of forcing the executive and judicial departments to become and to remain separate and distinct in accordance with Article I, Section 5 and Article III, Section 1 of the Constitution of Virginia.

*Patron - Keam*

**HB2300 Department of Planning and Budget; budget performance data provided by state agencies; establishment of Performance Improvement Officers.** Requires each state agency to conduct an annual review and prioritization of its operations and programs. Under the bill, each agency shall develop a list of its three highest and three lowest priorities and include them in the budget estimates submitted to the Department of Planning and Budget. The bill also provides for the head of each state agency to designate an existing employee to serve as the agency's Performance Improvement Officer to assist in ensuring that the mission and goals of the agency are achieved through strategic and performance planning and measurement pursuant to the performance management system established by the Department.

*Patron - Englin*

**HB2309 Assignment of general fund balance remaining at year-end.** Changes current law for the assignment of any year-end general fund surplus to provide that the surplus shall be used (i) first, for the Revenue Stabilization Fund deposit, and (ii) then, the scheduled repayment of deferred contributions to defined benefit retirement plans maintained by the Virginia Retirement System for state employees. The Governor would then be required to include in his budget bill proposed appropriations from the general fund surplus for the funding of the Revenue Stabilization Fund and the repayment of such deferred contributions. No other assignment of the general fund surplus could be made unless the total amounts for clauses (i) and (ii) have been set aside from such surplus. Current law does not provide for any assignment of the general fund surplus for funding of the repayment of deferred contributions to defined benefit retirement plans of the Virginia Retirement System. However, the current general appropriation act includes a requirement for the Governor to propose appropriations for the repayment of contributions to the Virginia Retirement System that are being deferred for the 2010-2012 biennium.

*Patron - Sickles*

**HB2333 Virginia Public Procurement Act; preference for Virginia firms using E-Verify program.** Provides that in the case of a tie bid, preference shall be given to goods or services or construction provided by persons, firms or corporations using the E-Verify program for employees who perform work within the Commonwealth. Under the bill, in the case of a tie bid where none of the bidders use, or all bidders use, the E-verify program, preference shall be given to goods produced in Virginia or goods or services or construction provided by Virginia persons, firms or corporations.

*Patron - Lingamfelter*

**HB2383 Freedom of Information Act (FOIA); court review in cases of requester harassment.** Allows any public body to petition an appropriate court for a summary determination whether a requester, in making a request for

records, is intending to harass or otherwise abuse the rights or privileges granted by FOIA or whether such request is overly burdensome on the public body.

*Patron - Lewis*

**[F]HB2392 Local participation in risk management plan.** Provides that participation by constitutional officers in the Department of the Treasury's risk management plan shall be determined by the local governing body of the locality served by the officers rather than by the State Compensation Board. Also, local governments and constitutional officers choosing not to participate in the risk management plan shall not be subject to payment of any premium or administrative costs.

*Patron - Kilgore*

**[F]HB2394 State health insurance plan; wage employees.** Allows state employees who are nonclassified, hourly employees to participate in the state health insurance plan to the same extent that part-time state employees are allowed.

*Patron - Bell, Robert B.*

**[F]HB2460 Political contributions; prohibitions during procurement process.** Includes the mayor or chief executive officer of a locality, school superintendent, and any member of a local governing body, planning commission or school board in the current prohibition against knowingly soliciting or accepting 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 mayor or chief executive officer of a locality, school superintendent, or any member of a local governing body, planning commission or school board. Any violation shall be subject to a civil penalty of \$500 or up to two times the amount of the contribution or gift, whichever is greater.

*Patron - Surovell*

**[F]HB2468 Attorney General; representation of the Commonwealth in civil actions.** Clarifies that the Attorney General may file a civil action in the name of the Commonwealth or *parens patriae* when asked to do so by the Governor; may not file a civil action or participate as *amicus curiae* on behalf of the Commonwealth of Virginia unless requested or authorized to do so by the Governor or by an act of the legislature; and may represent the Commonwealth in matters before the federal government when authorized or requested to do so by the Governor or the General Assembly.

*Patron - Ebbin*

**[F]HB2496 Capital outlay plan.** Sets forth a six-year capital outlay plan for projects to be funded entirely or partially from general fund-supported resources.

*Patron - Putney*

**[F]HB2500 Omnibus Citizen Bill of Rights.** Creates the Citizen Bill of Rights designed to secure rights guaranteed to citizens of the Commonwealth by the Constitution of Virginia and achieves this goal by (i) providing a trial de novo for appeals from state agency decisions under the Administrative Process Act and local zoning and land development decisions, (ii) removing the presumption of official regularity and cor-

rectness in such appeals, (iii) increasing the cap on damages recoverable against the Commonwealth under the Virginia Tort Claims Act to \$1 million from \$100,000, (iv) increasing the statute of limitations in inverse condemnation cases to five years from three years, and (v) requiring the payment of reasonable costs and expert witness fees, and in certain cases attorney fees, to the property owner in condemnation cases where the amount awarded to the owner at trial exceeds the amount offered by the condemnor.

*Patron - Armstrong*

**[F]HB2503 Governor's Transportation Regulatory Review Commission.** Creates the Governor's Transportation Regulatory Review Commission as an advisory commission to annually review regulations to identify those regulations that may impede (i) the construction of any state or local transportation project or (ii) the maintenance of such transportation project. The bill requires the Commission to recommend to the Governor the suspension of any regulation that will cause additional cost to or delay of any state or local transportation project. The bill provides, however, that it does not apply to any state safety regulations or safety inspection procedures. Under the terms of the bill, the Commission will cease to exist on July 1, 2016.

*Patron - Cosgrove*

**[F]HB2512 State employee health insurance plan; coverage for autism spectrum disorder.** Requires that the health insurance plan for state employees provide coverage for the diagnosis of autism spectrum disorder, and the treatment of autism spectrum disorder in individuals from age two through age six. Incorporated into HB 2467.

*Patron - Hugo*

**[F]HB2517 Basis for the preparation of the Budget Bill.** Requires the Budget Bill for the 2012-2014 biennium and future Budget Bills to be prepared and formulated utilizing zero-based budgeting principles.

*Patron - Lewis*

**[F]SB747 Nondiscrimination in state employment.** Prohibits discrimination in state 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*

**[F]SB797 Virginia Human Rights Act; unlawful discriminatory practice; sexual orientation.** Adds sexual orientation to the definition of unlawful discriminatory practice.

*Patron - Locke*

**[F]SB812 Virginia Freedom of Information Act; access to salary information, etc., of public employees.** Allows public access to the records of only the job position, official salary, or rate of pay of, and the allowances or reimbursements for expenses paid to, any officer, official, or employee of a public body. The bill specifically excludes the name of any such officer, official, or employee from disclosure.

*Patron - Martin*

**SB821 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. The provisions of the bill are made conditional upon an appropriation of General Funds effectuating the provisions of the bill.

*Patron - Edwards*

**SB832 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, conform to Virginia Energy Conservation and Environmental Standards developed by the Department of General Services considering the U.S. Green Building Council (LEED) green building rating standard, the Green Building Initiative "Green Globes" building standard, and other appropriate requirements. 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*

**SB852 Lobbyists; annual statement of expenditures; penalty.** Caps at \$10,000 the civil penalty that may be assessed against a lobbyist and lobbyist principal for failing to file an annual statement of expenditures. Currently a \$10-per-day penalty is assessed from the eleventh day after the deadline until the statement is filed, with no cap on the total amount of the penalty. The bill contains technical amendments.

*Patron - Petersen*

**SB912 Biennial appropriation act.** Provides that the Commonwealth's biennial appropriations shall start on July 1 of odd-numbered years beginning with the biennial appropriation act for the period July 1, 2013, through June 30, 2015. The bill would require that the fiscal year beginning July 1, 2012, would not be a part of any biennial appropriation act (i.e., it would be a single-year transitional budget).

*Patron - McDougle*

**SB936 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 - Miller, J.C.*

**SB1016 Virginia Public Procurement Act; establishment of Historically Underutilized Business Zones (HUB Zones).** Requires the Department of General Services and the Virginia Information Technologies Agency to develop procurement guidelines to facilitate the participation of small businesses located in historically underutilized business zones (HUB zones). The bill also authorizes local public bodies to develop procurement guidelines to facilitate the participation of small businesses located 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.

*Patron - Puckett*

**SB1050 Governor's Development Opportunity Fund; criteria for awarding grants or loans.** Expands the options that a grant or loan may be awarded from the Governor's Development Opportunity Fund by including proposed projects that involve (i) a minimum private investment of \$50 million creating 50 jobs for which the average wage, excluding fringe benefits, is no less than the prevailing average wage or (ii) a minimum private investment of \$100 million creating 25 jobs for which the average wage, excluding fringe benefits, is no less than the prevailing average wage. The bill also provides that if a project represents an emerging technology deemed to be of benefit to the Commonwealth and creates a minimum of 25 jobs for which the average wage, excluding fringe benefits, is no less than one and one-half times the prevailing average wage of the local community, a grant or loan may be awarded from the Fund. This bill was incorporated into SB 1379.

*Patron - Barker*

**SB1053 Assignment of general fund balance remaining at year-end.** Changes current law for the assignment of any year-end general fund surplus to provide that the surplus shall be used (i) first, for the Revenue Stabilization Fund deposit, and (ii) then, the scheduled repayment of deferred contributions to defined benefit retirement plans maintained by the Virginia Retirement System for state employees. The Governor would then be required to include in his budget bill proposed appropriations from the general fund surplus for the funding of the Revenue Stabilization Fund and the repayment of such deferred contributions. No other assignment of the general fund surplus could be made unless the total amounts for clauses (i) and (ii) have been set aside from such surplus. Current law does not provide for any assignment of the general fund surplus for funding of the repayment of deferred contributions to defined benefit retirement plans of the Virginia Retirement System. However, the current general appropriation act includes a requirement for the Governor to propose appropriations for the repayment of contributions to the Virginia Retirement System that are being deferred for the 2010-2012 biennium.

*Patron - Barker*

**SB1061 State employee health insurance plan; coverage for autism spectrum disorder.** Requires that the health insurance plan for state employees provide coverage for the diagnosis of autism spectrum disorder, and the treatment of autism spectrum disorder in individuals from age two through age six.

*Patron - Howell*

**SB1090 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 - Hanger*

**SB1122 Health insurance benefits for state employees.** Provides that the health insurance coverage that may be purchased by state employees for families and dependents may include coverage for any other person to whom coverage may be extended pursuant to § 38.2-3525 of the Code of Virginia.

*Patron - McEachin*

**SB1173 Department of Planning and Budget; reestimate of agency needs.** Provides that within five business days after the preliminary close of the Commonwealth's accounts at the end of each fiscal year, each of the several state agencies and other agencies and undertakings receiving financial aid from the Commonwealth shall report to the Department of Planning and Budget, in a format prescribed for such purpose, an estimate of cost reductions that may be accomplished by the agency without diminution of the services or programs provided by the agency. Of the reductions so identified, 50 percent shall be retained by the agency for its use; the remaining 50 percent shall be returned to the general fund to be directed first to the revenue stabilization fund created in accordance with Article X, § 8 of the Constitution of Virginia and thereafter to debt relief. Any moneys retained by an agency which have not been spent at the end of three quarters of the next fiscal year shall revert to the general fund.

*Patron - Marsden*

**SB1174 Virginia Public Procurement Act; provisions for construction contracts involving certain school buildings.** Requires public bodies to include in every construction contract involving certain school or school-related facilities provisions that (i) require each employee and individual independent contractor to provide a sworn statement or affirmation disclosing any criminal convictions or any pending criminal charges, (ii) establish policies for maintaining a drug-free workplace, including drug testing when the employer has cause to believe that the person has engaged in the use of illegal drugs and periodically during the course of employment on the project, and (iii) verify that all employees and individual independent contractors with which it contracts to perform work or provide services pursuant to the contract are legally eligible for employment in the United States. A contractor who violates the contract provision shall be subject to civil penalties. A third violation under the contract will result in the immediate termination of the contract or subcontract and debarment from contracting with any public body for a period of not more than three years.

*Patron - Marsden*

**SB1177 Virginia Public Procurement Act; use of best value contracting by localities.** Authorizes the use of best value contracting by localities as an alternative to competitive bidding. The bill defines best value contracting as a procurement process where the lowest responsible bidder may be selected on the basis of objective criteria with the resulting selection representing the best combination of price and qualifications.

*Patron - Marsden*

**SB1250 Regulation of firearms by state entities.** Prohibits any department, agency, or other entity of the Commonwealth from adopting or enforcing any rule, regulation, or policy regarding firearms or ammunition except for those rules, regulations, or policies expressly authorized by statute. Any rule, regulation, or policy adopted prior to July 1, 2011, without express statutory authority would be invalid. The prohibition would not apply to local, state, or regional correctional facilities or facilities operated by the Department of Behavioral Health and Developmental Services.

*Patron - Vogel*

**SB1273 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 require-

ment 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*

**SB1283 Assignment of year-end surplus.** Changes the priority for assigning any year-end surplus by requiring that any general fund balance remaining after funds are set aside for required deposits to the Revenue Stabilization Fund would be assigned as follows: 50 percent for deposit into the Transportation Trust Fund and 50 percent for the payment of certain deferred retirement contributions described under paragraph I 5 of Item 469 of Chapter 874 of the Acts of Assembly of 2010 until such deferred retirement contributions have been paid in full. If any surplus remains after such assignments, the remainder would be assigned to the Virginia Water Quality Improvement Fund and other commitments including commitments to certain public institutions of higher education. Under current law, any year-end surplus is first assigned for deposit to the Revenue Stabilization Fund, the Virginia Water Quality Improvement Fund, and other commitments, including commitments to certain public institutions of higher education. If any surplus remains after such assignments, the remainder is assigned two-thirds for deposit into the Transportation Trust Fund and one-third for funding nonrecurring expenditures.

*Patron - McWaters*

**SB1288 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. This bill was incorporated into SB 1049.

*Patron - McWaters*

**SB1322 Investment in research and technology in the Commonwealth.** Creates the Virginia Research and Technology Investment Program, consisting of the Commonwealth Research Commercialization Fund (CRCF) and the GAP Fund program administered by the Innovation and Entrepreneurship Investment Authority. The bill makes significant changes to the existing CRCF, including creating a Commercialization Subfund, a Research Match Subfund, and an Eminent Scholar Subfund, and sets up a new process for the application, review, and award of funds from the CRCF. This bill was incorporated into SB 1485.

*Patron - Newman*

**SB1338 Governor; submission of financial plan; Joint Legislative Audit and Review Commission.** Provides for the Governor's financial plan to be submitted to the General Assembly before the first day of each legislative session and for the plan to prospectively cover periods of six and 10 years. Under current law the plan is required to be submitted in even-numbered years and to cover a prospective period of six years. The bill also provides for the plan to include projections for total state indebtedness, projected future expenditures for debt service over time, and other relevant measures of debt. The plan must be updated within 60 days of the adoption of the state budget. The bill further provides for the Joint Legislative Audit and Review Commission to include a six-year projection of expenditures in programs identified as the largest and fastest growing programs in the Commission's annual report on state spending.

*Patron - Herring*

**SB1349 Virginia Small Business Financing Authority; definitions; eligible business.** Removes from the definition of "eligible business" a nonprofit entity granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code.

*Patron - Norment*

**SB1357 Pilot program for Veterans Services Officer.** Authorizes the Commissioner of the Department of Veterans Services to establish a pilot program with a Virginia locality for a Veterans Services Officers to enhance efforts to provide services to veterans and their immediate family members. Financial support of the position will be provided from such state funds as may be appropriated. The bill provides for the participating locality to report on the pilot program to the Commissioner on or before November 30, 2012. The bill has a sunset of July 1, 2013.

*Patron - Stosch*

**SB1371 Capital outlay plan.** Sets forth a six-year capital outlay plan for projects to be funded entirely or partially from general fund-supported resources.

*Patron - Colgan*

**SB1385 Assignment of year-end surplus.** Changes the priority for assigning any year-end surplus by requiring that 10 percent of the general fund balance remaining after funds are set aside for required deposits to the Revenue Stabilization Fund, the Virginia Water Quality Improvement Fund, the Transportation Trust Fund, and other commitments would be assigned to provide funding to the Department of Veterans Services.

*Patron - Colgan*

**SB1440 Research and technology funding; Commonwealth Innovation Investment Fund.** Creates the Commonwealth Innovation Investment Fund. The Fund will be administered by the Innovation and Entrepreneurship Investment Authority to create, attract, retain, expand, and enhance technology research, innovation, and economic development in the Commonwealth. Beginning in 2013, the Fund will receive a portion of the income taxes withheld by science and innovation companies that employ persons in the Commonwealth. The percentage of the withheld taxes allocated to the Fund will be based on a percentage of the difference between the current year's withheld taxes and the amount withheld in 2012, the baseline year.

*Patron - Herring*

**SB1443 Virginia Public Procurement Act; Department of General Services; preference for Virginia products.** Establishes a preference in state contracting for goods pro-

duced in Virginia and goods or services or construction provided by Virginia persons, firms, or corporations so long as the bid price of such firm or corporation is not more than 15 percent greater than the bid price of the low responsive and responsible non-Virginia bidder. The bill also provides for the Department of General Services to establish procurement procedures to facilitate the purchase of goods produced in Virginia and goods or services and construction provided by Virginia persons, firms, or corporations by state agencies and institutions.

*Patron - Reynolds*

**SB1454 Assignment of year-end surplus.** Provides that if the total amount of general fund revenues actually disbursed or expended at the end of the fiscal year is less than the total amount of general fund revenues actually disbursed or expended for the immediately preceding fiscal year, the Comptroller would assign any general fund balance remaining for any required deposit to the Revenue Stabilization Fund, but thereafter would make no further assignment of the general fund balance.

*Patron - Hanger*

**SB1467 Freedom of Information Act; criminal investigative records.** Amends the definition of "criminal investigative file" so that the exemption applies to records relating to active or ongoing investigations or prosecutions.

*Patron - Edwards*

## Agriculture, Animal Care, and Food

### Passed

**HB1541 Care of agricultural animals by owner; penalty.** Provides standards of care specifically for agricultural animals that ensure accommodation for customary farming activities. An owner of an agricultural animal is required to provide feed to prevent malnourishment, water to prevent dehydration and veterinary treatment as needed to address impairment of health or bodily function when such impairment cannot be otherwise addressed through animal husbandry. The bill also clarifies certain procedures for the seizure and impoundment of agricultural animals. It allows agricultural animals whose owner has not met the new adequate care standards to be sold by a local governing body. This bill is identical to SB 1026.

*Patron - Orrock*

**HB1725 Office of Farmland Preservation; Virginia Farmland Preservation Fund created.** Creates the Virginia Farmland Preservation Fund, to consist of funds as may be appropriated by the General Assembly and any other moneys that may be made available from other public or private sources. The funds will be used solely for the purposes of preserving farmland in the Commonwealth and will be administered by the Department of Agriculture and Consumer Services. This bill is identical to SB 1105.

*Patron - Knight*

**HB1759 Board of Agriculture and Consumer Services; membership.** Provides that the presidents of the Virginia Polytechnic Institute and State University and Virginia State University may appoint designees for the purpose of membership on the Board of Agriculture and Consumer Ser-



vices. The designees shall have voting privileges. This bill is identical to SB 1380.

*Patron - Wilt*

**HB1830 Agriculture; resource management plans.** Allows owners of agricultural land who implement and maintain a resource management plan to be deemed as being in full compliance with (i) any load allocation contained in a total maximum daily load (TMDL) established under § 303(d) of the federal Clean Water Act addressing benthic, bacteria, nutrient, or sediment impairments; (ii) any requirements of the Virginia Chesapeake Bay TMDL Watershed Implementation Plan; and (iii) applicable state water quality requirements for nutrients and sediment. The presumption does not prevent or preclude enforcement of provisions pursuant to (a) a resource management plan otherwise required by law, (b) a Virginia Pollutant Discharge Elimination System permit, (c) a Virginia Pollution Abatement permit, or (d) requirements of the Chesapeake Bay Preservation Act. The Soil and Water Conservation Board shall by regulation, and in consultation with the Department of Agriculture and Consumer Services and the Department of Environmental Quality, specify the criteria to be included in a resource management plan. The bill sets out minimum criteria for such regulations.

*Patron - Scott, E.T.*

**HB1831 Fertilizer; regulation of application and labeling.** Prohibits the sale, distribution and use of lawn maintenance fertilizer containing phosphorus beginning December 31, 2013. The prohibition does not apply to starter fertilizer, manipulated manure, yard waste compost, products derived from sewage sludge, soils containing fertilizer and fertilizer products intended for gardening, tree, shrub and indoor planting application, including nurseries, or reclaimed water. Also, beginning on December 31, 2013, it will be unlawful to offer for sale any deicing agent containing urea, nitrogen, or phosphorus intended for application on parking lots, roadways, and sidewalks, or other paved surfaces. However, retailers are allowed to sell their existing inventory of lawn maintenance fertilizer and deicing agents. On this date, a label will be required on bags of lawn fertilizer that states that the product should not be applied near storm drains or drainage ditches or when heavy rain is expected. The Board of Agriculture and Consumer Services will be required to establish reporting requirements for contractor-applicators and licensees who apply lawn fertilizer to more than 100 acres of nonagricultural lands annually. The report will include the total acreage or square footage and the location of where the fertilizer is being applied. The bill requires golf courses to implement nutrient management plans by July 1, 2017. The plans are to be submitted to the Department of Conservation and Recreation for review and approval. The Department is to provide technical assistance and training for golf course operators. The agency will also have to establish a cost-share program to assist in implementation of the nutrient management plan. The Department of Agriculture and Consumer Services is authorized to develop consumer information and recommended best practices for the application of lawn fertilizer. The agency is also required to provide a public listing of contractor-applicators who apply fertilizer on nonagricultural lands and have met the training requirements. Finally, the bill prohibits localities from further regulating (i) contractor-applicators who are in compliance with the fertilizer laws, (ii) golf courses that have approved nutrient management plans, and (iii) agricultural operations with a resources management plan or a nutrient management plan. If localities find it necessary to adopt more stringent stormwater ordinances they will have to report this fact to the Virginia Soil and Water Conservation Board. This

bill incorporates HB 1751, HB 2348 and HB 2463. This bill is identical to SB 1055.

*Patron - Scott, E.T.*

**HB2057 Virginia Department of Agriculture and Consumer Services; regulation of fertilizer.** Revises the laws governing the manufacture and application of fertilizer to: (i) incorporate by reference the guidelines adopted by the Association of American Plant Food Control Officials, (ii) adopt generic precautionary labeling guidelines to prevent fertilizer runoff into the waterways, (iii) shift the permit year to begin on April 1 instead of July 1, (iv) require distributors of commercial fertilizer to submit an annual statistical report to the Commissioner regarding the amounts and localities of distributed product, (v) allow the Commissioner to issue written notices or warnings in lieu of instituting formal proceedings, (vi) authorize the Board to impose a civil penalty of up to \$250 on anyone who violates a written stop sale, and (vii) allow the imposition of late fees for failing to renew a registration, license, or permit and for failing to obtain a registration, license, or permit after receiving notice of this requirement. This bill is identical to SB 990.

*Patron - Poindexter*

**SB990 Virginia Department of Agriculture and Consumer Services; regulation of fertilizer.** Revises the laws governing the manufacture and application of fertilizer to: (i) incorporate by reference the guidelines adopted by the Association of American Plant Food Control Officials, (ii) adopt generic precautionary labeling guidelines to prevent fertilizer runoff into the waterways, (iii) shift the permit year to begin on April 1 instead of July 1, (iv) require distributors of commercial fertilizer to submit an annual statistical report to the Commissioner regarding the amounts and localities of distributed product, (v) allow the Commissioner to issue written notices or warnings in lieu of instituting formal proceedings, (vi) authorize the Board to impose a civil penalty of up to \$250 on anyone who violates a written stop sale, and (vii) allow the imposition of late fees for failing to renew a registration, license, or permit and for failing to obtain a registration, license, or permit after receiving notice of this requirement. This bill is identical to HB 2057.

*Patron - Stuart*

**SB1026 Care of agricultural animals by owner; penalty.** Provides standards of care specifically for agricultural animals that ensure accommodation for customary farming activities. An owner of an agricultural animal is required to provide feed to prevent malnourishment, water to prevent dehydration and veterinary treatment as needed to address impairment of health or bodily function when such impairment cannot be otherwise addressed through animal husbandry. The bill also clarifies certain procedures for the seizure and impoundment of agricultural animals. It allows agricultural animals whose owner has not met the new adequate care standards to be sold by a local governing body. This bill is identical to HB 1541.

*Patron - Puckett*

**SB1055 Fertilizer; regulation of application and labeling.** Prohibits the sale, distribution and use of lawn maintenance fertilizer containing phosphorus beginning December 31, 2013. The prohibition does not apply to starter fertilizer, manipulated manure, yard waste compost, products derived from sewage sludge, soils containing fertilizer and fertilizer products intended for gardening, tree, shrub and indoor planting application, including nurseries, or reclaimed water. Also, beginning on December 31, 2013, it will be unlawful to offer for sale any deicing agent containing urea, nitrogen, or phosphorus intended for application on parking lots, roadways, and

sidewalks, or other paved surfaces. However, retailers are allowed to sell their existing inventory of lawn maintenance fertilizer and deicing agents. On this date, a label will be required on bags of lawn fertilizer that states that the product should not be applied near storm drains or drainage ditches or when heavy rain is expected. The Board of Agriculture and Consumer Services will be required to establish reporting requirements for contractor-applicators and licensees who apply lawn fertilizer to more than 100 acres of nonagricultural lands annually. The report will include the total acreage or square footage and the location of where the fertilizer is being applied. The bill requires golf courses to implement nutrient management plans by July 1, 2017. The plans are to be submitted to the Department of Conservation and Recreation for review and approval. The Department is to provide technical assistance and training for golf course operators. The agency will also have to establish a cost-share program to assist in implementation of the nutrient management plan. The Department of Agriculture and Consumer Services is authorized to develop consumer information and recommended best practices for the application of lawn fertilizer. The agency is also required to provide a public listing of contractor-applicators who apply fertilizer on nonagricultural lands and have met the training requirements. Finally, the bill prohibits localities from further regulating (i) contractor-applicators who are in compliance with the fertilizer laws, (ii) golf courses that have approved nutrient management plans, and (iii) agricultural operations with a resources management plan or a nutrient management plan. If localities find it necessary to adopt more stringent stormwater ordinances they will have to report this fact to the Virginia Soil and Water Conservation Board. This bill incorporates SB 922 and SB 1465. This bill is identical to HB 1831.

*Patron - Stuart*

**SB1059 Master Settlement Agreement; regulation of cigarette manufacturers.** Permits a tobacco manufacturer to request removal from the Virginia Tobacco Directory under certain circumstances, such as the cessation of business operations, without penalty. Resellers may continue to vend cigarettes from such a manufacturer under limited conditions. Any manufacturer, wholesaler or retail dealer selling cigarettes for resale of a manufacturer or brand family that has been removed from the Directory shall notify the purchaser, who shall receive a refund. Any failure of the manufacturer to provide the purchaser with the refund shall be subject to a civil penalty of \$500 for each violation. The bill also extends the safe harbor for selling lawfully stamped cigarettes whose manufacturer and brand families have been removed from the Directory from 14 days to 45 days.

*Patron - McDougale*

**SB1079 Cattle Industry Board; name change.** Changes the name of the Cattle Industry Board to the Beef Industry Council. The name change brings the current board into consistent nomenclature with the Virginia beef checkoff program, which is used to promote marketing and research of beef products, and the terminology used in other states and nationally.

*Patron - Hanger*

**SB1105 Office of Farmland Preservation; Virginia Farmland Preservation Fund created.** Creates the Virginia Farmland Preservation Fund, to consist of funds as may be appropriated by the General Assembly and any other moneys that may be made available from other public or private sources. The funds will be used solely for the purposes of preserving farmland in the Commonwealth and will be adminis-

tered by the Department of Agriculture and Consumer Services. This bill is identical to HB 1725.

*Patron - Hanger*

**SB1108 Home food inspections.** Exempts a private home whose resident processes and prepares honey produced from hives owned by the resident from inspection by the Commissioner of Agriculture and Consumer Services. To be exempted the person has to meet certain conditions including selling less than 250 gallons of honey annually, affixing a label to the product that says "PROCESSED AND PREPARED WITHOUT STATE INSPECTION. WARNING: Do Not Feed Honey to Infants Under One Year Old," and annually certifying that these various conditions have been met.

*Patron - Hanger*

**SB1268 Tobacco Master Settlement Agreement; bond requirements; escrow payments by certain manufacturers.** Requires that the bond posted by manufacturers for inclusion in the Directory be equal to the greater of \$50,000 or the escrow amount the manufacturer was required to deposit based on its highest calendar year's sales in Virginia. Under current law, the bond amount to be posted is the greater of \$50,000 or the escrow amount the manufacturer was required to deposit based on its previous calendar year's sales in Virginia. The bill also adds nonparticipating manufacturers that have been designated by the Attorney General as an elevated risk to the list of those manufacturers that may be required to make escrow payments on a quarterly rather than an annual basis.

*Patron - Martin*

**SB1380 Board of Agriculture and Consumer Services; membership.** Provides that the presidents of the Virginia Polytechnic Institute and State University and Virginia State University may appoint designees for the purpose of membership on the Board of Agriculture and Consumer Services. The designees shall have voting privileges. This bill is identical to HB 1759.

*Patron - Stanley*

## Failed

**HB1800 Tobacco Indemnification and Community Revitalization Commission; establishment of Inspector General.** Establishes an Inspector General for the Tobacco Indemnification and Community Revitalization Commission. The position is appointed by the Governor with the authority to (i) review the condition of the Commission's accounting, financial and administrative controls; (ii) investigate to resolve allegations of fraudulent, illegal, or inappropriate activities; and (iii) prevent and detect fraud, waste, and abuse. This bill was incorporated into HB 2076.

*Patron - Brink*

**HB1930 Animal abuser registry established.** Defines "animal abuser" as an adult who has been convicted of a felony violation of § 3.2-6570 (cruelty to animals) or 3.2-6571 (animal fighting) or of a substantially similar law of another state or of the United States and requires any animal abuser physically within the boundaries of the Commonwealth for more than 10 consecutive days to register in person with the sheriff of the county or city in which the animal abuser resides or is located. The bill also requires the offender to reregister annually. Failure to register or reregister is a Class 6 felony. The bill requires the sheriff to notify every residence and business within a one-half mile radius of the abuser's residence or location within 10 days of initial registration. The bill requires

that registry information be maintained in a central registry by the State Police and posted on their website.

*Patron - Marshall, D.W.*

**HB2048 Packaged ice; fees; penalty.** Requires any person who establishes, operates, or maintains a packaged ice plant or who sells or offers to sell packaged ice for human consumption to obtain an annual license from the Commissioner of Agriculture and Consumer Services. The measure establishes requirements applicable to the operation of packaged ice plants and ice vending machines. The Department may assess a civil penalty of not more than \$5,000 for any violation of a provision of this chapter. The measure provides that the failure to obtain a required license constitutes a Class 3 misdemeanor.

*Patron - Ebbin*

**HB2108 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 - Armstrong*

**HB2114 Tobacco Indemnification and Community Revitalization Commission; membership.** Replaces legislators serving on the Tobacco Indemnification and Community Revitalization Commission with nonlegislative citizen members appointed by the Speaker of the House of Delegates and the Senate Committee on Rules. The Commission continues to have 31 members.

*Patron - Armstrong*

**HB2115 Tobacco Indemnification and Community Revitalization Commission; performance audit; report.** Requires the Joint Legislative Audit and Review Commission (JLARC) to oversee and evaluate the Tobacco Indemnification and Community Revitalization Commission (the Commission) on a continuing basis and to administer biennial operational and programmatic performance audits of the Commission. The audits shall provide an objective and independent assessment of the Commission's effectiveness in meeting its strategic plans and goals, structure and governance, level of adherence and effectiveness in grant distribution and allocation policies and procedures, and success of projects receiving Commission funds at achieving stated goals.

*Patron - Armstrong*

**HB2134 Regulation of rabies; law-enforcement canines.** Provides that no canine used by any law-enforcement agency for law-enforcement purposes shall be quarantined unless such canine is showing active signs of rabies or is suspected of having rabies. The law-enforcement agency must notify the local health director of any abnormal behavior exhibited by the canine and provide the local health director access to the canine for examination at any reasonable time.

*Patron - Barlow*

**HB2186 Misbranding of crab meat.** Requires that containers of crab meat that are represented as Chesapeake Bay crab meat include at least 51 percent by weight crab meat from crab taken from the Chesapeake Bay and meet Health Department regulatory standards for blending and repacking of crab

meat. The penalty for violating the Virginia Department of Agriculture's mislabeling law is a Class 1 misdemeanor.

*Patron - Lewis*

**HB2312 Animal care; home-based rescues.** Redefines "home-based rescue" to remove the requirement that the rescue operates primarily for the purpose of finding permanent adoptive homes for companion animals. Also, prior to transferring animals, animal shelters and other certain releasing agencies are required to provide certifying documents that state conformance with existing law and assurance that any of its home-based rescues or foster care providers provide adequate care.

*Patron - Bell, Richard P.*

**HB2463 Fertilizer and deicing agents; regulation of application; report.** Requires the Board of Agriculture and Consumer Services to adopt regulations (i) requiring professionals and public sector applicators of fertilizers to nonagricultural lands to become trained and certified in nutrient management and apply fertilizer in accordance with the principles thereof; (ii) prohibiting the application of phosphorus to turfgrass without a soil test; (iii) prohibiting the application of nutrients to impervious surfaces; and (iv) setting standards for soil analysis techniques, equipment calibration, and the timing of the application. Sellers and appliers of fertilizer shall be required to submit annual reports to the Commissioner of Agriculture and Consumer Services noting the amounts sold or applied by locality. Lawn and turf fertilizer bags will carry a statement cautioning against improper application. Effective July 1, 2012, and subject to exemptions for newly established turfgrass and gardens, no businesses shall sell (a) turf maintenance fertilizer containing phosphorus without point-of-sale limitations; (b) deicing agent containing urea; and (c) fertilizer without prominently displaying cautionary signage regarding excessive use. The Board of Agriculture and Consumer Services may impose a civil penalty of up to \$250 for violations of these provisions. The Department of Agriculture and Consumer Services is requested to provide a report concerning the use of slowly-available nitrogen in fertilizer material to the legislative committees with subject matter jurisdiction over agriculture and the environment. This bill was incorporated into HB 1831.

*Patron - Ware, R.L.*

**HB2482 Animal care; enforcement procedures and standards related to animal cruelty.** Provides new procedures for the impoundment, seizure, return or forfeiture of animals when the owner or custodian is suspected of animal welfare violations. Animals in the custody or possession of dealers or pet shops that fail to adequately care for such animals shall be subject to impoundment by such dealer or pet shop pursuant to any directive or under any supervision as may be provided by the investigating official, animal control officer, or State Veterinarian's representative. Such animals are subject to seizure if (i) under a direct and immediate threat or (ii) the owner or custodian is unable to or does not provide adequate impoundment. Upon conviction of such person, impounded or seized animals may be forfeited or returned to the owner or custodian at the discretion of the court. The bill also repeals the prohibition on persons that have been convicted of animal cruelty from selling or trading companion animals. The welfare requirement that emergency veterinary treatment is provided for animals under certain conditions will no longer include treatment for disease progression.

*Patron - Ware, R.L.*

**SB842 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. The administrative entity that oversees animal control in the locality where the humane investigator was appointed may suspend, discharge or restrict the performance of humane investigator appointees for good cause under the same administrative process used for disciplinary actions against animal control officers.

*Patron - Petersen*

**FSB920 Inspection of food establishments; exception for private homes.** Adds certain pickles and other processed vegetables to the foods that may be prepared in private homes and sold to individuals at farmers markets or the preparer's home without an inspection by the Department of Agriculture and Consumer Services. In order for the exemption to apply, the pickles or other processed vegetables must be grown on property owned or leased by the processor and have a pH value of 4.6 or lower after the completion of the recipe for such product. Currently, the exemption from inspection applies only to certain candies, jams, and jellies and baked goods that do not need refrigeration.

*Patron - McDougale*

**FSB922 Fertilizer; regulation of application and labeling.** Regulates several aspects relating to the application and use of fertilizer to lawns and turfs, including rules against applying fertilizers containing phosphorus or applying fertilizer when the ground is frozen, and the inclusion of a cautionary label on application and use. The prohibitions do not apply if: (i) the turf area is newly established or under repair; (ii) recent soil tests indicate the need for phosphorus fertilizer; (iii) the turf area is a golf course that has implemented a nutrient management plan; (iv) the area is a garden or greenhouse; or (v) the product being used is manipulated manure or yard waste compost. The bill also prohibits localities from regulating the use or application of fertilizers outside of any authority granted by the Stormwater Management Act. The Department of Conservation and Recreation is required to adopt regulations and operate a voluntary nutrient management training program to enable landowners and operators to prepare nutrient management plans for their own property. Golf course owners are specifically required to develop and implement nutrient management plans. This bill was incorporated into SB 1055.

*Patron - McDougale*

**FSB973 Inspecting and testing of weights and measures; imposition of a fee used for inspecting and testing petroleum dispensing pumps.** 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 inspect and test petroleum dispensing pumps. The bill also states the intent of the General Assembly that each weight and measure commercially used be inspected and tested at least annually.

*Patron - Whipple*

**FSB1190 Aquaculture; Virginia Marine Resources Commission; authority of local governments.** Expands the definitions of agricultural operation and production agriculture in the "Right to Farm Act" to include the practice of aquaculture. As a result, no special exception or conditional use permit shall be required for aquaculture production in areas zoned to allow agriculture.

*Patron - Norment*

**FSB1210 Motor fuel inspection; affixation of decal showing state and federal taxes.** Requires state inspectors of motor fuels and motor fuel dispensers to attach a decal to dispensers showing the amount of federal and state taxes levied per gallon of motor fuel.

*Patron - Obenshain*

**FSB1267 Contraband and unstamped cigarettes; penalties.** Decreases from 3,000 packs to 500 packs the threshold possession amount of contraband cigarettes that triggers a mandatory jail time. Currently, if an offender is found guilty of possessing 3,000 or more packages of contraband cigarettes, the sentence of such person includes a mandatory minimum term of confinement of 90 days. The bill also changes the felony threshold amount from 3,000 unstamped packs to 500 packs, to mirror the levels set out in the definition for "contraband cigarettes" in the federal Contraband Cigarette Trafficking Act.

*Patron - Martin*

**FSB1465 Lawn fertilizer; regulation of application and labeling.** Requires professional lawn fertilizer applicators to become certified in nutrient management and prohibits the application of lawn fertilizer to impervious surfaces and frozen ground. The use of lawn fertilizer containing phosphorus is restricted unless the lawn area is being established or repaired. Lawn fertilizer shall not be used within 15 feet of state waters, nor shall lawn fertilizer containing nitrogen be used at a rate more frequent or greater than prescribed by the label on the lawn fertilizer container. The sale of lawn fertilizer that contains more than zero percent phosphorus is restricted. The sale of lawn fertilizer containing no more than 0.7 pounds of water-soluble nitrogen and no more than 0.9 pounds of total nitrogen is prohibited, as is the sale of any deicing agent containing urea or other forms of nitrogen or phosphorus. This bill was incorporated into SB 1055.

*Patron - Whipple*

## Alcoholic Beverage Control Act

### Passed

**P HB1496 Providing alcohol to an underage person.** Provides that any person who purchases alcoholic beverages for or otherwise gives, provides, or willfully assists in the provision of alcoholic beverages to another person, knowing or having reason to know that such person was less than 21 years of age is guilty of a Class 1 misdemeanor. Current law does not address a violation committed when the violator has reason to know a person is underage.

*Patron - Herring*

**P HB1833 Alcoholic beverage control; annual fee for brewery licenses.** Provides for an annual fee for retail off-premises brewery licenses of \$120.

*Patron - Scott, E.T.*

**P HB1975 Alcoholic beverage control; banquet licenses; exception.** Provides that no banquet license shall be required for private meetings or private parties limited in attendance to members of a common interest community as defined in § 54.1-2345 and their guests, provided (i) the alcoholic beverages shall not be sold or charged for in any way, (ii) the premises where the alcoholic beverages are consumed is limited to the common area regularly occupied and utilized for such pri-

vate meetings or private parties, and (iii) such meetings or parties are not open to the public.

*Patron - Robinson*

**[P]HB1979 Alcoholic beverage control; tax on wine and other alcoholic beverages; exceptions.** Provides an exemption from payment of tax on alcoholic beverages for shipments of alcoholic beverages (i) out of state for resale outside the Commonwealth and (ii) from Virginia to consumers outside of Virginia for personal consumption and not for resale. Current law provides the exception from payment of tax only for shipments to out-of-state wholesalers. This bill is identical to SB 1083.

*Patron - Greason*

**[P]HB2226 Alcoholic beverage control; notice for registered public objections to new licensee applications.** Requires public objections to new licensee applications be registered with the ABC Board within 30 days of initial publication of notice.

*Patron - Wright*

**[P]HB2295 Alcoholic beverage control; definition of cider.** Creates two classes of cider by defining it as any beverage, carbonated or otherwise, obtained by the fermentation of the natural sugar content of apples (i) containing not more than 10 percent of alcohol by volume without chaptalization or (ii) containing not more than seven percent of alcohol by volume regardless of chaptalization. The bill defines "chaptalization" as a method of increasing the alcohol in a wine by adding sugar to the must before or during fermentation. The expanded definition of cider is to take into account the natural sweetness of certain Virginia apples. This bill is identical to SB 1000.

*Patron - Englin*

**[P]HB2501 Alcoholic beverage control; gourmet oyster house license.** Creates a new wine and beer license for gourmet oyster houses and sets out the privileges of the license and the annual state and local license taxes.

*Patron - Pollard*

**[P]SB1000 Alcoholic beverage control; definition of cider.** Creates two classes of cider by defining it as any beverage, carbonated or otherwise, obtained by the fermentation of the natural sugar content of apples (i) containing not more than 10 percent of alcohol by volume without chaptalization or (ii) containing not more than seven percent of alcohol by volume regardless of chaptalization. The bill defines "chaptalization" as a method of increasing the alcohol in a wine by adding sugar to the must before or during fermentation. The expanded definition of cider is to take into account the natural sweetness of certain Virginia apples. This bill is identical to HB 2295.

*Patron - Watkins*

**[P]SB1083 Alcoholic beverage control; tax on wine and other alcoholic beverages; exceptions.** Provides an exemption from payment of tax on alcoholic beverages for shipments of alcoholic beverages (i) out of state for resale outside the Commonwealth and (ii) from Virginia to consumers outside of Virginia for personal consumption and not for resale. Current law provides the exception from payment of tax only for shipments to out-of-state wholesalers. This bill is identical to HB 1979.

*Patron - Hanger*

**[P]SB1249 Alcoholic beverage control; operation of government stores; agents of the ABC Board.** Designates a distillery licensee that is independently certified as an organic distillery (Catocin Creek Distillery) by a USDA-accredited

certification agency to be an agent of the ABC Board. As a result, such licensee may sell at retail its distilled spirits.

*Patron - Vogel*

**[P]SB1292 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 corkage fee to such customer for the wine so consumed; however, the licensee may not charge any other fee to such customer.

*Patron - McWaters*

**[P]SB1308 Alcoholic beverage control; referendum on mixed beverage sales in counties.** Provides for the residents of towns with a population of more than 1,000 to vote on the referendum for the sale of mixed beverages within the county in which those towns are located. Under current law, such towns vote only in a referendum in the town.

*Patron - Ruff*

**[P]SB1457 Alcoholic beverage control; regulations; prorated license fees for act of God.** Provides for proration of ABC license taxes for licensees whose place of business is destroyed by an act of God, including but not limited to fire, earthquake, hurricane, or storm, and requires the ABC Board to prescribe the schedule of proration. The bill also requires the ABC Board to adopt reasonable time, place, and manner restrictions on outdoor alcoholic beverage advertising so that such advertising does not encourage or otherwise promote the consumption of alcoholic beverages by persons to whom alcoholic beverages may not be sold. The bill specifies the parameters within which outdoor advertising regulations must comport. This bill contains an emergency clause.

*Patron - Hanger*

## Failed

**[F]HB1530 Alcoholic beverage control; banquet licenses.** Allows the ABC Board to grant banquet licenses to persons who provide event planning services.

*Patron - Ware, O.*

**[F]HB1567 Alcoholic beverage control; exemptions from licensure.** Provides that no ABC license is required for the keeping and consumption by any bona fide member and guest thereof of any lawfully acquired alcoholic beverages in a private smoking lounge that (i) requires membership, (ii) is not open to the public, and (iii) is contained within any establishment devoted to the sale of tobacco products (commonly referred to as tobacco shops). The bill provides that such alcoholic beverages shall not be sold or charged for in any way by any person.

*Patron - Ware, O.*

**[F]HB1703 Alcoholic beverage control; mandated recycling at government stores.** Mandates the recycling of discarded packaging materials at government ABC stores.

*Patron - Lewis*

**[F]HB1901 Alcoholic beverage control; prohibited sale of prepackaged alcoholic beverages containing caffeine.** Prohibits the sale of prepackaged alcoholic beverages containing caffeine with an exception for mixed beverage licensees.

*Patron - Hugo*

**[F]HB1937 Alcoholic beverage control; alcoholic beverage licenses for event management companies.** Allows the Board to grant mixed beverage licenses to persons who provide event planning services.

*Patron - Ware, O.*

**[F]HB2182 Alcoholic beverage control.** Eliminates the Alcoholic Beverage Control Board and replaces it with the Virginia Alcoholic Beverage Control Authority, created by the bill. The bill provides for the appointment of the board of directors of the Authority and the appointment by the board of directors of a chief executive officer of the Authority, and sets eligibility requirements for appointment, including background checks. Among other things, the bill also (i) provides for the transfer of current ABC employees to the Authority, (ii) continues such employees' participation in the state health plan and VRS, and (iii) sets out the powers and duties of the Authority and the chief executive officer. The bill contains numerous technical amendments. The measure becomes effective on July 1, 2012.

*Patron - Albo*

**[F]HB2293 Alcoholic beverage control; restricted sale of malt beverages.** Defines malt beverages and requires the Alcoholic Beverage Control Board to adopt regulations as to the sale and labeling of malt beverages in government stores.

*Patron - McClellan*

**[F]HB2456 Alcoholic beverage control; retail privatization.** Provides for the full implementation of retail privatization of distilled spirits by January 1, 2013. Under the provisions of the bill, the ABC Board is to develop a plan for the discontinuation of government stores by December 31, 2011, at which time the process of auctioning of retail licenses for distilled spirits will begin. The ABC Board will still operate the warehouse for the wholesale sale of distilled spirits and wine produced by farm wineries. The bill creates a new distilled spirits retail license, which will be granted to successful bidders at an auction conducted by the ABC Board, and sets out the privileges of the license and the rates for the annual state and local license taxes. Under the provisions of the bill, these new licenses are transferable, are categorized by tier depending on square footage of the retail space and shelf space of the successful bidder, and are limited in number to one license per 8,000 people in each locality. Among other things, the bill (i) allows the new licensees the ability to set prices in accordance with their own individual business plans and in response to market conditions; (ii) provides that no one business entity shall be awarded more than 25 percent of the total number of distilled spirits retail licenses granted in any one tier, nor shall more than 25 percent of the total number of distilled spirits retail licenses in any one tier be held by businesses under common control; and (iii) provides that all revenue generated from the initial auction of distilled spirits retail licenses shall be deposited in the Transportation Trust Fund. The bill contains numerous technical amendments and has a delayed effective date to coincide with the full implementation of retail privatization by January 1, 2013.

*Patron - Brink*

**[F]HB2505 Alcoholic beverage control; art instruction studio license.** Creates the art instruction studio license. The bill defines art instruction studio, sets out the privileges of this new license, and specifies the annual state and local license tax.

*Patron - McQuinn*

**[F]HB2523 Alcoholic beverage control; license suspension or revocation.** Provides for the suspension or revoca-

tion of an alcoholic beverage license unless the licensee is actively engaged in providing assistance to intoxicated persons loitering on the licensee's premises.

*Patron - Comstock*

**[F]SB1098 Alcoholic beverage control; regulations of the board.** Provides that the ABC Board shall require all off-premises retail licensees and all government stores to post a sign in a conspicuous location that bears a warning regarding the risks of consuming alcohol during pregnancy.

*Patron - Hanger*

**[F]SB1192 Alcoholic beverage control; ownership interests of manufacturers.** Allows manufacturers of alcoholic beverages to sell their product in retail establishments that they own or in which they have an ownership interest. Current law prohibits manufacturers from selling their alcoholic beverage product in the retail establishments that they own or in which they have ownership interests. The bill contains technical amendments.

*Patron - Norment*

**[F]SB1272 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, not to exceed 1,000 licenses statewide. The initial issuance of licenses by the Board would be through regional auctions beginning July 1, 2012, which may also be conducted through the Department's publicly accessible website. The bill creates two new licenses, the wholesale spirits license and the spirits importer's license, and sets the privileges and applicable taxes for each. The bill also privatizes the wholesale function of the ABC Board. This bill contains numerous technical amendments.

*Patron - Obenshain*

**[F]SB1405 Alcoholic beverage control; gifts by licensees.** Allows retail licensees and their employees to give gifts of alcohol to their patrons, limited to one alcoholic beverage per patron within a 24-hour period and limited to one bottle of wine per group of two or more patrons within a 24-hour period.

*Patron - Vogel*

**[F]SB1417 Alcoholic beverage control; retail privatization.** Provides for the full implementation of retail privatization of distilled spirits by January 1, 2013. Under the provisions of the bill, the ABC Board is to develop a plan for the discontinuation of government stores by December 31, 2011, at which time the process of auctioning of retail licenses for distilled spirits will begin. The ABC Board will still operate the warehouse for the wholesale sale of distilled spirits and wine produced by farm wineries. The bill creates a new distilled spirits retail license, which will be granted to successful bidders at an auction conducted by the ABC Board, and sets out the privileges of the license and the rates for the annual state and local license taxes. Under the provisions of the bill, these new licenses are transferable, are categorized by tier depending on square footage of the retail space and shelf space of the successful bidder, and are limited in number to one license per 8,000 people in each locality. Among other things, the bill (i) allows the new licensees the ability to set prices in accordance with their own individual business plans and in response to market conditions; (ii) provides that no one business entity shall be awarded more than 25 percent of the total number of distilled spirits retail licenses granted in any one tier, nor shall more than 25 percent of the total number of dis-

titled spirits retail licenses in any one tier be held by businesses under common control; and (iii) provides that all revenue generated from the initial auction of distilled spirits retail licenses shall be deposited in the Transportation Trust Fund. The bill contains numerous technical amendments and has a delayed effective date to coincide with the full implementation of retail privatization by January 1, 2013.

*Patron - Obenshain*

## Aviation

### Passed

**[P]HB2230 Definitions; Title 5.1.** Adds definition of "based aircraft" to the definitions section of Title 5.1 (Aviation). The bill also alphabetizes existing definitions.

*Patron - Ware, R.L.*

**[P]SB1278 Airport licensing.** Provides for the removal of natural growth at "grandfathered" airports that are already licensed. The bill also includes technical amendments.

*Patron - McWaters*

## Behavioral Health and Developmental Services

### Passed

**[P]HB1698 Sexually violent predators.** Expands a procedure for rescission of a sexually violent predator's refusal to participate with a mental health examination to allow him to rescind a refusal to participate and provides that assessment hearings may be done by videoconference. This bill is identical to SB 1275.

*Patron - Athey*

**[P]HB1729 Background checks; providers licensed by DBHDS.** Allows community services boards and providers licensed by the Department of Behavioral Health and Developmental Services to hire for compensation a person who has been convicted of not more than one offense of assault and battery of a law-enforcement officer under § 18.2-57, or an equivalent offense in another if (i) the person has been granted a simple pardon if the offense was a felony committed in Virginia, or the equivalent if the offense was committed in another state; (ii) more than 10 years have elapsed since the conviction; and (iii) the hiring provider determines, based upon a screening assessment, that the criminal behavior was substantially related to the applicant's substance abuse and that the person has been successfully rehabilitated and is not a risk to consumers based on his criminal history background and his substance abuse history, notwithstanding the statutory prohibition on employment of a person otherwise convicted of assault and battery.

*Patron - Carrico*

**[P]HB1790 Discharge from a training center; consent of parent, guardian, or responsible person required.** Provides that a consumer in a training center shall only be discharged upon consent of the consumer or, if the consumer lacks capacity to consent, upon the consent of his legally authorized representative, and following disclosure of information regarding the actual availability and accessibility of services sufficient to meet the needs of the consumer in the

community. The provisions of this bill shall not become effective unless reenacted by the 2012 Session of the General Assembly.

*Patron - Tata*

**[P]HB2013 Community services boards; drug formulary.** Requires the Commissioner of Behavioral Health and Developmental Services to establish and maintain a committee composed of representatives of the Department of Medical Assistance Services, state facilities operated by the Department, community services boards, and at least one health insurance plan, and at least one consumer to develop a drug formulary for use at all community services boards, state facilities operated by the Department, and providers licensed by the Department, and provides that the Department shall do so no later than July 1, 2011.

*Patron - Pogge*

**[P]HB2090 Execution of emergency custody orders.** Increases from four to six hours the time in which an emergency custody order must be executed after its issuance.

*Patron - Herring*

**[P]HB2227 Assessment of sexually violent predators; qualifications.** Eliminates requirement that persons who conduct risk assessments of sex offenders be skilled in the treatment of sex offenders and adds the requirement that such persons be knowledgeable about the treatment of sex offenders.

*Patron - O'Bannon*

**[P]HB2533 Behavioral Health and Developmental Services Trust Fund.** Requires that the Fund be used for behavioral health and developmental services and to facilitate transition from state training centers to community-based services. The bill requires that the Fund be used for the purpose of financing community-based services, including services provided through the Medicaid Intellectual Disability Home and Community Based Waiver program, and for the purpose of transitioning individuals with intellectual disabilities from state training centers to community-based care. The bill also requires the Secretary to submit semiannual reports to the Governor and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance.

*Patron - Cox, M.K.*

**[P]SB750 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 19 states and the District of Columbia.

*Patron - Howell*

**[P]SB1275 Sexually violent predators.** Expands a procedure for rescission of a sexually violent predator's refusal to participate with a mental health examination to allow him to rescind a refusal to participate and provides that assessment hearings may be done by videoconference. This bill is identical to HB 1698.

*Patron - Obenshain*

**[P]SB1486 Behavioral Health and Developmental Services Trust Fund.** Requires that the Fund be used for behavioral health and developmental services and to facilitate transition from state training centers to community-based services. The bill requires that the Fund be used for the purpose of



financing community-based services, including services provided through the Medicaid Intellectual Disability Home and Community-Based Waiver program, and for the purpose of transitioning individuals with intellectual disabilities from state training centers to community-based care. The bill also requires the Secretary to submit semiannual reports to the Governor and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance.

*Patron - Northam*

## Failed

**[F]HB1444 Admission to a training center.** Eliminates the option for voluntary admission to a training center upon request of a person with mental retardation. This bill provides that a person may be admitted to a training center only upon written certification of eligibility for admission to a training center entered by a judge or special justice, upon petition of the parent or guardian of a person with mental retardation or other responsible person.

*Patron - Morgan*

**[F]HB1663 Conditions for licensure of providers of mental health services.** Provides that the Commissioner of Behavioral Health and Developmental Services shall not grant an initial license to a provider of mental health services other than a licensed hospital or a provider owned or operated by an agency of the Commonwealth if the provider is to be located within one-half mile of a public or private licensed day care center or a public or private K-12 school. The bill also provides that upon receiving notice of a proposal or application for licensure of a provider of mental health services, the Commissioner shall notify the local governing body and community services board of the locality in which the service is proposed to be established within 15 days of receiving such proposal or application, and that the local governing body and community services board shall submit comments on the proposal or application to the Commissioner within 30 days. The bill does not apply to applicants for a license to provide mental health services that have obtained a certificate of occupancy in accordance with the law and regulations in effect on June 30, 2011, or existing licensed providers proposing services within the same city or county in which they are currently providing services.

*Patron - Alexander*

**[F]HB1977 Problem Gambling Treatment Fund established.** Establishes the Problem Gambling Treatment Fund for the prevention and treatment of gambling addiction and other problems related to gambling, and for the administration of such programs. The Fund shall receive one-sixth of one percent of the gross lottery proceeds annually, subject to the constitutionally required four-fifths vote. The bill also allows advertising that says lottery proceeds benefit the prevention and treatment of gambling addiction and other problems related to gambling.

*Patron - Greason*

**[F]HB2146 Closure of state training centers.** Provides that the requirements for closure of state hospitals for persons with mental illness shall also apply to closure of state training centers for persons with mental retardation, including requirements for establishment of state and community consensus and planning teams, development of plans for the closure of the facility and provision of community-based services for residents of training centers, review by the Joint Commission on Health Care, and approval by the General Assembly.

*Patron - Cline*

**[F]HB2261 Guardianships and conservatorships; appointment; preliminary hearing.** Requires that a preliminary hearing be held prior to the appointment of a guardian ad litem for or the conduct of any evaluations of a respondent for whom a petition to appoint a guardian or conservator has been filed. The purpose of the preliminary hearing is to determine whether such an appointment should be made or such evaluations should be conducted. The bill also limits who may file such a petition from any person to an adult member of the respondent's family, an agent or other legal representative of the respondent, or any person interested in the welfare of the respondent. The bill also makes the respondent's estate responsible for fees and costs associated with the proceedings if a guardian or conservator is appointed. The bill also makes changes to how hearings to appoint guardians or conservators are conducted.

*Patron - Morgan*

**[F]SB1418 Closure of state training centers.** Provides that the requirements for closure of state hospitals for persons with mental illness shall also apply to closure of state training centers for persons with mental retardation, including requirements for establishment of state and community consensus and planning teams, development of plans for the closure of the facility and provision of community-based services for residents of training centers, review by the Joint Commission on Health Care, and approval by the General Assembly.

*Patron - Edwards*

**[F]SB1451 Licensure of behavioral health services; posting of information.** Provides that the Department of Behavioral Health and Developmental Services shall make certain information about behavioral health services providers licensed by the Department, including reports of reviews or inspections of services and facilities, available on its website and requires service providers to make such information available to the public in any waiting room or public area of the provider.

*Patron - Deeds*

**[F]SB1470 Sexually violent predators; civil commitment.** Provides that the Crime Commission, with input from Department of Behavioral Health and Developmental Services and the Attorney General's Office, shall examine, as possible components of conditional release of civilly committed sexually violent predators, the feasibility of all appropriate treatment options and the use of residential housing facilities, operated by the Commonwealth or by private providers contracted with the Commonwealth on property owned by the Commonwealth, and shall report the results of the examination to the Governor and the General Assembly by December 1, 2012. The bill also directs the Crime Commission to review the offenses that qualify as sexually violent offenses, the Department's process for evaluation of individuals to determine whether they meet the criteria for treatment as sexually violent predators, and the Commonwealth's program for treatment of sexually violent predators to determine whether changes may be made to reduce the cost of treatment and care of sexually violent predators while protecting the safety and welfare of citizens of the Commonwealth.

*Patron - Hanger*

# Civil Remedies and Procedure

## Passed

**HB1399 Virginia Fraud Against Taxpayers Act; waiver of sovereign immunity.** Provides that the Virginia Fraud Against Taxpayers Act expressly waives sovereign immunity and creates a cause of action for an employee of the Commonwealth, its agencies, or any political subdivision against such entity if an adverse employment action is taken against the employee by his employer because the employee has opposed any practice by his employer prohibited by the Act or participated in an investigation, action, or hearing under the Act. Any relief awarded to an employee under this bill shall be reduced by any amount awarded to the employee through a state or local grievance process. This bill is in response to the Virginia Supreme Court's decision in *Ligon v. Goochland*, 279 Va. 312 (2010).

*Patron - Janis*

**HB1459 Remedies; limitation on recovery in certain medical malpractice actions.** Increases from \$2 million to \$2.05 million, on July 1, 2012, the cap on the recovery in actions against health care providers for medical malpractice. Thereafter, the cap is increased by \$50,000 annually with the last increase on July 1, 2031. This bill is identical to SB 771.

*Patron - Albo*

**HB1476 Torts; sexual abuse; limitations period.** Extends the limitations period for actions for sexual abuse committed during the infancy or incapacity of the abused person from two years to 20 years from the time of the removal of the infancy or incapacity or from the time the cause of action otherwise accrues. This bill is identical to SB 1145.

*Patron - Albo*

**HB1527 Exemption from jury service; firefighters.** Provides that any person who is the only person performing services for a political subdivision as a firefighter and whose services are so essential to the operations of the political subdivision that such political subdivision will suffer an undue hardship in carrying out such services if such person is required to perform jury duty, shall be exempt from jury service if he so requests.

*Patron - Edmunds*

**HB1877 Immunity of officers, etc. of nonprofits; dissolution.** Provides that the immunity from civil liability the directors and other officers of tax exempt organizations enjoy for acts taken in their official capacities shall survive the termination, cancellation, or other discontinuance of the organization. This bill is identical to SB 841.

*Patron - Filler-Corn*

**HB1973 Efficiency of court clerks' offices.** Provides that the person responsible for taking attendance when the potential jurors are assembled, and not the clerk, is responsible for verifying the identities of the jurors. The bill also allows clerks to transmit or make available electronically to the Director of the Department of Corrections copies of the order of trial and final order for persons sentenced to the Department. Finally, the bill provides that if a power of attorney that has been recorded is revoked, a clerk may require that the revocation of a power of attorney be prepared as a separate instrument which shall be recorded and indexed by the clerk.

*Patron - Robinson*

**HB2055 Definitions for statutory rules of evidence in civil actions.** Defines the terms "official publication," "publish," and "required to be published pursuant to the laws thereof" as they are used in Chapter 14 (Evidence) of Title 8.01 (Civil Remedies and Procedure).

*Patron - Poindexter*

**HB2373 Medical malpractice; privileged communications of certain committees.** Provides that nothing in the statute governing privileged communications of certain health committees shall be construed as providing any privilege to any health care provider, emergency medical services agency, community services board, or behavioral health authority with respect to any factual information regarding specific patient health care or treatment, including patient health care incidents, whether oral, electronic, or written. However, the analysis, findings, conclusions, recommendations, and the deliberative process of any medical staff committee, utilization review committee, or other committee, board, group, commission, or other entity, as well as the proceedings, minutes, records, and reports, including the opinions and reports of experts, of such entities shall be privileged in their entirety under the aforementioned statute. This bill incorporates HB 2377. This bill is identical to SB 1469.

*Patron - Peace*

**SB771 Remedies; limitation on recovery in certain medical malpractice actions.** Increases from \$2 million to \$2.05 million, on July 1, 2012, the cap on the recovery in actions against health care providers for medical malpractice. Thereafter, the cap is increased by \$50,000 annually with the last increase on July 1, 2031. This bill is identical to HB 1459.

*Patron - Saslaw*

**SB841 Immunity of officers, etc. of nonprofits; dissolution.** Provides that the immunity from civil liability the directors and other officers of tax exempt organizations enjoy for acts taken in their official capacities shall survive the termination, cancellation, or other discontinuance of the organization. This bill is identical to HB 1877.

*Patron - Petersen*

**SB1145 Torts; sexual abuse; limitations period.** Extends the limitations period for actions for sexual abuse committed during the infancy or incapacity of the abused person from two years to 20 years from the time of the removal of the infancy or incapacity or from the time the cause of action otherwise accrues. This bill is identical to HB 1476.

*Patron - Quayle*

**SB1156 Exemption from jury service; general registrar, electoral board, and their employees.** Provides that any general registrar, local electoral board member, or person appointed or employed by a general registrar or local electoral board, except officers of election, shall be exempt from jury service upon his request. This exemption applies only to jury service starting (i) during the period beginning 90 days before any election and continuing through election day; (ii) during the period to ascertain the results of the election and continuing for 10 days after the local electoral board certifies the results of the election or the State Board of Elections certifies the results of the election; or (iii) during the period of an election recount or contested election. Any officer of election shall be exempt from jury service upon his request only on the day of the election and during the period to ascertain the results of an election or the period of an election recount or contested election.

*Patron - Quayle*

**[P]SB1209 Special appearance; waiver of objection to personal jurisdiction or defective process.** Delineates what affirmative conduct on the part of a party constitutes a waiver of any objection such party may have to personal jurisdiction or defective process and what conduct does not constitute such a waiver. This bill is a recommendation of the Boyd-Graves Conference.

*Patron - Obenshain*

**[P]SB1262 Virginia Fraud Against Taxpayers Act.** Provides that a designee of the Attorney General may issue civil investigative demands. The bill also provides that information obtained by the Attorney General or his designee pursuant to the issuance of a civil investigative demand may be shared with any qui tam relator if the Attorney General or his designee determines that such information is necessary as part of any false claims investigation. In addition, the bill changes the elements of offenses that make persons liable to the Commonwealth under the Act. Under current law, a person is civilly liable to the Commonwealth if he (i) knowingly presents to an officer or employee of the Commonwealth a false or fraudulent claim for payment or approval; (ii) knowingly makes a false record to get a false or fraudulent claim paid or approved by the Commonwealth; (iii) has possession of property used by the Commonwealth and, intending to defraud the Commonwealth, knowingly delivers less property than the amount for which the person receives a certificate or receipt; or (iv) conspires to do any act described in clauses (i) through (iii). Under the bill, a person is civilly liable to the Commonwealth if he, respectively, (a) knowingly presents a false or fraudulent claim for payment or approval (regardless of to whom the claim is made); (b) knowingly makes a false record material to a false or fraudulent claim (regardless of whether the claim was paid or approved by the Commonwealth); (c) has possession of property used by the Commonwealth and delivers less than all such money or property (regardless of whether the person intends to defraud the Commonwealth); or (d) conspires to do any act described in clauses (a) through (c).

*Patron - Vogel*

**[P]SB1426 Child pornography.** Provides that a defendant convicted of an offense relating to child pornography shall be ordered to pay mandatory restitution to the victim of the offense in an amount as determined by the court. The Commonwealth shall make reasonable efforts to notify victims of any such offense. This bill is identical to HB 1995.

*Patron - Deeds*

**[P]SB1469 Medical malpractice; privileged communications of certain committees.** Provides that nothing in the statute governing privileged communications of certain health committees shall be construed as providing any privilege to any health care provider, emergency medical services agency, community services board, or behavioral health authority with respect to any factual information regarding specific patient health care or treatment, including patient health care incidents, whether oral, electronic, or written. However, the analysis, findings, conclusions, recommendations, and the deliberative process of any medical staff committee, utilization review committee, or other committee, board, group, commission, or other entity, as well as the proceedings, minutes, records, and reports, including the opinions and reports of experts, of such entities shall be privileged in their entirety under the aforementioned statute. This bill is identical to HB 2373.

*Patron - Saslaw*

## Failed

**[F]HB1440 Rights of unborn children.** Provides that unborn children at every stage of development enjoy all the rights, privileges, and immunities available to other persons, citizens, and residents of the Commonwealth, subject only to the laws and constitutions of Virginia and the United States, precedents of the United States Supreme Court, and provisions to the contrary in the statutes of the Commonwealth.

*Patron - Marshall, R.G.*

**[F]HB1640 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*

**[F]HB1664 Products liability; when cause of action accrues.** Provides that a cause of action for personal injury based on products liability accrues from the later of the date of the injury or the date that the product defect is publicized by the product's maker.

*Patron - Alexander*

**[F]HB1706 Admissibility of judicial records.** Provides that the relevant provisions of § 8.01-389, and no other section, govern the admissibility into evidence of records of judicial proceedings and any other official records of any court of the Commonwealth. The bill also provides for what constitutes sufficient certification of a record by the clerk. This bill is in response to the decision of the Supreme Court of Virginia in *Waller v. Commonwealth*, 278 Va. 731, 685 S.E.2d 48 (2009).

*Patron - Merricks*

**[F]HB2305 References to the Joint Commission on Accreditation of Healthcare Organizations.** Truncates references in the Code to the "Joint Commission on Accreditation of Healthcare Organizations" to the "Joint Commission" to reflect the recent name change of the organization.

*Patron - Sickles*

**[F]HB2377 Medical malpractice; privileged communications of certain committees.** Provides that factual information, whether written or oral, regarding specific patient care and treatment, including patient care incidents occurring within a health care facility, are not subject to the privilege granted to certain committees and entities. Currently, oral communications regarding a specific incident regarding patient care are privileged if made more than 24 hours after the incident. The bill also provides that the privilege enjoyed by such committees and entities applies only to communications originating with them and not communications provided to them. The bill also provides that reports of patient safety data in possession of a patient safety organization are discoverable if the reports are made available or required to be made available to health regulatory boards or other agencies by state or federal law. The bill further provides that the policies and procedures of such organizations and entities are not privileged and may be admissible in civil, criminal, or administrative hearings. This bill has been incorporated into HB 2373.

*Patron - Cleaveland*

**HB2380 Firearms stored in employee vehicle; employer liability.** Provides civil immunity for employers who do not prohibit their employees from storing a firearm in their vehicles while parked on the employer's property from damages resulting from the storage of such firearm.

*Patron - Pogge*

**HB2452 Virginia Tort Claims Act; localities.** Includes counties, cities, and towns under the provisions of the Virginia Tort Claims Act and thereby statutorily abolishes sovereign immunity for such localities up to the maximum limits of the statutory cap on damages.

*Patron - Alexander*

**HB2511 Immunity for persons acting in defense of persons.** Provides civil immunity for an occupant of a dwelling who injures or kills another while engaged in the defense of his dwelling when (i) the other person has unlawfully entered the dwelling and committed an overt act toward the occupant or another person in the dwelling and (ii) the occupant reasonably believes that he or another person in the dwelling is in imminent danger of bodily injury.

*Patron - Cleaveland*

**SB806 Expert witnesses; literature designations.** Provides that if any party, during the direct examination of his own expert witness, intends to rely on statements in treatises, periodicals, or pamphlets previously designated by an opposing party, copies of such specific statements must be provided to all parties within 10 days after receipt of the opposing party's designation unless ordered by the court. This bill is a recommendation of the Boyd-Graves Conference.

*Patron - Obenshain*

**SB831 Issuance of civil investigative demands under the Virginia Fraud Against Taxpayers Act.** Provides that the Attorney General may not issue a civil investigative demand to a Virginia public institution of higher education when the claim relates to a matter of academic inquiry or research. This bill incorporates SB 1314.

*Patron - Petersen*

**SB845 Legislative speech or debate of local elected officials.** Provides that an elected member of a local governing body shall not be compelled by law to be questioned on any speech or debate engaged in by the elected member during the exercise of his legislative powers without leave of court.

*Patron - Petersen*

**SB851 Temporary injunctions.** Provides that, in assessing whether to award a temporary injunction, a court shall review the following factors: (i) the likelihood of irreparable harm to the party seeking the temporary injunction if the temporary injunction is denied; (ii) the likelihood of harm to the party not seeking the temporary injunction if the temporary injunction is granted; (iii) the likelihood that the party seeking the temporary injunction will succeed on the merits; and (iv) the public interest.

*Patron - Petersen*

**SB1120 Court's jurisdiction to enforce judgment lien through sale of real estate.** Provides that a court shall not decree real estate to be sold to enforce a judgment lien if (i) such real estate is used as the owner's primary residence, (ii) such owner has an annual household gross income below \$59,000, and (iii) the value of such real estate is not greater than \$150,000 based upon the most recent tax assessment. However, this exception shall not apply if the judgment at issue was rendered against the owner of the real estate for the com-

mission of an intentional tort or fraud or the failure to pay a child or spousal support obligation or state or local taxes or levies.

*Patron - McEachin*

**SB1169 Nonjudicial records; costs.** Provides that the party requesting a subpoena or on whose behalf an attorney-issued subpoena duces tecum was issued for nonjudicial records is liable for the reasonable charges of the Commonwealth or of any political subdivision or agency of the Commonwealth, including searching, copying, and mailing the items produced.

*Patron - Marsden*

**SB1241 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).

*Patron - Edwards*

**SB1314 Virginia Fraud Against Taxpayers Act.** Repeals the authority of the Attorney General to issue civil investigative demands. This bill was incorporated into SB 831.

*Patron - McEachin*

**SB1330 Medical malpractice actions.** Changes from 10 business days to 21 days the number of days after receipt of written request of a defendant in which the plaintiff must provide the defendant with a certification form that affirms that the plaintiff had obtained the necessary certifying expert opinion at the time service was requested or affirms that the plaintiff did not need to obtain a certifying expert witness opinion. The bill further provides that this certification form is not necessary if the complaint, counter claim, or third party claim contains the foregoing affirmation.

*Patron - Herring*

**SB1381 Interlocutory appeal; sovereign immunity.** Provides that the Commonwealth or any agency, instrumentality, political subdivision, or agent or employee thereof, has an appeal of right to the Supreme Court of Virginia of any order denying a plea of sovereign immunity entered in a civil action prior to the commencement of trial.

*Patron - Stanley*

## Commercial Code / General Provisions

Passed

**HB2206 Title 8.6A; Uniform Commercial Code - Bulk Sales.** Repeals Title 8.6A of the Code of Virginia, which is considered obsolete and has been repealed in 45 states. The National Conference of Commissioners on Uniform State Laws states that there is no evidence that fraudulent bulk sales

occur frequently enough or engender credit losses significant enough to require regulation of all bulk sales.

*Patron - Comstock*

## Failed

**HB1718 Uniform Commercial Code; negotiable instruments and bank deposits and collections.** Updates Articles 3 (Negotiable Instruments) and 4 (Bank Deposits and Collections) of the UCC to reflect court decisions and advances in technology. The amendments cover the following topics: payment and discharge, telephonically generated checks, electronic communications, and consumer notices. The amendments to Articles 3 and 4 were completed by the Uniform Law Commissioners, in conjunction with the American Law Institute, in 2002 and have been enacted in 10 states.

*Patron - Merricks*

## Commonwealth Public Safety

## Passed

**HB2213 Driver training standards for law-enforcement emergency calls and pursuits.** Provides that the Department of Criminal Justice Services shall establish training standards and publish a model policy for law-enforcement personnel assigned to vehicle patrol duties that embody best practices for pursuits and for responding to emergency calls.

*Patron - McQuinn*

**HB2271 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*

**HB2387 Powers and duties of the Criminal Justice Services Board and the Department of Criminal Justice Services.** Repeals the requirements for the Department of Criminal Justice Services to (i) establish a Crime Prevention Center, (ii) adopt regulations for the implementation of detoxification center programs, and (iii) adopt the "McGruff" symbol and criteria for designation as a McGruff House. The bill also repeals the authority of the Board to provide for the coordination of the operation of a statewide comprehensive criminal justice information system for the exchange of criminal history record information among the criminal justice agencies of the state and its political subdivisions. In addition, the bill provides that the Virginia Law-Enforcement Accreditation Center established by the Department may, in cooperation with Virginia law-enforcement agencies, give technical assistance and administrative support, including staffing, for the establishment of a voluntary state law-enforcement accreditation standard. Under current law, the Department is required to give such assistance and support. This bill is identical to SB 1163.

*Patron - Miller, J.H.*

**HB2437 Regulation of bail bondsmen.** Provides that a licensed bail bondsman shall not charge less than 10 per-

cent or more than 15 percent of the amount of the bond for a bail bond premium and shall not loan money with interest for the purpose of helping another obtain a bail bond. A bail bond premium is defined as the amount of money paid to a licensed bail bondsman for the execution of a bail bond.

*Patron - Herring*

**SB944 Training standards for law-enforcement emergency calls and pursuits and lineups.** Requires the Department of Criminal Justice Services to establish training standards and publish a model policy for law-enforcement personnel assigned to vehicle patrol duties that embody current best practices for pursuits and for responding to emergency calls and to establish training standards and publish a model policy for law-enforcement personnel involved in criminal investigations that embody current best practices for conducting photographic and live lineups.

*Patron - Howell*

**SB1163 Powers and duties of the Criminal Justice Services Board and the Department of Criminal Justice Services.** Repeals the requirements for the Department of Criminal Justice Services to (i) establish a Crime Prevention Center, (ii) adopt regulations for the implementation of detoxification center programs, and (iii) adopt the "McGruff" symbol and criteria for designation as a McGruff House. The bill also repeals the authority of the Board to provide for the coordination of the operation of a statewide comprehensive criminal justice information system for the exchange of criminal history record information among the criminal justice agencies of the state and its political subdivisions. In addition, the bill provides that the Virginia Law-Enforcement Accreditation Center established by the Department may, in cooperation with Virginia law-enforcement agencies, give technical assistance and administrative support, including staffing, for the establishment of a voluntary state law-enforcement accreditation standard. Under current law, the Department is required to give such assistance and support. This bill is identical to HB 2387.

*Patron - Reynolds*

## Failed

**HB1579 Sex offender registry; penalties.** Requires registrants to disclose all real property owned in the Commonwealth, including property that they own jointly or through a corporation or partnership. Access to the real property information must be available on the State Police-maintained website.

*Patron - Dance*

**HB1628 Sex offender registry; registration and reregistration.** Makes procedural changes to some of the registration and reregistration procedures set forth in the Sex Offender and Crimes Against Minors Registry Act. Where current law requires registration or reregistration to take place within three days, the bill clarifies that this means business days. The bill also specifies that when a person is required to reregister within 30 minutes of a change to an electronic mail or Internet communication identity, and such reregistration takes place electronically, the reregistration is deemed to have occurred when the person sent the update, and not when it was received or opened by the law-enforcement agency. Finally, the bill requires the Department of State Police to develop a system for allowing electronic reregistration of email and other Internet communication identity information. Current law allows this to be done electronically, but no system exists to implement the provision.

*Patron - Watts*

**[F]HB1678 Overtime compensation of correctional officers.** Adds full-time, duly-sworn employees of correctional facilities whose duties relate to the control, supervision, and custody of prisoners to the definition of "law-enforcement employee" for purposes of overtime compensation.

*Patron - Englin*

**[F]HB1932 Domestic abuser registry established; penalty.** Defines "domestic abuser" as an adult who has been convicted of a violation of § 16.1-253.2, 18.2-57.2, or 18.2-60.4 or of a substantially similar law of another state or of the United States and requires any domestic abuser physically within the boundaries of the Commonwealth for more than 10 consecutive days to register in person with the sheriff of the county or city in which the domestic abuser resides or is located. The bill also requires the offender to reregister annually. Failure to register or reregister is a Class 6 felony. The bill requires the sheriff to notify every residence and business within a one-half-mile radius of the abuser's residence or location within 10 days of initial registration. The bill requires that registry information be maintained in a central registry by the State Police and posted on the State Police website.

*Patron - Marshall, D.W.*

**[F]HB2214 Department of Criminal Justice Services; plan for prevention of juvenile delinquency.** Directs the Department of Criminal Justice Services to develop a comprehensive, statewide, long-range plan for the prevention of juvenile delinquency in the Commonwealth.

*Patron - McQuinn*

**[F]HB2382 Written notice to sex offenders of applicable laws.** Directs that a copy of all laws applicable to the requirements placed upon persons who must register or reregister with the Sex Offender and Crimes Against Minors Registry be provided to such persons once per year upon registration or upon reregistration. The Attorney General is responsible for approving the list of laws to be provided, and such list shall be printed from the Department of State Police website and given directly to the person along with his receipt of registry.

*Patron - Pogge*

**[F]HB2405 Accuracy of blood alcohol test equipment.** Provides that equipment used to test the blood alcohol content of breath that generates a certificate of analysis admissible under § 18.2-268.9 (use of breath test certificate as evidence) shall be presumed to be accurate.

*Patron - Cleaveland*

**[F]HB2412 Sex offender registry.** Provides that no court order or plea agreement shall state that a person is not required to register with the Sex Offender and Crimes Against Minors Registry.

*Patron - Lingamfelter*

**[F]HB2432 Law-Enforcement Procedural Guarantee Act; definition of law-enforcement officer.** Adds certain employees of the Department of Corrections to the definition of "law-enforcement officer" for purposes of the Law-Enforcement Procedural Guarantee Act.

*Patron - Tyler*

**[F]SB1172 Training standards for law-enforcement using tracking devices during pursuits.** Requires the Department of Criminal Justice Services to establish training standards and publish a model policy for law-enforcement personnel for use of an electronic or mechanical tracking device in law-enforcement vehicle pursuits.

*Patron - Marsden*

**[F]SB1187 Reimbursement for law-enforcement training by certain public employers.** Provides that whenever a public employer provides law-enforcement training for a person who has been or will be hired as a law-enforcement officer with such employer, and such person terminates his position with the employer to work as a law-enforcement officer within two years of completing the training, then the subsequent employer shall reimburse the former employer the reasonable costs incurred for the training.

*Patron - Norment*

**[F]SB1208 Sex offender registry.** States that any court order or plea agreement that provides that a person is not required to register with the Sex Offender and Crimes Against Minors Registry is invalid and void ab initio if such provision is in conflict with the provisions of the Registry Act.

*Patron - Obenshain*

**[F]SB1407 Line of Duty Act; fire company personnel of the Virginia National Guard and the Virginia Air National Guard.** Includes under the coverage of the Line of Duty Act individuals employed as fire company personnel for the Virginia Air National Guard or the Virginia National Guard's Fort Pickett Reserve.

*Patron - Ruff*

**[F]SB1409 Sex offender registry.** Requires registration when a person 18 years of age or older is convicted of engaging in consensual sexual intercourse with a child 15 years of age or older. Registration will also be required for someone convicted of the federal crime of video voyeurism. Portions of the crimes against nature statute are moved from the regular registry to become classified as sexually violent offenses. Juveniles over the age of 13 adjudicated delinquent of a registerable offense on or after July 1, 2005, must register; however, their information is not required to be published on the Internet. Under current law the court has discretion in requiring registration for such juveniles. Passport and immigration information is added to the registration information that an offender must provide. Photographs will be taken at the time of physical verification by the authorities rather than every two years.

*Patron - Stanley*

## Conservation

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### Passed

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**[P]HB1495 Erosion and sediment control plans; local waste, water, and sewer authorities.** Authorizes water, sewer, sewage disposal, stormwater control, refuse collection, and disposal authorities to file a general erosion and sediment control plan annually with the Virginia Soil and Water Conservation Board. The Board may also charge fees equal to the lower of (i) \$1,000 or (ii) an amount sufficient to cover the costs associated with standard and specification review and approval, project inspections, and compliance.

*Patron - Ware, O.*

**[P]HB1621 Open-space land.** Expands the definition of open-space land in the Open-Space Land Act to include lands provided or preserved for agricultural and forestal production. This bill is identical to SB 1104.

*Patron - Knight*

**[P]HB1625 Qualified fumigation facilities exempted from regulations.** Exempts facilities referred to as qualified

fumigation facilities from various state and federal regulations. Qualified fumigation facilities conduct commodity fumigation using certain chemicals regulated under the Clean Air Act and as required by law and regulation are not otherwise exempt under regulations of the State Air Pollution Control Board, have the potential to emit less than 10 tons per year of any hazardous air pollutant or 25 tons per year of any combination of hazardous air pollutants, and either (i) conduct fumigation activities that are at least 300 feet from an area regularly occupied by the public, (ii) are performed in buildings or containers that are sealed during fumigation and that voluntarily employ capture and control technologies for the fumigant emissions, or (iii) are monitored utilizing equipment and methods recognized as an industry standard or by the National Institute for Occupational Safety and Health. Qualified fumigation facilities must also post signs at the sites of fumigation activities and provide the Department of Environmental Quality with written notice and reports.

*Patron - Knight*

**HB1715 Notification of conservation easement.** Removes the requirement that the person recording the conservation easement mail a certified copy to the Attorney General. The bill does require that copies of the easement and any associated plats be mailed to the commissioner of revenue for the locality in which the property under easement is located, the Director of the Department of Conservation and Recreation, the Virginia Outdoors Foundation, and any other public body named in the instrument. If the easement is on lands where there is a historic place or landmark listed on the National Register of Historic Places or the Virginia Landmarks Register, notice of the date and place of recordation has to be given to the Department of Historic Resources rather than the Virginia Historic Landmarks Board, which currently receives such notice.

*Patron - Wilt*

**HB1739 Right of entry.** Gives the operators of a permitted MS4 system (localities) the right of entry to inspect properties that discharge into their municipal separate storm sewer facilities.

*Patron - Bulova*

**HB1743 Nottoway River scenic designation.** Extends that portion of the Nottoway River that is designated as a scenic river from the current 39.5 miles to 72.5 miles. The bill does not preclude the Commonwealth or a local governing body from constructing, reconstructing, operating, or performing necessary maintenance on any transportation or public water supply project. This bill incorporates HB 2137. This bill is identical to SB 778.

*Patron - Tyler*

**HB1829 Virginia Soil and Water Conservation Board.** Increases the voting membership of the Virginia Soil and Water Conservation Board from 10 to 12 by adding three new at-large members and changing the voting privileges of the Director of the Department of Conservation and Recreation from a voting member of the Board to a nonvoting ex officio member. The three new at-large appointees are required to be knowledgeable of stormwater management. This bill is identical to SB 1412.

*Patron - Scott, E.T.*

**HB2058 Water quality reports.** Consolidates several reports on the progress in cleaning up Virginia's impaired waters into semiannual and annual reports submitted by the Secretary of Natural Resources to the legislative committees of oversight.

*Patron - Poindexter*

**HB2167 Department of Conservation and Recreation; property conveyance.** Authorizes the Department of Conservation and Recreation to negotiate a land exchange of a part of 1,191 acres for receipt of 36 acres in an area known as Biscuit Run in Albemarle County, Virginia. The purpose of this exchange is to provide the Department with a site for a state park that is less encumbered with private uses that may be detrimental to operations.

*Patron - Abbitt*

**HB2368 Supplemental environmental projects.** Authorizes the Virginia Soil and Water Conservation Board, the Director of the Department of Conservation and Recreation, and courts to provide for the undertaking of supplemental environmental projects through orders. A "supplemental environmental project" is an environmentally beneficial project undertaken as partial settlement of a civil enforcement action that is not otherwise required by law. The project must have a reasonable geographic nexus to the violation or, if no such project is available, advance objectives of the law or regulation violated. Categories of qualifying projects are listed in the bill, as are factors to be considered in determining the appropriateness and value of a project. The project must be agreed to by the person who is subject to the order and is enforceable as is any other provision of the order. A board, agency, or court decision to agree to a project is not subject to appeal. A similar authority was granted to the Department of Environmental Quality in 1997.

*Patron - Ware, R.L.*

**HB2424 Scenic river.** Designates a 19.2-mile segment of the Appomattox River in Chesterfield County as a scenic river. The bill does not preclude the Commonwealth or a local governing body from constructing, reconstructing, operating, or performing necessary maintenance on any road or bridge project. The owner of the Harvell Dam in the City of Petersburg may construct, reconstruct, operate, and maintain the Harvell Dam subject to other law and regulation.

*Patron - Ingram*

**SB778 Nottoway River scenic designation.** Extends that portion of the Nottoway River that is designated as a scenic river from the current 39.5 miles to 72.5 miles. The bill does not preclude the Commonwealth or a local governing body from constructing, reconstructing, operating, or performing necessary maintenance on any transportation or public water supply project. This bill is identical to HB 1743.

*Patron - Lucas*

**SB793 Removal of mercury switches.** Extends the sunset from July 1, 2012, to July 1, 2015, on the law that requires the removal of mercury switches in certain motor vehicles prior to their demolition.

*Patron - Watkins*

**SB950 Maintenance of Confederate grave sites.** Authorizes the expenditure of \$5 per grave site or the average actual cost of routine maintenance for 310 graves in Fredericksburg Cemetery.

*Patron - Houck*

**SB1007 Permit fees for solid waste facilities.** Establishes the same fee structure for sanitary landfills, noncaptive industrial landfills, and construction and demolition debris landfills. All of these types of facilities will be required to pay an annual fee of \$0.115 per ton of waste deposited in their facility. Currently, noncaptive industrial landfills pay an annual fee of \$8,000 and construction and demolition debris landfills pay \$4,000 annually, while the fee schedule for sanitary land-



fills is based on the annual tonnage of waste deposited in the landfill. Incinerators and energy recovery facilities will be assessed an annual fee of \$0.055 per ton. The fees will be adjusted annually based on the Consumer Price Index. The annual fee has been increased for other types of facilities such as composting, regulated medical waste, transfer stations, etc. The bill also requires the Department of Environmental Quality to continue its efforts to improve its solid waste program and submit a report to the General Assembly regarding such efforts by December 1, 2011.

*Patron - Watkins*

**SB1058 Air emissions; repeal of laws and regulations related to the Clean Air Interstate Rule.** Repeals air emissions laws and regulations related to the federal Clean Air Interstate Rule upon the earlier of (i) the date when facilities in the Commonwealth become subject to the requirements of a federal implementation plan adopted by the U.S. Environmental Protection Agency in response to the remand of the Clean Air Interstate Rule or (ii) the effective date of a final rule adopted by the State Air Pollution Control Board implementing federal requirements adopted by the U.S. Environmental Protection Agency in response to the remand of the Clean Air Interstate Rule. The bill requires that, in the event the State Air Pollution Control Board develops a final rule to implement federal requirements adopted by the U.S. Environmental Protection Agency in response to the remand of the Clean Air Interstate Rule, the State Air Pollution Control Board shall evaluate the inclusion of a renewable and energy-efficiency source set-aside as part of a new source set-aside when developing such rule.

*Patron - McDougle*

**SB1060 Dam safety; regulation of impoundment structures.** Allows the Director to provide financial assistance for the determination of the hazard classification for impounding structures, dam break analysis, the mapping and digitization of dam break inundation zones, incremental damage analysis, and other engineering requirements such as emergency action plan development. Dam owners whose impounding structure is not classified, or whose impounding structure is already classified but the owner believes that conditions indicate that the hazard potential classification should be reduced, may request that the Department conduct a simplified dam break inundation zone analysis to determine whether the impounding structure has a low hazard potential classification. Dam owners shall pay a fee not to exceed 50 percent of the costs for such services. If the Department finds that the impounding structure has a low hazard potential classification, the owner shall be eligible for coverage under a general permit. This bill incorporates SB 1406.

*Patron - McDougle*

**SB1064 Erosion and sediment control plans; local waste, water, and sewer authorities.** Authorizes water, sewer, sewage disposal, stormwater control, refuse collection, and disposal authorities to file a general erosion and sediment control plan annually with the Virginia Soil and Water Conservation Board. For such authorities, the Board may also charge fees equal to the lower of (i) \$1,000 or (ii) an amount sufficient to cover the costs associated with standard and specification review and approval, project inspections, and compliance.

*Patron - Edwards*

**SB1099 Nonpoint nutrient offsets.** Establishes priorities to be used by permit issuing authorities when considering off-site phosphorous control options for stormwater permits. The bill also provides conditions under which use of an off-site option can be granted. In addition, permit-issuing authorities are to allow the full or partial substitution of nonpoint nutrient

offsets for existing on-site nutrient control when the offsets will compensate for 10 or fewer pounds of the annual phosphorous requirement associated with the land-disturbing activity or the existing on-site controls are not functioning as anticipated and the use of the offset will make up the deficiency. The bill authorizes the acquisition of nonpoint nutrient offsets in compliance actions to compensate for nutrient control deficiencies when nutrient control deficiencies occur during the period of noncompliance and for permanent deficiencies. The prioritization established for existing nutrient reductions at the time of the land-disturbing activity and the conditions under which off-site options may be utilized are limited to those instances when there are nonpoint nutrient offsets available within the locality.

*Patron - Hanger*

**SB1100 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*

**SB1104 Open-space land.** Expands the definition of open-space land in the Open-Space Land Act to include land which is provided or preserved for agricultural and forestal production. This bill is identical to HB 1621.

*Patron - Hanger*

**SB1119 Department of Environmental Quality; permit compliance; civil penalty procedures.** Increases the limit of a civil penalty issued by a special order of the Director of the Department of Environmental Quality from \$10,000 to \$10,000 for an initial violation, \$15,000 for a second violation of the same provision, or \$30,000 for a third or subsequent violation of the same provision. The Department may issue a civil penalty of not more than \$10,000 after providing reasonable notice of the civil penalty in writing and allowing for an informal fact finding proceeding upon request. Additionally, the Department of Environmental Quality is required to develop guidance to improve communication and coordination between the Department of Environmental Quality and local governments regarding landfills, other than captive industrial landfills, including the issuance of permits.

*Patron - McEachin*

**SB1300 Department of Conservation and Recreation; conveyance of property.** Authorizes the Department of Conservation and Recreation to divest itself of certain properties that were conveyed to it by Norfolk Southern Railroad for the High Bridge Trail State Park. These properties have no potential utility to the High Bridge Trail State Park and the divestiture would eliminate any liability to the Department associated with the private use of property by adjacent landowners, which preceded the donation by Norfolk Southern Railroad.

*Patron - Ruff*

**[P]SB1410 Confederate graves.** Provides funds for the maintenance of 407 Confederate graves at Portsmouth Cedar Grove Cemetery.  
*Patron - Quayle*

**[P]SB1412 Virginia Soil and Water Conservation Board.** Increases the voting membership of the Virginia Soil and Water Conservation Board from 10 to 12 by adding three new at-large members and changing the voting privileges of the Director of the Department of Conservation and Recreation from a voting member of the Board to a nonvoting ex officio member. The three new at-large appointees are required to be knowledgeable of stormwater management. This bill is identical to HB 1829.

*Patron - Martin*

**[P]SB1427 Criteria for water reuse.** Requires the Secretary of Natural Resources, in developing written guidelines for awarding grants from the Water Quality Improvement Fund, to develop guidelines that define criteria and financial incentives for water reuse.

*Patron - Hanger*

**[P]SB1456 Soil and Water Conservation Board; dam safety.** Requires owners of dams who submit annual certifications relating to dam compliance to do so each year by January 15. Dam owners who fail to submit certifications in a timely fashion shall not enjoy the presumption that the dam is deemed to be in compliance with the spillway requirements of the Board's Impounding Structure Regulations. Dam owners must also make the same certifications available, upon request and within five business days, to any person. At each meeting of the Soil and Water Conservation Board, the Director of the Department of Conservation and Recreation shall identify those impounding structures that are currently classified as high hazard and determined noncompliant.

*Patron - Hanger*

## Failed

**[F]HB1397 Residential energy efficiency standards.** Exempts any residential building or manufactured home in Virginia from being subject to federal legislation relating to residential energy efficiency standards if such buildings comply with the Statewide Uniform Building Code. Except to the extent required by the Statewide Building Code, the owner of such building or home cannot be required by the federal government to (i) have an energy efficiency analysis conducted on his residence, (ii) have his residence meet federal energy efficiency standards, (iii) participate in a building performance labeling program, (iv) make modifications to the residence in accordance with federal legislation, and (v) post a label showing the energy efficiency of his home prior to its sale. The bill also prohibits a state agency from assisting any federal agency in the implementation of global warming or climate change legislation.

*Patron - Marshall, R.G.*

**[F]HB1398 Air pollution emissions.** Defers to the U.S. Environmental Protection Agency (EPA) the enforcement of any carbon dioxide standards or cap and trade provisions that are included in the federal Clean Air Act. The Governor through an executive order or the General Assembly is prohibited from enforcing any climate change international agreement until such agreement is part of an international treaty that has been approved by the U.S. Senate. 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 state. The Governor is to

report his findings to the General Assembly. The bill authorizes the Attorney General to bring an action against the EPA if he finds that the mandated standards are based on a finding that is not scientifically demonstrated.

*Patron - Marshall, R.G.*

**[F]HB1474 Erosion and sediment control specifications.** Allows public service authorities to annually file general erosion and sediment control specifications with the Virginia Soil and Water Conservation Board for the construction of water and sewer lines.

*Patron - Ware, O.*

**[F]HB1498 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 - Ware, O.*

**[F]HB1615 Cemeteries and graves of historic significance.** Expands an existing program under which funds are available to organizations maintaining Confederate cemeteries and graves to include other cemeteries and graves of historic significance. Two cemeteries owned by the City of Richmond are added to the list of those for which organizations may receive money for maintenance. The bill also requires the Director of the Department of Historic Resources to develop a procedure for the certification of grave sites of slaves for the purpose of assisting groups interested in maintaining such sites to verify the accuracy of information indicating that slaves are buried at the site.

*Patron - Ward*

**[F]HB1751 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 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, 2012, 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. This bill was incorporated into HB 1831.

*Patron - Plum*

**[F]HB2137 Nottoway River scenic designation.** Extends that portion of the Nottoway River that is designated as a scenic river from the current 39.5 miles to 72.5 miles. This bill was incorporated into HB 1743.

*Patron - Barlow*

**[F]HB2263 State and local tax and regulatory relief for, and preservation of, commercial fisheries.** Provides for tax and regulatory relief for and preservation of commercial fisheries by (i) including waterfront land used for commercial fisheries in property eligible for land preservation income tax credits; (ii) permitting localities to create commercial fisheries

zones in which businesses may receive relief from local license taxes, fees, and regulations; (iii) creating as a separate class of property for personal property tax rate purposes property primarily designed for and used by commercial fisheries; and (iv) establishing procedures for creating a covenant to preserve the permanent availability and affordability of real property for commercial fisheries businesses.

*Patron - Morgan*

**[F]HB2287 Permit fees for solid waste facilities.**

Establishes the same fee structure for sanitary landfills, non-captive industrial landfills, and construction and demolition debris landfills. All of these types of facilities will be required to pay an annual fee of \$0.145 per ton of waste deposited in their facility. Currently, noncaptive industrial landfills pay an annual fee of \$8,000 and construction and demolition debris landfills pay \$4,000 annually, while the fee schedule for sanitary landfills is based on the annual tonnage of waste deposited in the landfill. Incinerators and energy recovery facilities will be assessed an annual fee of \$0.03 per ton. The fees will be adjusted annually based on the Consumer Price Index. The annual fee has been increased for other types of facilities such as composting, regulated medical waste, transfer stations, etc. The bill also requires the Department of Environmental Quality to develop and implement policies and procedures to maximize efficiency and eliminate unnecessary delays in processing waste permit applications and permit amendments.

*Patron - Sickles*

**[F]HB2344 Disposal of cigarette butts.** Imposes a civil penalty of \$100 for each cigarette butt that is improperly disposed of. The proceeds from the civil penalties will be deposited in the Litter Control and Recycling Fund.

*Patron - Morrissey*

**[F]HB2348 Fertilizer and deicing agents; regulation of application; penalty.** Requires certain localities to regulate the sale and application of fertilizers and deicing agents. In those localities, effective January 1, 2014, fertilizer shall not (i) contain phosphorus, (ii) be applied during winter months, or (iii) be applied on impervious surfaces. The restrictions do not apply to newly established turf or lawn areas during their first growing season, turf or lawn areas where recent soil tests confirm the need for phosphorus, or gardens or to the application of compost. The sale of any deicing agent containing urea or other forms of nitrogen or phosphorus is also prohibited. A locality may impose a civil penalty not to exceed \$250 per violation per day, not to exceed a total of \$2,000 per year. This bill was incorporated into HB 1831.

*Patron - Morrissey*

**[F]HB2470 Department of Environmental Quality; carbon dioxide.** Prohibits the State 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*

**[F]SB1303 Air pollution; outdoor wood-burning heaters.** Requires the State Air Pollution Control Board to develop a model ordinance for localities that could be used, in the discretion of the locality, to regulate air pollution emissions resulting from the use of outdoor hydronic heaters such as residential wood-fired boilers.

*Patron - Ruff*

**[F]SB1406 Definition of impounding structure.**

Exempts dams that are operated primarily for agricultural preservation and conservation purposes and that (i) are less than 30 feet in height or (ii) create a maximum impoundment capacity smaller than 100 acre-feet from the definition of impounding structure. Currently, the exemption applies to dams operated primarily for agricultural purposes that are less than 25 feet in height and that create a maximum impoundment capacity smaller than 100 acre-feet. The bill also contains technical amendments. This bill was incorporated into SB 1060.

*Patron - Vogel*

## Corporations

### Passed

**[P]HB2358 Benefit corporations.** Authorizes a Virginia stock corporation to elect to be a benefit corporation. A benefit corporation is required to have, as one of its purposes, the purpose of creating a general public benefit, which is defined as a material positive impact on society and the environment taken as a whole, as measured by a third-party standard, from the business and operations of a benefit corporation. In addition, a benefit corporation may have the purpose of creating one or more specific public benefits, which include providing low-income or underserved individuals or communities with beneficial products or services; promoting economic opportunity for individuals or communities beyond the creation of jobs in the normal course of business; preserving the environment; improving human health; promoting the arts, sciences, or advancement of knowledge; increasing the flow of capital to entities with a public benefit purpose; and conferring any other particular benefit on society or the environment. In discharging their duties and considering the best interests of the benefit corporation, the board of directors and individual directors consider the effects of any corporate action on shareholders, employees, customers, and other persons and issues. A benefit corporation shall deliver to shareholders an annual report describing the ways in which the corporation generally pursued its general public benefit and related matters. A copy of the report shall be posted on the corporation's website.

*Patron - McClellan*

**[P]SB1356 Limited liability companies; derivative actions.** Removes a provision that allows a member of a limited liability company to bring a derivative action without first demanding that the members or managers of the limited liability company bring the action if an effort to cause the members or managers to bring the action is not likely to succeed. Without this "futility" exception, a member will be required in every case to make a demand on the limited liability company before bringing a derivative action. A member shall not bring a derivative proceeding unless he fairly and adequately represents the interests of the limited liability company and is a proper plaintiff.

*Patron - Stosch*

**[P]SB1387 Automobile clubs; exemption.** Exempts an entity from licensing and other requirements applicable to automobile clubs if the entity contracts with a licensed automobile club for the provision of emergency road service and towing service to the entity's customers.

*Patron - Wampler*

## Failed

**HB1730 Moratorium on filing fees for business entities.** Provides that the State Corporation Commission shall not collect any filing fee, charter fee, or entrance fee for filing certain documents regarding domestic or foreign stock or non-stock corporations, limited liability companies, and limited partnerships. The measure expires July 1, 2012. The measure will take effect 21 days from enactment.

*Patron - Massie*

## Counties, Cities and Towns

## Passed

**HB1521 Authorities as political subdivisions.** Specifies that water authorities, sewer authorities, sewage disposal authorities, stormwater control authorities, and refuse collection and disposal authorities are political subdivisions of the Commonwealth.

*Patron - Landes*

**HB1522 Water and Waste Authorities; eminent domain powers.** Amends the current law so that water and waste authorities have the power to exercise eminent domain as set out in Chapter 2 (§ 25.1-200 et seq.) or Chapter 3 (§ 25.1-300 et seq.) of Title 25.1 of the Code of Virginia, rather than with the same authority as is vested in the Commonwealth Transportation Commissioner.

*Patron - Landes*

**HB1668 City of Richmond; funding for community revitalization activities.** Allows the City of Richmond to establish an enhanced building rehabilitation process using a newly created community revitalization fund for derelict residential property to combat blight, crime, and neighborhood decay.

*Patron - McClellan*

**HB1737 Regulation of stormwater management systems.** Clarifies statutory language and makes technical changes regarding a locality's authority to regulate stormwater management systems. This bill incorporates HB 1760.

*Patron - Bulova*

**HB1769 Annexations by townships.** Amends the law to allow townships to use the traditional annexation process to seek to expand their boundaries as long as the consolidation agreement includes a provision allowing the exercise of that power. Only townships created as a result of a consolidation occurring subsequent to July 1, 2011, are authorized to use this annexation process. This bill is identical to SB 900.

*Patron - Shuler*

**HB1771 Allocation of deputies to cities.** Authorizes the State Compensation Board to allocate law-enforcement deputies to a city sheriff in cities without a police force if the city was created by the consolidation of a city and a county subsequent to July 1, 2011. This bill is identical to SB 901.

*Patron - Shuler*

**HB1772 Lien for water and sewer charges.** Adds the Town of Clifton Forge 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. This bill is identical to SB 1228.

*Patron - Shuler*

**HB1809 Duties of attorneys for the Commonwealth and their assistants.** Provides that elected and assistant attorneys for the Commonwealth may enforce the provisions of subsection D of § 18.2-268.3 (the civil offense of refusal to submit to the DUI blood alcohol test). The bill contains an emergency clause.

*Patron - Surovell*

**HB1844 Notice of zoning administrator actions.** Provides that when an applicant requesting a determination or other action from the zoning administrator is not the owner of the subject property, written notice shall be given to the owner within 10 days of the request.

*Patron - Athey*

**HB1872 Public infrastructure maintenance bonds.** Allows localities to require public infrastructure maintenance bonds from developers and property owners in conjunction with the construction of single- and two-family homes in instances where the provisions of a subdivision ordinance are not applicable. Such maintenance bonds shall not exceed an amount reasonably necessary to maintain and repair publicly owned streets, sidewalks and infrastructure on site or immediately adjacent to the construction and shall not exceed a maximum of \$5,000. The ordinance shall make provision for the inspection of bonded improvements within five business days of completion and release of any performance guarantee within five business days of such inspection. This bill is identical to SB 1231.

*Patron - Toscano*

**HB1931 Zoning; clustering.** Provides that a cluster development is otherwise subject to applicable land use ordinances of the locality; however, the locality shall not impose more stringent land use requirements for such cluster development. Also, the locality shall not prohibit extension of water or sewer from an adjacent property to a cluster development provided the cluster development is located within an area designated for water and sewer service by a county, city, or town.

*Patron - Marshall, D.W.*

**HB1963 Resident curator programs.** Provides that a locality may develop a resident curator program for the purpose of managing, preserving, maintaining, or operating historic areas owned or leased by the locality.

*Patron - Rust*

**HB1965 Local capital improvement programs.** Adds "life cycle costs" to the facilities estimates prepared as part of the capital improvement program.

*Patron - Rust*

**HB2004 Bonds; public notice.** Provides that the public notice issued prior to a public hearing held in conjunction with the issuance of bonds shall state the proposed use of the proceeds, and if there is more than one use, state the proposed uses for which more than 10 percent of the total bond proceeds is expected to be used. In addition, a similar notice shall be provided to voters prior to a referendum involving the issuance of bonds.

*Patron - LeMunyon*

**HB2075 Private capital lending for local governments.** Allows a local government to enter into certain conduit

lending agreements to finance certain capital projects. This bill is identical to SB 1352.

*Patron - Ingram*

**[P]HB2078 Agricultural and Forestal Districts Act; administration of program.** Creates a program administrator designated by the local governing body to oversee the application process under the Agricultural and Forestal Districts Act. Localities are given the authority to prescribe which maps or aerial photographs shall accompany the application, and applications are to first be reviewed by the program administrator and the advisory committee before going to the local governing body. Currently, the applications are first reviewed by the local governing body before going to the planning commission and advisory committee for their recommendations. The procedure for withdrawal of land from agricultural and forestal districts is amended to mirror the procedure for creation of a district. This bill is identical to SB 1092.

*Patron - Landes*

**[P]HB2100 Regulation of certain family day homes.** Allows certain Northern Virginia localities to require persons who provide child-care services to provide certification from a national criminal background check in addition to other certifications that may be currently required.

*Patron - Bulova*

**[P]HB2132 Cutting of grass; James City County.** Adds James City County to the list of localities that may enforce a grass cutting ordinance on occupied property. The existing general provisions apply to vacant property only. This bill is identical to SB 1354.

*Patron - Barlow*

**[P]HB2142 Fees for bad checks to localities.** Raises the fee a locality may charge for the passing of a bad check to the locality from \$35 to \$50.

*Patron - Johnson*

**[P]HB2171 Real and personal property tax interest and penalties; Town of Coeburn.** Permits the Town of Coeburn (i) to waive the interest and penalty payments on real and personal property taxes for all tax years beginning prior to January 1, 2009, provided that the taxes are paid during the period October 1, 2009, through December 31, 2011, and (ii) to refund any interest and penalty paid on such taxes during that time period.

*Patron - Phillips*

**[P]HB2217 Local disability services.** Eliminates the Disability Services Council and the State Rehabilitative Services Incentive Fund, the requirement that localities establish local disability services boards, and the authority of localities to establish local rehabilitative services incentive funds. This bill is identical to SB 1276.

*Patron - Stolle*

**[P]HB2284 Jail processing fee.** Allows a locality to divide the fees collected post-conviction proportionately between a police department and the sheriff's department if costs are incurred by a police department for booking or fingerprinting services. Currently, the fee may go only to sheriff's offices and regional jails. This bill is identical to SB 777.

*Patron - James*

**[P]HB2297 Termination of water services; procedures to be followed.** Provides that a public utility providing water service shall not terminate service for nonpayment until it first sends written notice to the customer by mail 10 days in advance of making the termination. In no event shall service be

terminated until 20 days after the customer's bill has become due.

*Patron - Englin*

**[P]HB2329 Authorities for development of former federal areas; dissolution.** Allows authorities created by proclamation of the Governor for the development of former federal areas to be dissolved not only upon resolution of the governing body of each locality within the area of operation of the authority but also upon determination by the Governor that the dissolution is appropriate. This bill is identical to SB 1256.

*Patron - Lingamfelter*

**[P]HB2338 Alternative method for local government to give notice by mail.** Provides that a locality may give notice by regular mail in any instance in which two or more notices are required for the same action, the first notice is required to be sent by certified or registered mail, and at least one notice has previously been sent by certified or registered mail. Such notice shall be sent to the last address available through government records.

*Patron - Garrett*

**[P]HB2364 Joint aid agreements by localities.** Provides that a locality may, by ordinance or resolution, authorize its chief administrative officer to arrange for provision of aid to other localities or receipt of aid from other localities, including approval by the chief administrator of agreements with other localities, subject to availability of resources. The ordinance or resolution may include terms and conditions deemed necessary by the governing body for participation in such aid and shall set forth the scope of the chief administrator's authority. Deployed personnel acting pursuant to the ordinance or resolution of the governing body shall have the same authority and immunity in other localities as in the locality where they are employed or volunteer.

*Patron - Peace*

**[P]HB2408 Notice to localities of certain state projects.** Requires that notice of certain state capital projects involving new construction costing at least \$500,000 be sent to localities by registered mail and specifies that the notice shall be sent prior to, rather than during, the planning phase of the project. Failure of any state agency to strictly comply with such requirements will justify entry of an injunction on behalf of the locality.

*Patron - Ware, R.L.*

**[P]HB2409 Lien for water and sewer charges.** Adds the Town of Abingdon to the list of localities that may by ordinance provide that taxes or charges for water or sewer service shall be a lien on the real estate served by such waterline or sewer system.

*Patron - Johnson*

**[P]HB2411 Extension of land use approvals; performance bonds.** Provides that in instances where a locality has enacted a bonding moratorium or deferral option, existing performance bonds or other financial guarantees of completion may be waived or modified by the locality, in which case various land use approval extensions and deadline extensions shall continue to apply.

*Patron - Lingamfelter*

**[P]HB2425 Delinquent sewer and water fees and charges; notice.** Requires that prior to recording a lien on an owner's property for a tenant's unpaid water or sewer fees, the water or sewer authority shall provide the owner with 30 days' written notification. The owner can avoid the lien by paying the obligations. If the former tenant pays the authority after the

owner already has, the property owner shall be entitled to receive a refund and shall be subrogated against the former tenant in place of the authority in the amount paid by the property owner. Additionally, this legislation requires an authority to notify a property owner, if he so requests, of a tenant's delinquent water bill when a tenant's water bill has become 15 days delinquent. Furthermore, a locality or service authority may not deny service to a new tenant for unpaid fees and charges unless a lien has been recorded against the property owner. This bill is identical to SB 1216.

*Patron - Ingram*

**HB2472 Performance guarantees.** Provides that no locality shall require that a performance guarantee apply to any facility or improvement unless such facility or improvement is shown on the approved plat or plan. Also, the terms, conditions, and specifications contained in any agreement between a locality and an owner or developer of property entered into in conjunction with any performance guarantee shall be limited to those items provided for in the approved plan, plat, permit application, or similar document for which such performance guarantee is applicable.

*Patron - Poindexter*

**HB2478 Southwest Virginia Health Authority; appointments.** Adds two additional appointments to the Authority's board of directors.

*Patron - Phillips*

**HB2504 Transportation District Commission of Hampton Roads.** Provides for appointment by the Governor of one member of the Commission from each of the District's constituent localities. The bill also provides for the appointment of ex officio members with voting privileges by the District's constituent localities.

*Patron - Cosgrove*

**SB757 Pneumatic gun regulations; exceptions.** Requires that any ordinance which prohibits the shooting of pneumatic guns in certain areas shall have, among its exceptions, an exception to allow the firearm to be discharged on private property with permission of the owner when discharge is conducted with reasonable care to prevent a projectile from crossing the bounds of the property.

*Patron - Reynolds*

**SB773 Aircraft noise attenuation features.** Allows any locality, or adjacent locality, that has not only a United States Master Jet Base but also a licensed airport or United States government or military air facility to adopt and enforce building regulations relating to the provision or installation of acoustical treatment measures applicable to buildings and structures, or portions thereof, in Assembly, Business, Educational, Institutional, and Mercantile groups, as defined in the International Building Code. This legislation is a recommendation of the Hampton Roads Joint Land Use Study.

*Patron - Locke*

**SB777 Jail processing fee.** Allows a locality to divide the fees collected post-conviction proportionately between a police department and the sheriff's department if costs are incurred by a police department for booking or fingerprinting services. Currently, the fee may go only to sheriff's offices and regional jails. This bill is identical to HB 2284.

*Patron - Lucas*

**SB783 Zoning; clustering.** Provides that a cluster development is otherwise subject to applicable land use ordinances of the locality; however, the locality shall not impose more stringent land use requirements for such cluster develop-

ment. Also, the locality shall not prohibit extension of water or sewer from an adjacent property to a cluster development provided the cluster development is located within an area designated for water and sewer service by a county, city, or town.

*Patron - Watkins*

**SB799 City of Richmond; funding for community revitalization activities.** Allows the City of Richmond to establish an enhanced building rehabilitation process using a newly created community revitalization fund for derelict residential property to combat blight, crime, and neighborhood decay.

*Patron - McEachin*

**SB873 Subdivision of a lot held in trust for conveyance to a family member.** Authorizes localities to provide for subdivision of a lot for conveyance to a family member if the land is held in trust. All trust beneficiaries must be immediate family members and must agree that the property should be subdivided. Additionally, all beneficiaries must agree to place a restrictive covenant on the subdivided property that would prohibit the transfer of the property to a nonmember of the immediate family for a period of 15 years. A locality may provide exceptions to this 15-year time period but must execute a writing reflecting such modification.

*Patron - Stuart*

**SB900 Annexations by townships.** Amends the law to allow townships to use the traditional annexation process to seek to expand their boundaries as long as the consolidation agreement includes a provision allowing the exercise of that power. Only townships created as a result of a consolidation occurring subsequent to July 1, 2011, are authorized to use this annexation process. This bill is identical to HB 1769.

*Patron - Deeds*

**SB901 Allocation of deputies to cities.** Authorizes the State Compensation Board to allocate law-enforcement deputies to a city sheriff in cities without a police force if the city was created by the consolidation of a city and a county subsequent to July 1, 2011. This bill is identical to HB 1771.

*Patron - Deeds*

**SB1092 Agricultural and Forestal Districts Act; administration of program.** Creates a program administrator designated by the local governing body to oversee the application process under the Agricultural and Forestal Districts Act. Localities are given the authority to prescribe which maps or aerial photographs shall accompany the application, and applications are to first be reviewed by the program administrator and the advisory committee before going to the local governing body. Currently, the applications are first reviewed by the local governing body before going to the planning commission and advisory committee for their recommendations. The procedure for withdrawal of land from agricultural and forestal districts is amended to mirror the procedure for creation of a district. This bill is identical to HB 2078.

*Patron - Hanger*

**SB1160 Mandatory connection to water and sewer systems.** Provides that an authority may require adjacent property owners to connect their buildings to the authority's system upon or after the acquisition or construction of the water or sewer system. Currently, the law requires connection to be made upon the acquisition or construction of the water or sewer system.

*Patron - Quayle*

**SB1204 Cash proffers; court costs.** Allows for an award of fees, expenses, and court costs to a party who suc-

cessfully contests an action in conflict with the provisions of § 15.2-2303.1:1. The sunset provision on this legislation is extended from July 1, 2014, to July 1, 2015.

*Patron - Obenshain*

**[P]SB1206 Traffic impact analysis.** Removes the requirement that a supplemental traffic analysis accompany a plat or plan submitted to the Department of Transportation by a locality because the plat or plan substantially affects transportation on state-controlled highways if such plat or plan is permissible by right under the local zoning ordinance.

*Patron - Obenshain*

**[P]SB1216 Delinquent sewer and water fees and charges; notice.** Requires that prior to recording a lien on an owner's property for a tenant's unpaid water or sewer fees, the water or sewer authority shall provide the owner with 30 days' written notification. The owner can avoid the lien by paying the obligations. If the former tenant pays the authority after the owner already has, the property owner shall be entitled to receive a refund and shall be subrogated against the former tenant in place of the authority in the amount paid by the property owner. Additionally, this legislation requires an authority to notify a property owner, if he so requests, of a tenant's delinquent water bill when a tenant's water bill has become 15 days delinquent. Furthermore, a locality or service authority may not deny service to a new tenant for unpaid fees and charges unless a lien has been recorded against the property owner. This bill is identical to HB 2425.

*Patron - Smith*

**[P]SB1221 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*

**[P]SB1228 Lien for water and sewer charges.** Adds the Town of Clifton Forge 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. This bill is identical to HB 1772.

*Patron - Deeds*

**[P]SB1231 Public infrastructure maintenance bonds.** Allows localities to require public infrastructure maintenance bonds from developers and property owners in conjunction with the construction of single- and two-family homes in instances where the provisions of a subdivision ordinance are not applicable. Such maintenance bonds shall not exceed an amount reasonably necessary to maintain and repair publicly owned streets, sidewalks and infrastructure on site or immediately adjacent to the construction and shall not exceed a maximum of \$5,000. The ordinance shall make provision for the inspection of bonded improvements within five business days of completion and release of any performance guarantee within five business days of such inspection. This bill is identical to HB 1872.

*Patron - Deeds*

**[P]SB1256 Authorities for development of former federal areas; dissolution.** Allows authorities created by proclamation of the Governor for the development of former federal areas to be dissolved not only upon resolution of the governing body of each locality within the area of operation of the author-

ity but also upon determination by the Governor that the dissolution is appropriate. This bill is identical to HB 2329.

*Patron - Vogel*

**[P]SB1276 Local disability services.** Eliminates the Disability Services Council and the State Rehabilitative Services Incentive Fund, the requirement that localities establish local disability services boards, and the authority of localities to establish local rehabilitative services incentive funds. This bill is identical to HB 2217.

*Patron - Ruff*

**[P]SB1302 Special meeting notification.** Allows a member of a local governing body to be notified of special meetings via electronic mail or facsimile, in lieu of in writing delivered to his home or business, if he so requests.

*Patron - Ruff*

**[P]SB1339 Urban development areas; population projections.** Allows population projections to be based on official government projections required for federal transportation planning purposes.

*Patron - Puller*

**[P]SB1352 Private capital lending for local governments and public institutions of higher education.** Allows a local government to enter into certain conduit lending agreements to finance certain capital projects. This bill is identical to HB 2075.

*Patron - Norment*

**[P]SB1354 Cutting of weeds and grass.** Adds the County of James City 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 2132.

*Patron - Norment*

**[P]SB1452 Commission on Local Government; mandates.** Provides that the Commission shall assist a five member task force to be appointed by the Governor to review state mandates imposed on localities and to recommend temporary suspension or permanent repeal of such mandates.

*Patron - Newman*

## Failed

**[F]HB1545 Smoking; prohibition on the grounds of public elementary, intermediate, and secondary schools.** Expands the prohibition on smoking in the interior of public elementary, intermediate, and secondary schools to include the grounds of such schools. The bill also prohibits smoking in the interior of any public school administration building and the interior of any building where a school-sponsored event is being held off-site.

*Patron - Kory*

**[F]HB1561 Appeal of zoning administrator decisions.** Provides that the zoning administrator shall give notice to the governing body of the issuance of any written order, requirement, decision, or determination regarding the permissibility of a specific use or density of use of a landowner's property at the next public meeting of the governing body following such issuance. The notice to the governing body shall be deemed as public notice to the interested parties for purposes of calculating time limits for appealing or challenging the written order, requirement, decision, or determination.

*Patron - Cole*



**HB1600 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*

**HB1673 Establishment of enhanced enforcement areas to deter prostitution.** Allows localities to establish enhanced enforcement areas in any area in which the governing body determines the conduct of prostitutes and those that solicit prostitutes establishes a concern for the health, safety, good order, and morals of the general public.

*Patron - Pogge*

**HB1721 Urban development areas.** Makes incorporation of urban development areas optional rather than mandatory. Any locality that has previously adopted urban development areas may, and upon voter petition shall, reconsider such action. Also, when a locality votes to adopt a comprehensive plan, it shall also vote to readopt all of its zoning ordinances.

*Patron - Marshall, R.G.*

**HB1760 Stormwater management fees.** Amends the code to clarify that localities shall provide full stormwater management fee waivers to federal, state, or local agencies when the agency owns and provides for maintenance of on-site storm drainage. This legislation also ensures that such agencies are not assessed fees on all properties acquired through the right of way acquisition process, not just on roads and public street rights-of-ways. This bill was incorporated into HB 1737.

*Patron - Wilt*

**HB1814 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*

**HB1864 Urban Development Areas.** Makes several changes to the urban development area legislation. Developable acreage is redefined to exclude (i) parks, rights-of-way of arterial and collector streets, railways, and resource protection areas, and wetlands; (ii) land used by public utilities solely for utility services; (iii) public lands and facilities; (iv) land within a five-mile radius of a military base over which the United States enjoys exclusive federal jurisdiction; and (v) land designated by a branch of the armed forces of the United States as its overfly zone. The legislation also permits light industrial use within urban development areas and specifies that the governing body's authority to accept proffered conditions is not impaired by anything in this legislation. Localities required to amend their comprehensive plan in accordance with this legislation are given an additional year to do so.

*Patron - Cole*

**HB1865 Local transportation districts.** Provides for membership in local transportation districts not only by whole counties and cities, but also by portions of counties and cities. The bill also allows members of local transportation districts to set terms upon which their memberships will cease, and allows members to determine whether the local motor fuel tax provided for in such districts will be collected, and, if so, in what amount (up to the maximum provided in statute).

*Patron - Cole*

**HB1888 Liens for water and sewer charges imposed by localities.** Alters the method by which localities

can collect delinquent water bills from users of residential rental properties. The changes will put such localities on the same footing as water and sewer authorities, including requirements that the locality (i) provide written notice to the owner of its lien policy when service is initiated, (ii) provide the owner duplicate copies of delinquent bills, and (iii) pursue regular collection efforts against the renter.

*Patron - Bulova*

**HB1915 Local grievance procedure.** Provides that the circuit court, rather than the chief administrative officer, shall make the determination as to whether relief granted by a panel or hearing officer is consistent with written policy.

*Patron - Miller, J.H.*

**HB1935 Legal notices.** Allows localities to meet certain notice requirements by utilizing their web sites, radio or television rather than a newspaper of general circulation.

*Patron - Ware, O.*

**HB1969 Sewage disposal systems; civil penalties.** Allows localities to use a properly licensed contractor working on behalf of the locality to issue civil summonses for certain violations related to sewage disposal systems.

*Patron - Robinson*

**HB1999 Northern Virginia Transportation District.** Revises criteria for allocation of revenues to highway projects within the Northern Virginia Transportation District. The bill also contains technical amendments.

*Patron - LeMunyon*

**HB2000 Appointments to the Washington Metropolitan Area Transit Authority Board of Directors.** Requires the Northern Virginia Transportation Commission shall include the Secretary of Transportation's designee or his voting member as a principal when appointing Virginia members of the board of directors of the Washington Metropolitan Area Transit Authority.

*Patron - LeMunyon*

**HB2016 Consolidation of the Northern Virginia Transportation Authority, the Northern Virginia Transportation Commission, and the Potomac and Rappahannock Transportation Commission.** Expands the duties of the Northern Virginia Transportation Authority to include the assumption and oversight of the Northern Virginia Transportation Commission and the Potomac and Rappahannock Transportation Commission administrative activities, bus and commuter rail transit planning, programming, funding, and operation activities that occur in the areas embraced by the Northern Virginia Transportation Authority. Upon enactment, the Northern Virginia Transportation Commission and the Potomac and Rappahannock Transportation Commission will be dissolved. Additional technical changes are made throughout the Code to account for the consolidation. This bill has a delayed enactment of July 1, 2012.

*Patron - Albo*

**HB2071 Stormwater utility fees; exemptions.** Provides for an exemption from stormwater utility fees for certain religious and nonprofit uses.

*Patron - Ingram*

**HB2079 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 and 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*

**HB2101 Landlord enforcement of tenant violations; localities with four-year institutions of higher learning.** Affords localities located where there are four-year institutions of higher learning the option of adopting an ordinance to hold landlords responsible for tenants who continually violate sections of the Code dealing with drinking in public, urinating in public and profanity. The landlord will receive prompt notice when the tenant is convicted and if the tenant is convicted three times within a one-year period, and the landlord does not take curative steps, he is then fined. The bill provides localities the proper tools to ensure indifferent landlords take measures in situations where tenants are disruptive to neighborhood stability. This bill was endorsed by the Virginia Housing Commission.

*Patron - Bulova*

**HB2178 Smoking in emergency response vehicles prohibited.** Prohibits smoking in emergency medical services vehicles and other emergency response vehicles.

*Patron - Phillips*

**HB2210 Repair of derelict buildings; authority of locality to appoint receivers.** Allows any locality that has adopted an ordinance pursuant to § 15.2-907.1 to petition the circuit court for the appointment of a receiver to repair a residential building that has been declared a derelict building. The appointed receiver shall have the right of possession of the property and shall have the authority to contract for necessary labor and supplies, borrow money for repair, manage the property after repair, and enforce the receiver's lien or accept a deed in lieu of any enforcement action. The owner of any property subject to receivership may redeem it at any time by paying the receiver's lien in full and any accumulated taxes, penalties, reasonable attorney fees, interest, and costs thereon. The costs incurred by a court-appointed receiver shall constitute a lien against the property, which may be enforced by a sale of the property at public auction.

*Patron - McQuinn*

**HB2247 Repair of potholes on private property.** Allows localities to require repair of potholes on certain private parking areas and roads. If the property owner does not make such repair, the locality may, after reasonable notice, make the repair, and the expense thereof shall be chargeable to the owner.

*Patron - Torian*

**HB2268 Virginia Peninsula area solid waste management system authority.** Sets forth the requirements for

appointing a Board of Directors over any authority created to collect and dispose of refuse with member localities consisting of the Cities of Hampton, Poquoson, and Williamsburg, the Counties of Essex, James City, King and Queen, King William, Mathews, Middlesex, and York, and the Towns of Tappahannock, Urbanna, and West Point.

*Patron - Morgan*

**HB2327 Photo monitoring systems; limitations on local adoption of systems.** Limits the operation of a traffic signal enforcement program, commonly referred to as a "photo red program," to those localities that have adopted ordinances establishing the program prior to July 1, 2011. In addition, localities that have adopted such ordinances are prohibited from implementing or expanding a photo red program after July 1, 2011.

*Patron - Lingamfelter*

**HB2339 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*

**HB2455 Municipal utility services; notice of adverse judgment.** Provides that when a court decision is entered against a locality holding that the locality has overcharged for utility services it provides, the locality must give notice of the decision to all users of such services who are potentially affected by the decision.

*Patron - Comstock*

**HB2489 Sheriffs' offices vehicles; advertising.** Allows a sheriff to approve the display of advertisements on sheriff's office vehicles, so long as the advertisements are related to law enforcement and cover no more than 25 percent of the vehicle.

*Patron - Miller, P.J.*

**HB2492 Onsite sewage systems.** Provides that the owner of an alternative onsite sewage system installed prior to January 1, 2010, with flows of less than 1,000 gallons per day serving an individual single-family dwelling occupied by such owner shall be exempt from the requirements for the operation and maintenance of the alternative onsite sewage system serving his own residence.

*Patron - Hugo*

**SB846 Lien for water and sewer charges and taxes imposed by localities.** Expands the authority localities have to impose liens against real estate served by the locality's waterline or sewer for unpaid taxes and charges. This legislation grants localities the same authority water and sewer authorities have in placing liens against owners, lessees or tenants of property and ranks the lien on a parity with liens for unpaid real estate taxes.

*Patron - Petersen*

**SB869 Urban Development Areas.** Makes several changes to the urban development area legislation. Developable acreage is redefined to exclude (i) parks, rights-of-way of arterial and collector streets, railways, and resource protection areas, and wetlands; (ii) land used by public utilities solely for utility services; (iii) public lands and facilities; (iv) land within a five-mile radius of a military base over which the United States enjoys exclusive federal jurisdiction; and (v) land designated by a branch of the armed forces of the United States as its overfly zone. The legislation also permits light industrial use within urban development areas and specifies that the governing body's authority to accept proffered conditions is not

impaired by anything in this legislation. Localities required to amend their comprehensive plan in accordance with this legislation are given an additional year to do so.

*Patron - Stuart*

**SB898 Photo-monitoring systems.** Repeals the requirement that localities submit the list of intersections approved for installation of photo-monitoring systems to the Virginia Department of Transportation for final approval if the locality has a population of 149,500 or more.

*Patron - Miller, Y.B.*

**SB911 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 - Herring*

**SB996 Cash proffers; acceptance by localities.** Allows localities to delay collection or acceptance of a cash proffer until the completion of the final inspection of the subject property and prior to the time of the issuance of any certificate of occupancy. Currently, localities are required to delay collection or acceptance until such time.

*Patron - Stuart*

**SB997 Street construction.** Allows localities to retain full performance guarantees until streets in a new development are accepted by the state agency, local government department or agency, or other public authority that is responsible for maintaining and operating such public facility.

*Patron - Stuart*

**SB1121 Local government; establishment and administration of personnel system.** Authorizes a locality to establish a personnel system for local administrative officials and employees based on merit and professional ability. The bill also authorizes a locality to include in any group life, accident and health insurance program an extension of coverage to any person to whom coverage could be extended pursuant to § 38.2-3525 of the Code of Virginia.

*Patron - Herring*

**SB1312 Repair of derelict buildings; authority of locality to appoint receivers.** Allows any locality that has adopted an ordinance pursuant to § 15.2-907.1 to petition the circuit court for the appointment of a receiver to repair a residential building that has been declared a derelict building. The appointed receiver shall have the right of possession of the property and shall have the authority to contract for necessary labor and supplies, borrow money for repair, manage the property after repair, and enforce the receiver's lien or accept a deed in lieu of any enforcement action. The owner of any property subject to receivership may redeem it at any time by paying the receiver's lien in full and any accumulated taxes, penalties, reasonable attorney fees, interest, and costs thereon. The costs incurred by a court-appointed receiver shall constitute a lien against the property, which may be enforced by a sale of the property at public auction.

*Patron - McEachin*

**SB1466 Water and waste authorities; liens.** Requires that a property owner be informed in advance by written notice that liens may be placed on his property under certain circumstances for the unpaid charges to a lessee.

*Patron - Edwards*

**SB1475 Town of Leesburg; charges to residents for water and sewer services.** Provides that the percentage differential between the rates, fees, and charges imposed by the Town of Leesburg for water and sewer services to customers located outside of its municipal limits and the rates, fees, and charges imposed by the Town of Leesburg for water and sewer services to customers within its municipal limits shall not be increased from the percentage differential existing as of January 1, 2011.

*Patron - Herring*

## Courts Not of Record

### Passed

**HB1534 Civil jurisdiction in actions of unlawful entry or detainer in general district court.** Provides that claims, counter-claims, and cross-claims filed in actions for unlawful entry or detainer are not subject to the maximum jurisdictional limit of \$15,000 applicable in general district court regardless of the purpose for which the occupant is using the premises. Under current law, such claims, counter-claims, and cross-claims are not subject to the maximum jurisdictional limit of \$15,000 applicable in general district court only if the occupant is using the premises primarily for business, commercial or agricultural purposes.

*Patron - Sherwood*

**HB1590 Jurisdictional limits of courts.** Increases from \$15,000 to \$25,000 the maximum civil jurisdictional limit of general district courts. This bill incorporates HB 1446. This bill is identical to SB 774.

*Patron - Iaquinto*

**HB1783 Juvenile records; confidentiality.** Clarifies that the Department of Juvenile Justice may share confidential juvenile records with persons, agencies, and institutions having a legitimate interest regardless of the state in which they are located. The bill also allows the Department to share confidential juvenile records with a requesting party who has custody or is providing supervision for a juvenile and the release of the confidential information is in the interest of maintaining security in a secure facility in a state other than Virginia provided it meets that state's definition of "secure facility." This bill is identical to SB 1166.

*Patron - Gilbert*

**HB1845 Appeal bond; liability insurance.** Provides that an appeal bond is not required for an appeal of a civil case from district court if the defendant has sufficient indemnity coverage through a liability insurance policy to satisfy the judgment and the defendant's insurer provides a written irrevocable confirmation of coverage in the amount of the judgment. The bill also provides that the appeal bond shall be in an amount approved by the judge or the clerk of the district court or in an amount sufficient to satisfy the judgment of the district court. Currently, the appeal bond is set in an amount determined by the court or the clerk to be sufficient to satisfy the judgment of the circuit court to which the judgment is appealed.

*Patron - Athey*

**HB2012 Law-enforcement employment; disclosure of juvenile records.** Provides that a person who was adjudicated delinquent may be denied employment with the State Police or a local police department or sheriff's office where

such denial is based on the nature and gravity of the offense, the time since adjudication, the time since completion of any sentence, and the nature of the job sought. The bill also provides that juvenile record information may be disseminated to the State Police or a local police department or sheriff's office for the purpose of screening a person for employment.

*Patron - Carrico*

**HB2033 Prepayment of fines under local ordinances.** Provides that the chief judge of a circuit court may enter an order allowing for the prepayment of fines imposed under local traffic infraction and other local ordinances. Currently, such an order must be entered by all judges of the circuit.

*Patron - Peace*

**HB2036 Release of persons from commitment on parole supervision.** Changes the time during which the court services unit shall consult with the local department of social services concerning return of a person released from the Department of Juvenile Justice to a locality from four weeks to 90 days prior to the date on which the person is released, and provides that during that time the court services unit and the local department of social services shall collaborate to develop a plan that prepares the person for successful transition from the Department's custody to the community. The plan shall identify the services necessary for such transition and how the services are to be provided. This bill incorporates HB 2276.

*Patron - Peace*

**HB2089 Service of notice of emergency protective orders.** Provides that a law-enforcement officer may effect service of an emergency protective order by personally serving the person subject to the order with 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*

**HB2449 Fee for analysis of computer of criminal defendant.** Provides that a criminal defendant may be assessed costs in an amount equivalent to the actual cost for each computer analysis, not to exceed \$100, performed by a law-enforcement or other investigative agency upon any criminal conviction of any charge or charges requiring computer analysis when the analysis revealed evidence used at the trial of the person.

*Patron - Gilbert*

**HB2462 Certain misdemeanor offenses by minors.** Provides that in the case of a misdemeanor violation of § 18.2-250.1 (possession of marijuana) and § 18.2-266.1 (underage drinking and driving) a petition need not be filed if the juvenile is released to the custody of a parent or legal guardian pending the initial court date. Current law provides that no petition need be filed in the case of any violation of § 18.2-266 (DUI) or 29.1-738 (drunk boating). A procedure is established making it possible for a juvenile to have a misdemeanor possession of marijuana charge referred to intake for consideration of informal proceedings.

*Patron - Habeeb*

**SB774 Jurisdictional limits of courts.** Increases from \$15,000 to \$25,000 the maximum civil jurisdictional limit of general district courts. This bill is identical to HB 1590.

*Patron - McEachin*

**SB915 Inspection of motor vehicles.** Restates requirements for motor vehicle safety inspections and places exemptions under a single Code section.

*Patron - McDougale*

**SB1166 Juvenile records; confidentiality.** Clarifies that the Department of Juvenile Justice may share confidential juvenile records with persons, agencies, and institutions having a legitimate interest regardless of the state in which they are located. The bill also allows the Department to share confidential juvenile records with a requesting party who has custody or is providing supervision for a juvenile and the release of the confidential information is in the interest of maintaining security in a secure facility in a state other than Virginia provided it meets that state's definition of "secure facility." This bill is identical to HB 1783.

*Patron - Reynolds*

**SB1168 Detention of juvenile for violation of conditions of release.** Provides that a juvenile taken into custody whose case is considered by a judge, intake officer or magistrate, who, following his release upon a Class 1 misdemeanor charge or a felony charge "under such conditions as may be imposed" by the judge, intake officer or magistrate and who then fails to adhere to the conditions of the court, intake officer or magistrate while on conditional release may be detained in a secure facility, pursuant to a detention order or warrant, upon a finding by the judge, intake officer, or magistrate. This is to clarify that a juvenile may be detained for violation of such conditions.

*Patron - Marsden*

**SB1170 Supervision of juvenile or person during commitment and on parole.** Requires the court services unit to consult with the local department of social services 90 days prior to a person's release from the Department of Juvenile Justice's commitment on parole supervision about the return of the person to the locality, the placement of the person, and to collaborate on a transition plan. Under current law, the court services unit shall make such consultation four weeks prior to such person's release.

*Patron - Marsden*

## Failed

**HB1446 General District Court jurisdiction.** Extends the concurrent jurisdiction of the general district courts and the circuit courts over civil actions from \$15,000 to \$25,000. This bill is a recommendation of the Boyd-Graves Conference. This bill has been incorporated into HB 1590.

*Patron - Loupassi*

**HB1448 No expungement for juvenile court deferral and dismissal.** Provides that a delinquency or traffic proceeding case that is dismissed in Juvenile and Domestic Relations District Court following the satisfaction of terms and conditions of a deferred judgment is not eligible for expungement. Under current law, a person who has been the subject of such a proceeding who has been found innocent thereof, or for whom such proceeding was otherwise dismissed, may file a motion requesting the destruction of all records pertaining to the charge.

*Patron - Greason*

**HB1585 Determinations of child support.** Provides that a court shall make a determination of child support and enter an order to that effect at the initial court date on any initial petition for support, provided that the court has sufficient evidence to make such a determination, if the petitioner dem-

onstrates that he (i) has physical custody of the child for whom support is being sought and (ii) has personally served the respondent with the petition or the respondent appears in person at the initial hearing. The bill also provides that the court may, however, enter a temporary support order if it makes a written finding that continuation of the matter is proper. If the respondent contests paternity and the court cannot establish paternity at the initial hearing, the case shall be continued without the entry of a temporary support order.

*Patron - Kilgore*

**[F]HB1807 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*

**[F]HB1922 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 two digits of the person's social security number. The clerk of each circuit court must also comply with this requirement for such records that are made available via remote access.

*Patron - Abbott*

**[F]HB1978 Courts not of record; substitute judges.** Allows an assistant attorney for the Commonwealth, on a volunteer basis, to be appointed a substitute judge to serve no more than two days a month in any locality other than the one in which he presently serves with the written concurrence of the attorney for the Commonwealth employing such assistant and the chief general and juvenile and domestic relations district court judges of the judicial district.

*Patron - Greason*

**[F]HB1980 Transfer of juveniles to circuit court for criminal trial.** Redefines "violent juvenile felonies" for purposes of the juvenile transfer statute (providing for transfer of juveniles charged with certain felonies from juvenile and domestic relations district court to circuit court for trial as an adult) to include attempts and conspiracies to commit those offenses.

*Patron - Greason*

**[F]HB2121 Substitute judges; residence.** Provides that every substitute judge of a district court may live within the boundaries of the district in which he serves or within an adjoining district.

*Patron - Villanueva*

**[F]HB2276 Supervision of juvenile or person during commitment and on parole.** Requires the court services unit to consult with the local department of social services 60 days prior to a person's release from the Department of Juvenile Justice's commitment on parole supervision about the return of the person to the locality and the placement of the person. Under current law, the court services unit shall make such consultation four weeks prior to such person's release. This bill was incorporated into HB 2036.

*Patron - Keam*

**[F]SB816 Fees for civil cases; judicial salaries.** Increases civil filing fees by \$50 to finance judicial salaries.

*Patron - McEachin*

**[F]SB822 Juvenile's right to appeal transfer to circuit court.** Provides for a juvenile's right to appeal to the circuit court the attorney for the Commonwealth's decision in certain violent felony cases to transfer the juvenile's case to the circuit court for trial as an adult.

*Patron - Edwards*

**[F]SB914 Offenses for which a juvenile is subject to transfer and trial as an adult; penalty.** Provides that a juvenile age 14 or older will automatically be subject to a preliminary hearing in juvenile court and transferred to circuit court for trial as an adult if he is charged with any offense defined as 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 - McDougale*

**[F]SB948 Juvenile dispositions.** Gives the circuit court the authority to modify a finding of guilt to an adjudication of delinquency when a juvenile is tried in circuit court and fulfills the conditions of probation after the court has deferred the imposition of a final sentence and placed the juvenile on probation.

*Patron - Howell*

**[F]SB1143 Determination of child support.** Provides that a court shall make a determination of child support and enter an order containing such determination at the initial court date on any initial petition for support if the petitioner demonstrates that (i) he has physical custody of the child for whom support is being sought and (ii) he has personally served the respondent with the initial petition seeking child support unless the respondent appears in person on the initial court date. If the court makes a written finding that continuation of the matter is proper, such order shall be entered as a pendente lite order. However, if the respondent contests paternity and the court cannot lawfully establish paternity at the initial hearing, the case shall be continued without the entry of a pendente lite support order.

*Patron - Quayle*

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## Courts of Record

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### Passed

**[P]HB1565 Secure remote access to court records.** Provides that restrictions on the secure remote access to court records do not apply to secure access by attorneys in good

standing with the Virginia State Bar and their authorized agents and attorneys admitted to practice pro hac vice. The bill also permits secure remote access by governmental agencies authorized by the clerk. This bill is identical to SB 1274.

*Patron - Miller, P.J.*

**[P]HB2149 Report of the Secretary of the Commonwealth; list of local officers.** Eliminates the requirement that local governments send to the Secretary of the Commonwealth and that the Secretary of the Commonwealth publish a printed certified list of all local officers and constitutional officers. There is no need to print such a report since it is online.

*Patron - Cline*

**[P]HB2150 Court fees; fixed misdemeanor and fixed felony fees.** Amends the fees collected by courts for felony and misdemeanor convictions to reflect 2010 amendments to § 15.2-1627.3 by Chapter 874 increasing fees of attorneys for the Commonwealth.

*Patron - Cline*

**[P]HB2483 Secure remote access to court records.** Allows access to an attorney's staff if directly supervised by counsel of record on a particular case.

*Patron - Anderson*

**[P]SB903 Definition of violent felony; penalty.** Removes an "and" in the list of violent felonies to make it clear that a person does not need to be convicted of both § 18.2-308.1 (possession of weapon on school property) and § 18.2-308.2 (possession of firearm by a felon) in order to have the offense qualify as a violent felony for the purpose of the sentencing guidelines. The bill also provides that using a firearm in a threatening manner in a school is the only felony in § 18.2-308.1 that qualifies as a violent felony.

*Patron - Deeds*

**[P]SB1068 Fees collected by circuit court clerks.** Clarifies that the filing of a counterclaim or any other responsive pleading in annulment, divorce and separate maintenance proceedings is not subject to the \$60 fee charged by circuit court clerks. This bill is a recommendation of the Boyd-Graves Conference.

*Patron - Edwards*

**[P]SB1274 Secure remote access to court records.** Provides that restrictions on the secure remote access to court records do not apply to secure access by attorneys in good standing with the Virginia State Bar and their authorized agents and attorneys admitted to practice pro hac vice. The bill also permits secure remote access by governmental agencies authorized by the clerk. This bill is identical to HB 1565.

*Patron - Obenshain*

**[P]SB1369 Electronic filing in civil or criminal proceedings.** Clarifies that clerks may provide official certificates and certified records in digital form of any document maintained by the clerk. The bill also confirms the clerks' authority to perform notarial acts. The bill also makes various changes to clerks' duties regarding electronic filing.

*Patron - Locke*

## Failed

**[F]HB1453 Hearings in the Supreme Court of Virginia; Judicial Inquiry and Review Commission.** Clarifies that the hearings allowed under the Constitution related to complaints filed by the Judicial Inquiry and Review Commission are to be evidentiary hearings and that both the Commis-

sion and the judge are entitled to present evidence and argument during such hearings subject to any scheduling orders issued by the Court.

*Patron - Loupassi*

**[F]HB1570 Court fees.** Increases from \$10 to \$14 the additional court fees that are collected, upon commencement of a civil action in circuit or general district court, in cities and counties in which free, civil legal representation is provided for the poor by a nonprofit legal aid program organized under the auspices of the Virginia State Bar. The bill also changes from \$9 to \$13 the amount that, from such additional fee, is to be credited to the Virginia State Bar's Legal Aid Services Fund.

*Patron - Cleaveland*

**[F]HB1952 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 - Villanueva*

**[F]HB1990 Courts of record; courts not of record; judicial circuits and districts; number of judges.** Establishes new boundaries for the various judicial circuits and districts of the Commonwealth and reallocates the number of judges serving such circuits and districts. The bill contains technical amendments. This bill only becomes effective if reenacted during the 2012 Session of the General Assembly.

*Patron - Janis*

**[F]HB2067 Criminal proceedings; costs of law-enforcement agency.** Allows a law-enforcement agency to apply to the court for the recovery of investigative costs to be imposed upon a defendant as court costs.

*Patron - Bell, Robert B.*

**[F]SB855 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 beginning July 1, 2012, based upon the percentage increase in the Consumer Price Index. The fee is assessed as part of the costs in civil, criminal and traffic cases.

*Patron - Wagner*

**[F]SB908 Court fees.** Increases from \$10 to \$14 the additional court fees that are collected, upon commencement of a civil action in circuit or general district court, in cities and counties in which free, civil legal representation is provided for the poor by a nonprofit legal aid program organized under the auspices of the Virginia State Bar. The bill also changes from \$9 to \$13 the amount that, from such additional fee, is to be credited to the Virginia State Bar's Legal Aid Services Fund.

*Patron - McEachin*

**[F]SB1230 Hearings in the Supreme Court of Virginia; Judicial Inquiry and Review Commission.** Clarifies that the hearings allowed under the Constitution related to complaints filed by the Judicial Inquiry and Review Commission are to be evidentiary hearings and that both the Commission and the judge are entitled to present evidence and argument during such hearings subject to any scheduling orders issued by the Court.

*Patron - Deeds*

**[F]SB1240 Courts of record; courts not of record; judicial circuits and districts; number of judges.** Establishes new boundaries for the various judicial circuits and districts of the Commonwealth and reallocates the number of judges serv-

ing such circuits and districts. The bill contains technical amendments. This bill is effective July 1, 2012.

*Patron - Edwards*

## Crimes and Offenses Generally

### Passed

**HB1407 Punishment for underage drinking and driving; penalty.** Provides that "zero tolerance" (0.02% BAC) underage drinking and driving is punishable as a Class 1 misdemeanor. Currently, the punishment is loss of license for six months and a fine of no more than \$500. This bill provides that the punishment must include forfeiture of such person's license to operate a motor vehicle for a period of one year from the date of conviction and either a mandatory minimum fine of \$500 or 50 hours of community service. This bill is identical to SB 770.

*Patron - Janis*

**HB1411 Reckless handling of firearms; revocation of hunting license.** Provides that a person's hunting or trapping license, or privilege to hunt or trap while possessing a firearm, may be revoked for a period of one to five years for a violation of §18.2-56.1 (reckless handling of firearms) while hunting. Revocation for a person whose privilege to hunt has been revoked who hunts with a firearm will be for a period of one year to life. Currently, the penalties are revocation for a period of one year to life and for hunting with a firearm while the privilege is revoked, an additional period of one to five years.

*Patron - Wilt*

**HB1434 Penalties for possession, sale, gift, distribution or possession with intent to sell, give or distribute synthetic cannabinoids; bath salts.** Lists those chemicals that comprise synthetic cannabinoids and makes possession a Class 1 misdemeanor. Possession with intent to distribute and manufacturing are felonies. The first offender statute applies as it does to marijuana and controlled substances. The bill criminalizes privately compounding with the specific intent to circumvent the criminal penalties for synthetic cannabinoids. The bill also allows restitution for cleaning up sites where the drug is made. The bill adds chemicals known as "bath salts" to Schedule 1 of the Drug Control Act. There is an emergency clause. This bill incorporates HB 1423, HB 1427, HB 1473, HB 1481, HB 1778 and HB 1878. This bill is also identical to SB 745.

*Patron - Garrett*

**HB1461 Authority for posting a property "no trespassing."** Gives an agent of the owner, lessee, custodian, or other person lawfully in charge of a property the same authority to prohibit trespassing as the owner, lessee, custodian, or other person lawfully in charge.

*Patron - Cox, M.K.*

**HB1487 Venue for criminal sexual assault coupled with a violent felony.** Provides that venue for the trial of a person charged with committing or attempting to commit (i) a crime against nature, the crime of taking indecent liberties with a child, or a criminal sexual assault under Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 and (ii) a violent felony as defined in § 17.1-805 or 19.2-297.1 arising out of the same incident, occurrence, or transaction may be had in the county or city in which any such crime is alleged to have occurred or, with the concurrence of the attorney for the Commonwealth in the county or city in which the crime is alleged to have

occurred, in any county or city through which the victim was transported by the defendant in the commission of such offense.

*Patron - Hope*

**HB1516 Crimes; assault and battery of ABC agent.** Adds special agents of the Department of Alcoholic Beverage Control 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 a special agent 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 - Orrock*

**HB1552 Issuance of concealed handgun permits.** Amends the language relating to the issuance of de facto concealed handgun permits. Current law states that if a court does not issue a permit or find that the applicant is disqualified, within 45 days of receipt of the application, the clerk is to certify the application and send it to the applicant. The certified application then serves as a de facto permit until the actual permit is issued or the applicant is found to be disqualified. The bill states that the clerk must mail or e-mail the certified application to the applicant within five business days of the expiration of the 45-day period.

*Patron - Cox, J.A.*

**HB1584 Illegal gambling; definitions.** Amends the definition of "illegal gambling" to clarify that the purchase of a product, Internet access, or other thing (i.e., phone card, movie rental vouchers), which purchase credits the purchaser with free points or other measurable units that may be risked by the purchaser for an opportunity to win money, is deemed consideration for the purposes of illegal gambling. The bill provides that but for the free points or other measurable units, the purchase of the product, Internet access, or other thing would be of insufficient value in and of itself to justify the purchase or is merely incidental to the chance to win money. This bill incorporates HB 1700, HB 1863, HB 2119, HB 2224. This bill is also identical to SB 1195.

*Patron - Oder*

**HB1605 Falsifying patient records.** Rewrites statute on the fraudulent falsification of patient records, which is a Class 3 misdemeanor, to require intent to defraud and makes it a Class 1 misdemeanor.

*Patron - Loupassi*

**HB1690 Battery of emergency health care providers; penalty.** Provides that the punishment for battery of a health care provider who is engaged in the performance of his duties as an emergency health care provider in an emergency room of a hospital or clinic or on the premises of any other facility rendering emergency medical care is a Class 1 misdemeanor, including a term of confinement of 15 days in jail, two days of which shall be a mandatory minimum term of confinement.

*Patron - Stolle*

**HB1699 Restoration of firearms rights.** Requires that an audio recording be made of a hearing requested by a person to restore his right to possess or carry a firearm after being acquitted by reason of insanity, adjudicated legally incompetent or mentally incapacitated, or involuntarily committed for mandatory treatment. In addition, the bill defines "treatment record" and makes parallel the process for the



request and conduct of a hearing to restore firearms rights under these circumstances.

*Patron - Athey*

**[P]HB1714 Identity Theft Passport.** Makes the issuance of an Identity Theft Passport under certain conditions discretionary with the Office of the Attorney General, rather than mandatory. The bill also provides that the provisions of the Government Data Collection and Dissemination Practices Act denying the right of a government agency to require the disclosure of a social security number do not apply to the Code provisions that provide for issuance of an Identity Theft Passport.

*Patron - Wilt*

**[P]HB1747 Possession of child pornography by law enforcement.** Provides that an employee of a law-enforcement agency may lawfully possess child pornography for a bona fide law-enforcement purpose. This bill is identical to SB 1260.

*Patron - Watts*

**[P]HB1777 Fake birth certificate; penalty.** Provides that any person who manufactures, sells, or transfers a fictitious birth certificate or the birth certificate of another for the purpose of establishing a false identity for himself or for another person is guilty of a Class 6 felony. Current law punishes obtaining, possession, transfer and sale as a Class 1 misdemeanor.

*Patron - Gilbert*

**[P]HB1779 Preliminary protective orders.** Makes the prohibition on purchasing and transporting a firearm applicable to persons subject to preliminary protective orders where a petition alleging abuse or neglect has been filed. Under current law, persons subject to a preliminary protective order are prohibited from purchasing or transporting a firearm regardless of any allegation. This bill is identical to SB 754.

*Patron - Gilbert*

**[P]HB1856 Concealed handgun permits; lost or destroyed permits.** Allows a concealed handgun permit holder to obtain a replacement permit in the event that the original permit is lost or destroyed. The permit holder would be required to submit a notarized statement to the clerk of the court that the permit was lost or destroyed and pay a fee not to exceed \$5, and the clerk would be required to issue a replacement permit within 10 business days. The replacement permit will have the same expiration date as the original permit.

*Patron - Anderson*

**[P]HB1857 Transfer of firearms; documentation of residence.** Clarifies that a member of the military may provide permanent orders assigning him to the Pentagon for purposes of providing documentation of residency when purchasing a firearm from a licensed dealer.

*Patron - Anderson*

**[P]HB1898 Abduction of a minor; forced labor or services.** Provides that abduction of any person for the purpose of prostitution or of a minor for the purpose of manufacturing child pornography is a Class 2 felony. The bill also provides that any person who receives any money or other valuable thing for or on account of causing any person to engage in forced labor or services, concubinage, prostitution, or the manufacture of any obscene material or child pornography shall be guilty of a Class 4 felony. This bill incorporates HB 1893.

*Patron - Hugo*

**[P]HB1995 Child pornography.** Provides that a defendant convicted of an offense relating to child pornography shall be ordered to pay mandatory restitution to the victim of the

offense in an amount as determined by the court. The Commonwealth shall make reasonable efforts to notify victims of any such offense. This bill is identical to SB 1426.

*Patron - Janis*

**[P]HB2059 Use of profane, threatening, or indecent language over the telephone; use of cellular telephones and other wireless telecommunications devices.** Clarifies that the current statutory provision prohibiting the use of obscene, vulgar, or indecent language over the telephone applies to electronic communications, including visual or electronic messages, received or transmitted by a cellular phone or other wireless telecommunications device. This bill is a recommendation of the Joint Commission on Technology and Science.

*Patron - Bell, Robert B.*

**[P]HB2066 Sex offenses prohibiting entry onto school or other property; penalty.** Expands the prohibition on entry onto school grounds by any adult convicted of a sexually violent offense to include any school bus as defined in § 46.2-100 and any property, public or private, during hours when such property is being used solely by a public or private elementary or secondary school for a school-related or school-sponsored activity. A violation is punishable as a Class 6 felony. This bill is identical to SB 1185.

*Patron - Bell, Robert B.*

**[P]HB2362 Restricted license.** Authorizes the court to issue a restricted license to a person convicted of DUI and certain other offenses to travel to and from jail to serve a sentence of confinement in jail on weekends or nonconsecutive days.

*Patron - McClellan*

**[P]SB745 Penalties for possession, sale, gift, distribution or possession with intent to sell, give or distribute synthetic cannabinoids; bath salts.** Lists those chemicals that comprise synthetic cannabinoids and makes possession a Class 1 misdemeanor. Possession with intent to distribute and manufacturing are felonies. The first offender statute applies as it does to marijuana and controlled substances. The bill criminalizes privately compounding with the specific intent to circumvent the criminal penalties for synthetic cannabinoids. The bill also allows restitution for cleaning up sites where the drug is made. The bill adds chemicals known as "bath salts" to Schedule 1 of the Drug Control Act. There is an emergency clause. This bill incorporates SB 748, SB 749, SB 926, SB 992, SB 1082, SB 1186 and SB 1373. This bill is identical to HB 1434.

*Patron - Herring*

**[P]SB754 Preliminary protective orders.** Makes the prohibition on purchasing and transporting a firearm applicable to persons subject to preliminary protective orders where a petition alleging abuse or neglect has been filed. Under current law, persons subject to a preliminary protective order are prohibited from purchasing or transporting a firearm regardless of any allegation. This bill is identical to HB 1779.

*Patron - Reynolds*

**[P]SB770 Punishment for underage drinking and driving; penalty.** Provides that "zero tolerance" (0.02% BAC) underage drinking and driving is punishable as a Class 1 misdemeanor. Currently, the punishment is loss of license for six months and a fine of no more than \$500. This bill provides that the punishment must include forfeiture of such person's license to operate a motor vehicle for a period of one year from the date of conviction and either a mandatory minimum fine of \$500 or 50 hours of community service. This bill is identical to HB 1407.

*Patron - Marsden*

**[P]SB772 Assault and battery; fire marshals; penalty.** Adds 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*

**[P]SB927 Sex offender registry; affidavits.** Clarifies several provisions regarding the use of an affidavit in a criminal proceeding for failure to register as a sex offender. The bill makes it clear that the Melendez-Diaz procedures do not have to be followed for a preliminary hearing and that in preliminary hearings the Commonwealth is not responsible for summoning the custodian of the records issuing the affidavit.

*Patron - McDougale*

**[P]SB1185 Sex offenses prohibiting entry onto school or other property; penalty.** Expands the prohibition on entry onto school grounds by any adult convicted of a sexually violent offense to include any school bus as defined in § 46.2-100 and any property, public or private, during hours when such property is being used solely by a public or private elementary or secondary school for a school-related or school-sponsored activity. A violation is punishable as a Class 6 felony. This bill is identical to HB 2066.

*Patron - Norment*

**[P]SB1195 Illegal gambling; definitions.** Amends the definition of "illegal gambling" to clarify that the purchase of a product, Internet access, or other thing (i.e., phone card, movie rental vouchers), which purchase credits the purchaser with free points or other measurable units that may be risked by the purchaser for an opportunity to win money, is deemed consideration for the purposes of illegal gambling. The bill provides that but for the free points or other measurable units, the purchase of the product, Internet access, or other thing would be of insufficient value in and of itself to justify the purchase or is merely incidental to the chance to win money. This bill incorporates SB 1164. This bill is identical to HB 1584.

*Patron - Obenshain*

**[P]SB1260 Possession of child pornography by law enforcement.** Provides that an employee of a law-enforcement agency may lawfully possess child pornography for a bona fide law-enforcement purpose. This bill is identical to HB 1747.

*Patron - Vogel*

**[P]SB1318 Sex offenders on school property; penalty.** Clarifies that a sex offender is prohibited from entering or being present on school property during school-related or school-sponsored events.

*Patron - Newman*

## Failed

**[F]HB1417 Engaging in abusive conduct or actions; penalty.** Provides that a person who, in the presence or hearing of another, engages in abusive conduct or actions under circumstances reasonably calculated to provoke a breach of the peace is guilty of a Class 3 misdemeanor. Current law punishes the use of abusive language, but does not address conduct. The bill also provides that a second or subsequent violation committed within three years is punishable as a Class 1 misdemeanor.

*Patron - Loupassi*

**[F]HB1423 Penalties for possession, sale, gift, distribution or possession with intent to sell, give or distribute synthetic marijuana.** Creates a new category for "synthetic marijuana" as a series of controlled substances listed in Schedule 1 (§ 54.1-3446) of the Drug Control Act (§ 54.1-3400 et seq.). Notwithstanding the provisions regarding punishment for possession and distribution of controlled substances listed in Schedule 1, punishment for possession and distribution of synthetic marijuana is largely in accord with the provisions for actual marijuana. This bill was incorporated into HB 1434.

*Patron - Miller; P.J.*

**[F]HB1427 Penalties for possession, sale, gift, distribution or possession with intent to sell, give or distribute synthetic marijuana.** Creates a new category for "synthetic marijuana" as a series of controlled substances listed in Schedule 1 (§ 54.1-3446) of the Drug Control Act (§ 54.1-3400 et seq.). Notwithstanding the provisions regarding punishment for possession and distribution of controlled substances listed in Schedule 1, punishment for possession and distribution of synthetic marijuana is largely in accord with the provisions for actual marijuana. This bill was incorporated into HB 1434.

*Patron - Oder*

**[F]HB1429 DUI Personal Responsibility Initiative Fund; created.** Creates the DUI Personal Responsibility Initiative Fund which is funded by an additional fee of \$25 on convictions for DUI and related crimes. The Fund shall be administered by the Virginia Alcoholic Beverage Control Board and used to publicize the consequences associated with convictions for such crimes, including the possibility of incarceration.

*Patron - Loupassi*

**[F]HB1443 Decriminalization of simple possession of marijuana.** Decriminalizes simple marijuana possession. The bill does not legalize marijuana possession but changes the current \$500 criminal fine for simple marijuana possession to a \$500 civil penalty, eliminates the 30-day jail sentence, and eliminates the criminal conviction record that would follow a conviction for simple possession. The civil penalties collected would be payable to the Literary Fund. The bill changes none of the penalties for manufacture or distribution of marijuana. The bill continues to require forfeiture of the driver's license and drug screening and education for any minor found to have committed the violation of possession of marijuana and maintains all existing sanctions for all criminal violations involving marijuana.

*Patron - Morgan*

**[F]HB1449 Possession of certain substances with intent to manufacture methamphetamines.** Refines the list of substances involved in the manufacture of methamphetamine, the possession of two of which, coupled with the intent to manufacture methamphetamine, is punished as a Class 6 felony. The change is intended to capture substances used in new methods of manufacture and to capture by-products, as well as precursors, of manufacture.

*Patron - Crockett-Stark*

**[F]HB1460 Threats against public officials.** Provides that any person who (i) threatens to kill or injure another person or to commit violence or injury against that person or his property, or to unlawfully trespass upon his property and (ii) knows or has reason to know that such other person is a judge, a law-enforcement officer, a correctional officer as defined in § 53.1-1, a person employed by the Department of Corrections directly involved in the care, treatment or supervision of inmates in the custody of the Department, a firefighter as

defined in § 65.2-102, or a volunteer firefighter or lifesaving or rescue squad member, engaged in the performance of his public duties, is guilty of a Class 1 misdemeanor.

*Patron - Miller, P.J.*

**[F]HB1473 Penalties for possession, sale, gift, distribution or possession with intent to sell, give or distribute synthetic marijuana.** Creates a new category for "synthetic marijuana" as a series of controlled substances listed in Schedule 1 (§ 54.1-3446) of the Drug Control Act (§ 54.1-3400 et seq.). Notwithstanding the provisions regarding punishment for possession and distribution of controlled substances listed in Schedule 1, punishment for possession and distribution of synthetic marijuana is largely in accord with the provisions for actual marijuana. This bill was incorporated into HB 1434.

*Patron - Bell, Richard P.*

**[F]HB1481 Penalties for possession, sale, gift, distribution or possession with intent to sell, give or distribute synthetic marijuana.** Creates a new category for "synthetic marijuana" as a series of controlled substances listed in Schedule 1 (§ 54.1-3446) of the Drug Control Act (§ 54.1-3400 et seq.). Notwithstanding the provisions regarding punishment for possession and distribution of controlled substances listed in Schedule 1, punishment for possession and distribution of synthetic marijuana is largely in accord with the provisions for actual marijuana. This bill was incorporated into HB 1434.

*Patron - Cleaveland*

**[F]HB1512 Crimes against incapacitated 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 adult is guilty of a separate and distinct Class 1 misdemeanor. The bill adds that if the offender is a person responsible for the care of the victim, punishment shall include a mandatory minimum term of confinement of 30 days if the underlying offense is a misdemeanor, and a mandatory minimum term of confinement of six months if the underlying offense is a felony. This bill was incorporated into HB 1633.

*Patron - Scott, J.M.*

**[F]HB1517 Criminal street gangs; penalties.** Broadens the definition of a "criminal street gang" by removing the requirement that one of the predicate crimes be an act of violence. Various Code sections provide increased penalties and consequences if crimes are committed by a person who is a member of a criminal street gang.

*Patron - Orrock*

**[F]HB1523 Sex offenses prohibiting entry onto school or other property; penalty.** Expands the prohibition on entry onto school grounds by any adult convicted of a sexually violent offense to include (i) any school bus as defined in § 46.2-100; (ii) any designated school bus stop during the time when school children are waiting to be picked up and transported to or are being dropped off from school or a school-sponsored activity or within 150 feet of the school bus stop; or (iii) any property, public or private, during hours when such property is being used solely by a public or private elementary or secondary school for a school-related or school-sponsored activity.

*Patron - Landes*

**[F]HB1573 Castle doctrine.** Encodes a version of the "castle doctrine," allowing the use of physical force, including deadly force by a person in his dwelling, against an intruder in the dwelling who has committed an overt act against him or

another person who is lawfully in the dwelling, without civil liability.

*Patron - Cleaveland*

**[F]HB1576 Definition of and punishment for bullying.** Defines "bullying" to mean recklessly or intentionally endangering the health or safety of a student by exposing the student repeatedly and over time to physical aggression or intimidation, whether through direct physical contact or through the use of information or communication technology, resulting in bodily injury or other harm to person or property. This definition does not supersede or limit any definition of bullying developed by the Board of Education or the actual codes of student conduct adopted by school boards pursuant to § 22.1-279.6. Bullying is punishable as a Class 1 misdemeanor.

*Patron - Ebbin*

**[F]HB1589 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 ignition interlock is imposed only upon a second or subsequent offense or when the offender's BAC is above 0.15 percent. The bill also provides that the court may authorize a restricted license for travel to and from the interlock installer. The bill also adds passenger vehicles designed to transport more than 15 passengers to the types of vehicles that cannot be operated by a person who is required to have an interlock but who is otherwise permitted to operate a vehicle owned or provided by his employer in the course of his employment.

*Patron - Iaquinto*

**[F]HB1596 Expansion of gang-free zones.** Adds school bus stops and publicly owned parks, libraries and hospitals to the list of places denoted "gang-free zones." Criminal gang activity that occurs in gang-free zones receives additional punishment.

*Patron - Iaquinto*

**[F]HB1601 Aggravated involuntary manslaughter.** Provides that any person who, as a result of driving under the influence in violation of clause (ii), (iii), or (iv) of § 18.2-266 (DUI) or any local ordinance substantially similar thereto, unintentionally causes the death of another person while operating a motor vehicle (i) without a valid driver's license or (ii) when his license is suspended or revoked is guilty of aggravated involuntary manslaughter, a felony punishable by a term of imprisonment of not less than one nor more than 20 years, one year of which shall be a mandatory minimum term of imprisonment. Under current law, a person is guilty of aggravated involuntary manslaughter when he causes the death of another while driving under the influence in a manner so gross, wanton, and culpable as to show a reckless disregard for human life.

*Patron - Peace*

**[F]HB1606 Incapacitated adults; abuse and neglect.** Narrows the definition of incapacitated adult and expands the definition of neglect in the criminal statute. The statute of limitations for a misdemeanor prosecution under the statute is lengthened to five years.

*Patron - Loupassi*

**[F]HB1607 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 per-

son 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 shall be sentenced to a term of imprisonment of two years in addition to the punishment provided for such offense.

*Patron - Loupassi*

**[F]HB1616 Assault and battery against family or household member; penalty.** Creates a new Class 1 misdemeanor to punish an adult having a custodial relationship over a juvenile who knowingly allows the juvenile to be present during the assault and battery of a family or household member.

*Patron - Ward*

**[F]HB1633 Financial exploitation of elderly or vulnerable adults; penalty.** Provides that it is a Class 5 felony to knowingly, by deception, intimidation, undue influence, coercion, harassment, duress, or misrepresentation, use, obtain, convert, or take control of an elderly or vulnerable adult's property or financial resources with the intent to temporarily or permanently deprive the adult of the use, benefit, or possession of the property or financial resources. If the violation is by a caregiver or person with a fiduciary relationship it is a Class 3 felony. This bill incorporates HB 1512.

*Patron - Watts*

**[F]HB1669 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*

**[F]HB1700 Illegal gambling; definitions.** Amends the definition of "illegal gambling" to clarify that the purchase of a product or other thing of value (e.g., phone card, Internet time), which purchase credits the purchaser with free points or other measurable units that may be risked by the purchaser for an opportunity to win money, is deemed consideration for the purposes of illegal gambling. The bill also clarifies that the conduct of a game, contest, lottery, scheme, or promotional offering may be lawful if (i) no part of the purpose of the contest is illegal gambling, (ii) no part of the contest involves the use of a gambling device, and (iii) the contest complies with certain requirements enumerated in the bill. The bill provides that it is declaratory of existing law. This bill was incorporated into HB 1584.

*Patron - Athey*

**[F]HB1731 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.

*Patron - Carrico*

**[F]HB1732 Concealed handgun permits; recognition of out-of-state permits.** Allows any person who is at least 21 years of age with a valid concealed handgun or concealed

weapons permit issued by another state to carry a concealed handgun within the Commonwealth, so long as he also carries a valid government-issued photo identification.

*Patron - Carrico*

**[F]HB1766 Presence of meth lab in same place as child, mentally incapacitated person, or physically helpless person.** Provides that any adult who knowingly allows a child or a mentally incapacitated or physically helpless person to be present in the same dwelling, apartment, unit of a hotel, garage, shed, or vehicle where the components of manufacture or attempted manufacture of methamphetamine are present is guilty of a felony punishable by imprisonment for not less than 10 nor more than 40 years, five years of which shall be a mandatory minimum term of imprisonment. Current law provides for enhanced punishment for the manufacture of methamphetamine in the presence of a child and omits the mandatory minimum term of imprisonment.

*Patron - Crockett-Stark*

**[F]HB1778 Penalties for possession, sale, gift, distribution or possession with intent to sell, give or distribute synthetic marijuana.** Creates a new category for "synthetic marijuana" as a series of controlled substances listed in Schedule 1 (§ 54.1-3446) of the Drug Control Act (§ 54.1-3400 et seq.). Notwithstanding the provisions regarding punishment for possession and distribution of controlled substances listed in Schedule 1, punishment for possession and distribution of synthetic marijuana is largely in accord with the provisions for actual marijuana. The bill has an emergency clause. This bill was incorporated into HB 1434.

*Patron - Gilbert*

**[F]HB1781 Street gang; punishment for predicate act.** Provides that any person who actively participates in or is a member of a criminal street gang and who knowingly and willfully participates in any predicate criminal act is guilty of a Class 5 felony (or a Class 4 felony if the perpetrator is an adult and the gang has a juvenile member). Current law requires that, for punishment of the crime of committing a predicate act, the act be committed for the benefit of, at the direction of, or in association with any criminal street gang.

*Patron - Gilbert*

**[F]HB1788 Charitable gaming; winner-take-all games.** Reinstates the conduct of "winner-take-all" bingo games for charitable organizations. The bill also increases from 55 to 60 the number of bingo games that may be played in a session of bingo, and reduces the number of progressive games from six to three.

*Patron - Tata*

**[F]HB1810 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*

**[F]HB1813 Possession of handguns in legislative buildings.** Prohibits the possession of a firearm in the Capitol and the General Assembly Building. The bill also allows a person who is lawfully carrying a handgun to check the handgun with the Capitol Police when entering the Capitol or the General Assembly Building. The prohibition would not apply to members of the General Assembly or to law-enforcement officers.

*Patron - Hope*

**HB1823 Sex offenses prohibiting residing in proximity to children; penalty.** Prohibits an adult convicted of certain sex offenses from living within 500 feet of a playground, recreation center, athletic field or facility, or public pool. A violation is a Class 6 felony and there is an exception if the playground, recreation center, athletic field or facility, or public pool was established subsequent to the offender's conviction.

*Patron - Oder*

**HB1849 Criminal street gangs.** Provides that notwithstanding the inclusion of the word "street," a criminal street gang includes any entity that meets the criteria for a criminal street gang no matter where the gang is located.

*Patron - Stolle*

**HB1863 Illegal gambling; definitions.** Amends the definition of "illegal gambling" to clarify that the purchase of a product or other thing of value (e.g., phone card, Internet time), which purchase credits the purchaser with free points or other measurable units that may be risked by the purchaser for an opportunity to win money, is deemed consideration for the purposes of illegal gambling. The bill also clarifies that the conduct of a game, contest, lottery, scheme, or promotional offering may be lawful if (i) no part of the purpose of the contest is illegal gambling, (ii) no part of the contest involves the use of a gambling device, and (iii) the contest complies with certain requirements enumerated in the bill. The bill provides that it is declaratory of existing law. This bill was incorporated into HB 1584.

*Patron - Cosgrove*

**HB1867 Definition of gang-free zones.** Provides that any person who violates § 18.2-46.2 (criminal street gang predicate acts) at any designated school bus stop, or upon the property, including buildings and grounds, of any publicly owned or operated park or hospital is guilty of the felony offenses currently applicable, under existing law, to such violations committed upon the property, including buildings and grounds, of any public or private elementary, secondary, or postsecondary school or any public or private two-year or four-year institution of higher education; upon public property or any property open to public use within 1,000 feet of such school property; on any school bus; or upon the property, including buildings and grounds, of any publicly owned or operated community center or any publicly owned or operated recreation center.

*Patron - Cole*

**HB1878 Penalties for possession, sale, gift, distribution or possession with intent to sell, give or distribute synthetic marijuana.** Creates a new category for "synthetic marijuana" as a series of controlled substances listed in Schedule 1 (§ 54.1-3446) of the Drug Control Act (§ 54.1-3400 et seq.). Notwithstanding the provisions regarding punishment for possession and distribution of controlled substances listed in Schedule 1, punishment for possession and distribution of synthetic marijuana is largely in accord with the provisions for actual marijuana. This bill was incorporated into HB 1434.

*Patron - Filler-Corn*

**HB1883 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 also provides that if the offender is a person responsible for the care of the victim, punishment shall include a mandatory minimum term of confinement of 30 days if the underlying offense is a misdemeanor and a mandatory minimum term of confinement of six months if the underlying offense is a felony.

*Patron - Filler-Corn*

**HB1893 Abduction; penalty.** Provides that any person who, without legal justification or excuse, recruits, entices, solicits, seizes, takes, transports, detains or secretes a child under 16 years of age, for the purpose of concubinage or prostitution, is guilty of a Class 2 felony, and that any person who assists or aids in such activity or threatens to do so is guilty of a Class 5 felony, and that abduction of any person 16 years of age or older for the purpose of concubinage or prostitution is punishable as a Class 4 felony. The bill also provides that any person who causes another person to engage in forced labor or services in violation of subsection B of § 18.2-47 (abduction) is guilty of a Class 4 felony. This bill was incorporated into HB 1898.

*Patron - Watts*

**HB1933 Smoking on public playgrounds; penalty.** Provides that smoking shall be prohibited on any public playground. The bill defines "public playground" as any real property owned or operated by the state or a locality or otherwise open to the general public. The bill further provides that (i) any person who continues to smoke on a public playground after having been asked to refrain from smoking shall be subject to a civil penalty of not more than \$25, (ii) any law-enforcement officer may issue a summons regarding a violation; and (iii) any civil penalties assessed under this section shall be paid into the treasury of the locality where the offense occurred and shall be expended solely for public health purposes.

*Patron - Marshall, D.W.*

**HB1936 Family abuse protective orders.** Provides that upon conviction of assault and battery against a family or household member, the court may enter a protective order for a specified period not exceeding two years from the date of conviction.

*Patron - Ware, O.*

**HB1954 Obscenity.** Modifies the educational, artistic, and theatrical exemption to obscenity laws by providing that certain crimes (child pornography and use of communications systems to facilitate certain offenses involving children) are not subject to the exemption.

*Patron - Villanueva*

**HB1987 Possession of certain substances with intent to manufacture methamphetamines.** Refines the list of substances involved in the manufacture of methamphetamine, the possession of two of which, coupled with the intent to manufacture methamphetamine, is punished as a Class 6 felony. The change is intended to capture substances used in new methods of manufacture and to capture by-products, as well as precursors, of manufacture.

*Patron - Kilgore*

**HB1996 Child endangerment; child abuse; penalty.** Provides that any parent, guardian, or other person responsible for the care of a child under the age of 18 who by willful act or omission or refusal to provide any necessary care for the child's health maliciously causes or permits serious injury to the life or health of the child is guilty of a Class 3 felony. If the person is at least seven years older than the child and the child is less than 15 years of age, the person shall be punished by a term of imprisonment of five years to 30 years,

five of which shall be a mandatory minimum sentence, and, for a second or subsequent violation, by a term of 10 years to 40 years, 10 years of which shall be a mandatory minimum sentence. The bill also relocates the crime of child endangerment to Title 18.2 (Crimes and Offenses Generally) from Title 40.1 (Labor and Employment) in order to emphasize its general application, but does not make any substantive changes to the language of the relocated statute.

*Patron - Janis*

**[F]HB2032 Electronic tracking devices; penalty.** Provides that it is a Class 3 misdemeanor to place an electronic tracking device in or on a vehicle with the intent to track the vehicle without the knowledge and consent of the operator. The prohibition would not apply to law-enforcement officers, judicial officers, probation or parole officers, or employees of the Department of Corrections in the lawful performance of their duties, to the owner or lessee of the vehicle (unless subject to a protective order) or to parents or guardians of minors. As introduced, this bill was a recommendation of the Joint Commission on Technology and Science. This bill incorporates HB 2320.

*Patron - May*

**[F]HB2049 Penalties for possession, sale, gift, distribution or possession with intent to sell, give or distribute synthetic marijuana.** Creates a new category for "synthetic marijuana" as a series of controlled substances listed in Schedule 1 (§ 54.1-3446) of the Drug Control Act (§ 54.1-3400 et seq.). Notwithstanding the provisions regarding punishment for possession and distribution of controlled substances listed in Schedule 1, punishment for possession and distribution of synthetic marijuana is largely in accord with the provisions for actual marijuana. This bill was incorporated into HB 1434.

*Patron - Ebbin*

**[F]HB2062 Carrying concealed weapons; correctional officers.** Allows a Department of Corrections correctional officer to carry a concealed handgun without a concealed handgun permit.

*Patron - Bell, Robert B.*

**[F]HB2064 Assault and battery of an employee of a prison contractor.** Adds an employee of a prison contractor, as defined in § 53.1-261, to the list of persons who, when a victim of assault or assault and battery, subject the perpetrator to enhanced punishment as a Class 6 felony instead of a Class 1 misdemeanor.

*Patron - Bell, Robert B.*

**[F]HB2069 Carrying concealed handguns; penalty.** Amends the section requiring a person to have a valid permit to carry a concealed handgun, making it legal for a person who may lawfully possess a firearm to carry a concealed firearm so long as he informs a law-enforcement officer of his possession as soon as practicable if detained and he secures the firearm at the officer's request or allows the officer to secure the weapon.

*Patron - Athey*

**[F]HB2119 Illegal gambling; definitions.** Amends the definition of "illegal gambling" to clarify that the purchase of a product or other thing of value (e.g., phone card, Internet time), which purchase credits the purchaser with free points or other measurable units that may be risked by the purchaser for an opportunity to win money, is deemed consideration for the purposes of illegal gambling. The bill also clarifies that the conduct of a game, contest, lottery, scheme, or promotional offering may be lawful if (i) no part of the purpose of the contest is illegal gambling, (ii) no part of the contest involves the use of a gambling device, and (iii) the contest complies with

certain requirements enumerated in the bill. The bill provides that it is declaratory of existing law. This bill was incorporated into HB 1584.

*Patron - Villanueva*

**[F]HB2180 Drug Treatment Courts.** Provides for the establishment of Drug Treatment Courts in Dickenson, Russell, and Wise Counties.

*Patron - Phillips*

**[F]HB2200 Computers; facilitating certain offenses involving children.** Revises for clarity the terms used to describe offenders and victims in the section criminalizing use of a communications system to solicit sexual activity with children. The bill states that it is declarative of existing law.

*Patron - Comstock*

**[F]HB2208 Housing for older persons; penalty.** Provides enhanced penalties for gang activities or drug use or distribution within 1,000 feet of multi-family housing for older persons.

*Patron - McQuinn*

**[F]HB2223 Sale of tobacco products.** Provides that wrappings may be sold only in places that are not open to the general public and not generally accessible to minors and that an establishment which prohibits the presence of minors unless accompanied by an adult is not open to the general public. There is a civil penalty. Wrappings are defined in existing law as papers made or sold for covering or rolling tobacco or other materials for smoking in a manner similar to a cigarette or cigar.

*Patron - Oder*

**[F]HB2224 Illegal gambling; definitions.** Amends the definition of "illegal gambling" to clarify that the purchase of a product or other thing of value (e.g., phone card, Internet time), which purchase credits the purchaser with free points or other measurable units that may be risked by the purchaser for an opportunity to win money, is deemed consideration for the purposes of illegal gambling. The bill also clarifies that the conduct of a game, contest, lottery, scheme, or promotional offering may be lawful if (i) no part of the purpose of the contest is illegal gambling, (ii) no part of the contest involves the use of a gambling device, and (iii) the contest complies with certain requirements enumerated in the bill. The bill provides that it is declaratory of existing law. This bill was incorporated into HB 1584.

*Patron - Wright*

**[F]HB2248 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 - Torian*

**[F]HB2254 Drug Treatment Court.** Provides for the establishment of a Drug Treatment Court in Montgomery County.

*Patron - Nutter*

**[F]HB2257 Publication of surreptitious photographs.** Provides that any person who publishes a photograph or video made in violation of the provision prohibiting "upskirting," etc., for financial gain, or on the web, or for mass distribution, is guilty of a Class 6 felony.

*Patron - Nutter*

**HB2320 Electronic tracking devices in opposition research; penalty.** Prohibits a person from placing in or on a vehicle an electronic tracking device to track the location, movements, conduct, or activities of a person for use in opposition research. For the purposes of this bill, opposition research is defined as the gathering of information related to a person's activities to be disclosed for political purposes. A violation of this section is a Class 3 misdemeanor. This bill was incorporated into HB 2032.

*Patron - Byron*

**HB2343 Carrying a handgun while under the influence of alcohol or drugs; penalty.** Creates a Class 1 misdemeanor for any person carrying a handgun in a public place while under the influence of alcohol or drugs and prohibits a person from obtaining a concealed handgun permit for five years following such a conviction. The prohibition applies regardless of whether the person is carrying the handgun openly or concealed with a concealed handgun permit. Current law makes it a Class 1 misdemeanor to carry a concealed handgun in a public place while under the influence of alcohol or drugs, but does not speak to openly carrying a handgun while under the influence.

*Patron - Morrissey*

**HB2356 Stalking; enhanced penalties.** Provides that any person who commits a second or subsequent offense of stalking 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*

**HB2381 Gang prosecution; predicate criminal acts.** Expands the definition of "predicate criminal act" for purposes of street gang prosecutions to include burglary (§ 18.2-89) and shooting into an occupied dwelling (§ 18.2-279) in the list of offenses constituting predicate acts.

*Patron - Pogge*

**HB2386 Concealed weapons permit.** Authorizes a person to obtain a permit to carry any lawfully possessed weapon in a concealed manner, and not just a handgun.

*Patron - Miller, J.H.*

**HB2396 Unlawful solicitation of a child by an adult; penalty.** Provides that any adult who, by an offer of something of value or by misrepresentation of his identity, lures or entices a minor who is three or more years younger than the adult to enter a motor vehicle is guilty of a Class 1 misdemeanor. There would be rebuttable presumption that the prohibition does not apply to any law-enforcement officer in the performance of his duties, to any family or household member or guardian of the minor, or to any person who has permission, granted by an adult family member of the minor or the guardian of the minor, to transport the minor.

*Patron - Bell, Robert B.*

**HB2431 Drug treatment courts.** Authorizes the establishment of drug treatment courts in the Counties of Buchanan, Dickenson, and Russell and in the courts of the Thirtieth Judicial Circuit.

*Patron - Kilgore*

**HB2440 Forced prostitution; expungement.** Provides that there shall exist an affirmative defense to the crime

of prostitution when the person arrested or charged was induced to engage in prostitution through the use of force, intimidation, or deception by another. The bill also provides for expungement of a prostitution charge when the person was induced to engage in prostitution through the use of force, intimidation, or deception by another.

*Patron - Comstock*

**HB2493 Threats against public officials.** Provides that any person who (i) threatens to kill or injure another person or to commit violence or injury against that person or his property, or to unlawfully trespass upon his property and (ii) knows or has reason to know that such other person is a judge, a law-enforcement officer, a correctional officer as defined in § 53.1-1, a person employed by the Department of Corrections directly involved in the care, treatment or supervision of inmates in the custody of the Department, a firefighter as defined in § 65.2-102, or a volunteer firefighter or lifesaving or rescue squad member, engaged in the performance of his public duties, is guilty of a Class 1 misdemeanor.

*Patron - Villanueva*

**HB2524 Prohibition of sale of certain firearms magazines.** Prohibits any person from selling, bartering, or transferring a firearms magazine designed to hold 20 or more rounds of ammunition. A violation is a Class 1 misdemeanor.

*Patron - Carr*

**SB746 Penalties for possession, sale, gift, distribution or possession with intent to sell, give or distribute synthetic marijuana.** Creates a new category for "synthetic marijuana" as a series of controlled substances listed in Schedule 1 (§ 54.1-3446) of the Drug Control Act (§ 54.1-3400 et seq.). Notwithstanding the provisions regarding punishment for possession and distribution of controlled substances listed in Schedule 1, punishment for possession and distribution of synthetic marijuana is largely in accord with the provisions for actual marijuana.

*Patron - Norment*

**SB748 Penalties for possession, sale, gift, distribution or possession with intent to sell, give or distribute synthetic marijuana.** Creates a new category for "synthetic marijuana" as a series of controlled substances listed in Schedule 1 (§ 54.1-3446) of the Drug Control Act (§ 54.1-3400 et seq.). Notwithstanding the provisions regarding punishment for possession and distribution of controlled substances listed in Schedule 1, punishment for possession and distribution of synthetic marijuana is largely in accord with the provisions for actual marijuana. This bill has been incorporated into SB 745.

*Patron - Houck*

**SB749 Penalties for possession, sale, gift, distribution or possession with intent to sell, give or distribute synthetic marijuana.** Creates a new category for "synthetic marijuana" as a series of controlled substances listed in Schedule 1 (§ 54.1-3446) of the Drug Control Act (§ 54.1-3400 et seq.). Notwithstanding the provisions regarding punishment for possession and distribution of controlled substances listed in Schedule 1, punishment for possession and distribution of synthetic marijuana is largely in accord with the provisions for actual marijuana. This bill has been incorporated into SB 745.

*Patron - Smith*

**SB755 Concealed handgun permits; disqualification for residential mental health or substance abuse treatment.** Allows a person who has received mental health treatment or substance abuse treatment in a residential setting within five years from the application to petition the court for a permit to carry a concealed handgun. Currently, such persons