

Virginia General Assembly

2011 Session Summary



Virginia Division of Legislative Services

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2011 Session Summary



Virginia Division of Legislative Services

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Preface

This publication presents a summary of legislation considered by the Virginia General Assembly at the 2011 Session. This summary is personally special to me as it represents the last of a total of 23 session summaries prepared under my direction as the Division's Director. My career has been blessed as I have had the opportunity to work with a bright, devoted, and enjoyable staff and outstanding members of the General Assembly. I thank each of you for that wonderful opportunity.

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

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

The major substantive provisions of each measure are summarized. The appropriate bill number and patron are also noted so that one can obtain further information, if needed. A researcher should refer to the enrolled bill, the appropriate chapter of the 2011 Acts of Assembly, or the Legislative Information System on the Internet (<http://lis.virginia.gov>) for detailed information on legislation.

These summaries reflect actions of the regular session of the 2011 General Assembly through adjournment *sine die* on February 27, 2011. Many of the measures are subject to gubernatorial review and veto. Therefore, some measures may be amended and some may not become law.

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

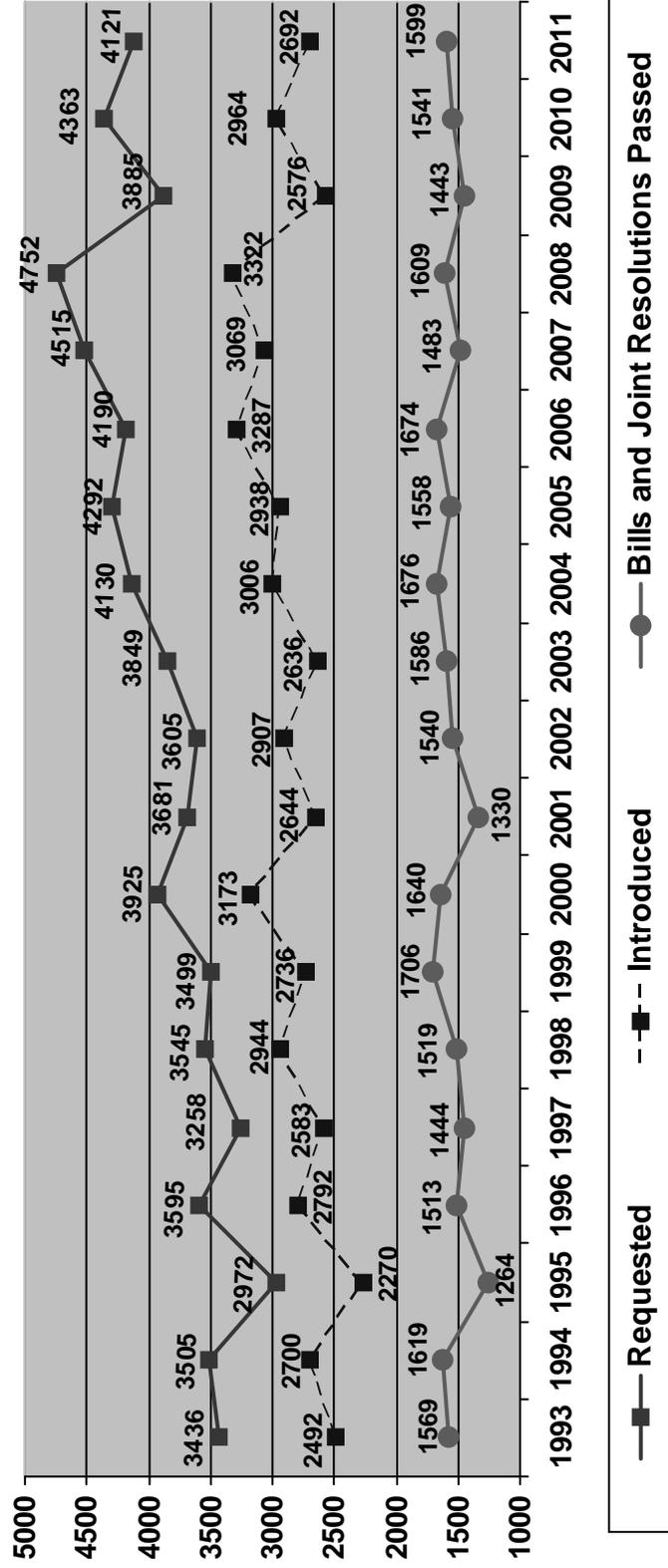
E.M. Miller, Jr.

Director, Division of Legislative Services

2011 SESSION STATISTICS

| | Continued | Introduced | Passed | Failed |
|---------------------------------|-----------|------------|--------|--------|
| House Bills | 165 | 1135 | 505 | 795 |
| House Joint Resolutions | 2 | 493 | 425 | 70 |
| House Resolutions | 0 | 50 | 48 | 2 |
| House Total | 167 | 1678 | 978 | 867 |
| <hr/> | | | | |
| Senate Bills | 92 | 747 | 387 | 452 |
| Senate Joint Resolutions | 14 | 251 | 220 | 45 |
| Senate Resolutions | 0 | 16 | 14 | 2 |
| Senate Total | 106 | 1014 | 621 | 499 |
| <hr/> | | | | |
| General Assembly Total | 273 | 2692 | 1599 | 1366 |

Legislation Requested*, Introduced and Passed *before Deadline (1993-2011)



Session Highlights

2011



The 2011 *Session Highlights* summarizes significant legislation considered by the 2011 General Assembly as selected by the staff of the Virginia Division of Legislative Services. The brief overview of the General Assembly Session covers legislative actions through sine die on Sunday, February 27, 2011.

ABC

Passed

Alcoholic beverage control; banquet licenses; exception. The measure provides that no banquet license shall be required for private meetings or private parties limited in attendance to members of a common interest community and their guests provided certain conditions are met.

Business and Employment

Passed

Unemployment compensation; Social Security offset. The measure eliminates the requirement that unemployment compensation benefits be reduced by 50 percent of the amount of the claimant's Social Security Act or Railroad Retirement Act retirement benefits in years when the solvency level of the unemployment trust fund is less than 50 percent.

Electric utility service terminations; customers with a serious medical condition. The measure directs the State Corporation Commission to establish limitations on the authority of electric utilities to terminate electric service to the residence of a customer who has a serious medical condition or resides with a family member with a serious medical condition. The Commission is further directed to adopt regulations, by October 31, 2011, to implement the limitations.

Telecommunications services; regulation. The measure eliminates certain requirements applicable to competitive telecommunications services. The requirement that competitive services be offered for sale under a filed tariff is eliminated. The State Corporation Commission shall permit, but may not mandate, the detariffing of

any or all terms, conditions, or rates for retail telephone service not found prior to January 1, 2011, to be a basic local exchange telephone service. After July 1, 2013, the Commission shall permit, but may not mandate, the detariffing of any or all terms, conditions, or rates for any or all retail telephone services. The measure makes numerous other changes to telecommunications services.

Health insurance; mandated coverage for autism spectrum disorder. The measure requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the diagnosis of autism spectrum disorder (ASD) and treatment for ASD in individuals from age two to six, subject to an annual maximum benefit of \$35,000 of coverage for applied behavior analysis. This requirement does not apply to individual or small group policies, contracts, or plans. The mandate will also apply to the state employees' health insurance plan and to the local choice health program.

Failed

Motor vehicle title loans, payday loans, and open-end credit plans; interest rate. The measure caps the rate of interest that may be charged on motor vehicle title loans, payday loans, and open-end credit plans at 36 percent per year.

Foreclosure procedures. The measure makes various changes to procedures for foreclosure, including requiring additional documentation showing the right of the beneficiary to request foreclosure, altering the requirements for providing notice prior to a foreclosure sale, and imposing additional fiduciary duties on the trustee. The measure also provides that violating foreclosure provisions is a prohibited practice under the Virginia Consumer Protection Act.



Constitutional Amendments

Passed

Constitutional amendment (first resolution); taking or damaging of private property; eminent domain; public use. The measure provides that private property can be taken or damaged only for a public use, only with just compensation to the owner, and only so much taken as is necessary for the public use. Just compensation must equal or exceed the value of the property taken. A taking of private property is for a public use when the taking relates to the authorized provision of utility, common carrier, or railroad services. In all other cases, a taking or damaging of private property is not for public use if the primary use is for private gain, private benefit, private enterprise, increasing jobs, increasing tax revenue, or economic development, except for the elimination of a public nuisance existing on the property.

Failed

Constitutional amendment (first resolution); restoration of civil rights. The measure authorizes the General Assembly to provide by law for the restoration of civil rights for persons convicted of nonviolent felonies who have completed service of their sentences subject to the conditions, requirements, and definitions set forth in that law.

United States Constitution; amendment. The measure makes application to the United States Congress to call a constitutional convention for the purpose of proposing an amendment that permits the repeal of any federal law or regulation by the vote of two-thirds of the state legislatures.

Corrections

Passed

Local prisoner programs; workforces in certain cemeteries. The measure allows workforces to assist with maintaining privately owned, abandoned cemeteries.

Corrections; use of inmate labor. The measure authorizes the use of inmate labor at rest areas along the Interstate Highway System.

Failed

Rehabilitative programming; earned sentence credits. The measure allows prisoners to earn 10 additional sentence credits for each 30 days of incarceration for participation in certain programs.

Courts and Civil Law

Passed

Homestead exemptions. The measure adds one family firearm, not to exceed \$3,000 in value, to the list of items that every householder shall be entitled to hold exempt from

creditor process. The measure also increases the maximum exemption for a motor vehicle from \$2,000 to \$6,000.

Military parents; delegation of visitation rights. The measure provides that in cases involving a parent who is a member of the military and who has been deployed on active duty, a court may enter an order (i) delegating the deploying parent's visitation rights with a child to a family member of the deploying parent or (ii) awarding visitation rights to a family member of the deploying parent if the parent had physical custody of the child prior to the deployment and physical custody is awarded to the nondeploying parent or his family during the deployment.

Jurisdictional limits of courts. The measure increases from \$15,000 to \$25,000 the maximum civil jurisdictional limit of general district courts.

Equitable distribution; marital debts. The measure provides that for purposes of equitable distribution in divorce actions, the court is required to classify debts of the parties as either marital or separate. The measure defines what constitutes a marital debt and a separate debt for purposes of classification and establishes how a party may rebut such a classification.

Medical malpractice cap. The measure sets the maximum amount recoverable in a medical malpractice action arising from an act or acts of malpractice occurring on or after July 1, 2012, at \$2.05 million. Currently the limit is \$2 million. The \$2.05 million limit will increase by \$50,000 annually each July 1 thereafter until July 1, 2031, which shall be the final annual increase.

Failed

Determinations of child support. The measure 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 demonstrates that certain conditions have been met.

Best interests of the child. The measure provides that when a court has jurisdiction to resolve a dispute between parents as to how a child shall be educated, there shall be a rebuttable presumption that it is in the child's best interests to remain in the last educational setting to which both parents agreed.

Criminal Justice

Passed

Reckless driving; failing to stop at a school bus. The measure provides that a driver is guilty of reckless driving who

fails to stop, when approaching from any direction, at any school bus that is stopped for the purpose of taking on or discharging children, etc., and to remain stopped until all the persons are clear and the bus is put in motion.

Commercial vehicles; persons required to register with the Sex Offender and Crimes Against Minors Registry. The measure prohibits persons for whom registration with the Sex Offender and Crimes Against Minors Registry is required from driving school buses and from being issued commercial driver's licenses and instruction permits to drive school buses.

Abduction of a minor; forced labor or services. The measure provides that abduction of any minor for the purpose of concubinage, prostitution, or the manufacture of child pornography is a Class 2 felony. The measure 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.

Torts; sexual abuse; limitations period. The measure 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.

Protective orders; availability; penalty. The measure renames "protective orders for stalking" as "protective orders" and expands the class of persons that is eligible to obtain a protective order by enlarging the types of conduct that permit the issuance of a protective order from certain specified criminal acts to any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury. Such protective orders are available based on such conduct, regardless of the relationship of the parties involved. The measure also makes several amendments to make protective orders and family abuse protective orders more consistent.

Penalties for possession, sale, gift, distribution or possession with intent to sell, give or distribute synthetic cannabinoids; bath salts. The measure 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 measure criminalizes privately compounding with the specific intent to circumvent the criminal penalties for synthetic cannabinoids. The measure also allows restitution for cleaning up sites where

the drug is made. The measure adds chemicals known as "bath salts" to Schedule 1 of the Drug Control Act.

Failed

Firearms; alcohol; penalties. The measure provides that it is a Class 1 misdemeanor for a person who is under the influence of alcohol or illegal drugs to carry a loaded firearm in a public place and that a person found guilty is ineligible to apply for a concealed handgun permit for a period of five years. The measure also makes it a Class 2 misdemeanor for a person to carry a loaded firearm onto the premises of any restaurant or club licensed to sell and serve alcoholic beverages for on-premises consumption and consume an alcoholic beverage while on the premises.

Decriminalization of simple possession of marijuana. The measure decriminalizes simple marijuana possession. The measure 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.

DUI ignition interlock limitations. The measure 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.

Education

Passed

Virginia Higher Education Opportunity Act of 2011. The measure establishes the Virginia Higher Education Opportunity Act of 2011, which provides for (i) a new higher education funding policy; (ii) the calculation of the state general fund share of an institution's basic operations and instruction funding need; (iii) per student enrollment-based funding; (iv) targeted economic and innovation incentives; (v) the creation of a STEM Public-Private Partnership; and (vi) the creation of a Higher Education Advisory Committee.

Accreditation of schools; delayed implementation of certain statutes and regulations, etc. The measure provides for the delayed implementation of statutes and regulations upon which the accreditation of schools in the Commonwealth is based that were not already in effect on June 30, 2008, with the exception of the graduation and completion rate index and the economic and financial literacy requirement, until July 1, 2012, unless such statutes or regulations are also specifically required by federal code, federal regulation, or court action.

Tuition Assistance Grant Program. The measure amends the criteria for institutions of higher education to be eligible to receive tuition assistance on behalf of eligible students. For an institution to be eligible, the institution must have either been receiving such funds as of January 1, 2011, or (i) be formed, chartered, established, or incorporated within the Commonwealth; (ii) have the principal place of business in the Commonwealth; (iii) conduct their primary educational activity within the Commonwealth; and (iv) be accredited by a nationally recognized regional accrediting agency. The measure also contains a definition of "principal place of business."

Public schools; physical education requirement. The measure requires at least 150 minutes of physical education per week on average during the regular school year for grades K through eight, with a similar goal for high school students.

Failed

Family life education. The measure requires each school division to implement the standards of learning for the family life education program promulgated by the Board of Education, or a family life education program consistent with the guidelines developed by the Board.

Nonpublic school students; participation in interscholastic programs. The measure directs a nonprofit corporation founded in Virginia in 1913 to organize and govern interscholastic programs among the public high schools to deem eligible for participation in interscholastic programs a student who meets certain conditions.

Elections

Failed

State Board of Elections; Director of Elections. The measure provides for the position of Director of Elections to be appointed by the Governor for a four-year term, subject to confirmation by the General Assembly. The Director shall serve as head of the elections agency.

General Laws

Passed

Defective Chinese drywall; disclosure, assessed value, real estate tax exemption. The measure addresses disclosure of Chinese drywall in a dwelling unit, the reassessment of property that contains Chinese drywall, and the placement of property containing Chinese drywall in a rehabilitation district.

Professions and occupations; expiration of certain documents issued to spouses of individuals serving in the armed forces of the United States. The measure provides an

extension of the expiration of certain licenses, certifications, and registrations held by the spouse of a member of the armed forces of the United States when the spouse accompanies the individual for a period of service outside of the country.

Office of the Inspector General. The measure 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.

Property transfer Richmond Slave Trail; Virginia Commonwealth University; City of Richmond. The measure authorizes the board of visitors of Virginia Commonwealth University to convey certain real property to the City of Richmond to be used for the official Richmond Slave Trail located in Richmond, Virginia. Such use must commence within five years of the conveyance.

Common interest communities; charges for access to association books and records. The measure provides that charges for access to association books and records may be imposed only in accordance with a cost schedule adopted by the board. The measure has a delayed effective date of July 1, 2012.

Illegal gambling; definitions. The measure amends the definition of "illegal gambling" to clarify that the purchase of a product or other thing (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.

Failed

Virginia Racing Commission; simulcast horse racing; allocations. The measure authorizes wagering on historical horse racing.

Health

Passed

Schedule II drugs; identification required in filling prescriptions. The measure specifies that certain duties imposed upon a pharmacist in the delivery of Schedule II drugs may be undertaken by the agent of the pharmacist.

Vital records; copies for veterans. The measure allows any veteran or his survivor to obtain a certified copy of a vital record to obtain service-connected benefits, free of charge.

Board of Health; regulation of facilities. The measure requires the Board of Health to promulgate regulations

containing minimum standards for policies related to infection prevention, disaster preparedness, and facility security of hospitals, nursing homes, and certified nursing facilities. This measure provides that certain minimum standards shall also apply to any facility in which five or more first trimester abortions per month are performed, and that such facilities shall be classified as a category of hospital for the purposes of such requirements. This measure requires the Board of Health to promulgate regulations within 280 days of enactment.

Local Government

Passed

Commission on Local Government; mandates. The measure 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.

Joint aid agreements by localities. The measure 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. 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.

Failed

Urban development areas. The measure 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.

Local government; publication of notices for charter changes, referenda, and public hearings, etc.; alternatives. The measure gives localities alternatives to publication in a newspaper of general circulation in the locality for legal ads and other notices of proposed action.

Militia and Police

Passed

Secretary of Veterans Affairs and Homeland Security. The measure 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.

Pneumatic gun regulations; exceptions. The measure requires that any ordinance that 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.

Concealed handgun permits; lost or destroyed permits. The measure allows a concealed handgun permit holder to obtain a replacement permit in the event that the original permit is lost or destroyed.

Failed

Wireless telecommunications devices in motor vehicles. Numerous measures regarding hands-free use of cell phones while driving did not pass.

Texting while driving. Numerous measures making texting while driving a primary offense did not pass.

Motor Vehicles

Passed

Vehicles damaged by water. The measure increases the threshold for reporting water damage from \$1,000 to \$3,500 and requires insurance companies to report payment of such a claim to the Department of Motor Vehicles.

Special license plates; fleet vehicles of businesses. The measure provides for the issuance of special license plates for fleet vehicles of business entities and that these plates have their own fee structure and criteria for issuance.

Regulation of motor carriers by DMV; commercial driver's licenses. The measure revises statutes relating to motor carriers. The measure also updates Virginia law on commercial driver's licenses to comply with federal requirements.

Motor vehicle dealers and manufacturers. The measure places limitations and conditions on the relationship between motor vehicle dealers and manufacturers.

Failed

Following too closely; passing other vehicles. The measure adds bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, and mopeds to the list

of vehicles that the driver of a motor vehicle shall not follow more closely than is reasonable.

Natural Resources

Passed

Care of agricultural animals by owner; penalty. The measure provides standards of care specifically for agricultural animals that ensure accommodation for customary farming activities. The measure also clarifies certain procedures for the seizure and impoundment of agricultural animals.

Agriculture; resource management plans. The measure allows owners of agricultural land who implement and maintain a resource management plan to be deemed as being in full compliance with certain state and federal water quality requirements. 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 measure sets out minimum criteria for such regulations.

Fertilizer; regulation of application and labeling. The measure prohibits the sale, distribution, and use of lawn maintenance fertilizer containing phosphorus, with certain exemptions, and any deicing agent containing urea, nitrogen, or phosphorus intended for application on parking lots, roadways, and sidewalks, or other paved surfaces beginning December 31, 2013. However, retailers are allowed to sell their existing inventory. The measure also requires golf courses to implement nutrient management plans by July 1, 2017.

Dam safety; regulation of impoundment structures. The measure 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.

Failed

Coalbed methane gas; conflicting claims to ownership. The measure provides that, in order to establish a conflicting claim to the ownership of coalbed methane gas, a claimant who is not the surface owner must submit the document by which the interest in coalbed methane gas was severed from the surface estate and identify with specificity the writing that conveys such interest.

Menhaden fishery. The measure directs the Virginia Marine Resources Commission to adopt regulations to implement the Interstate Fishery Management Plan for Atlantic Menhaden.

Retirement

Passed

Virginia Retirement System; collection of overpayments. The measure authorizes the Virginia Retirement System to collect overpayment of retirement benefits from the retiree's employer under certain conditions.

Virginia Retirement System; loss of benefits for certain felony convictions. The measure provides that a member of any of the retirement programs administered by the Virginia Retirement System forfeits his retirement benefits if it is determined that he has been convicted of a felony that arose out of misconduct in any position covered under the retirement programs administered by the Virginia Retirement System.

Failed

Virginia Retirement System; optional defined contribution retirement program for state and local employees. The measure creates an optional defined contribution retirement program and other related benefits for state and local employees beginning January 1, 2012.

Local defined contribution retirement plan. The measure permits any locality or school board to establish a defined contribution retirement plan in lieu of any other retirement plan for employees hired after such plan is established.

Virginia Retirement System; defined contribution plan; member contributions. The measure creates an optional defined contribution retirement plan for state employees and would allow political subdivisions that participate in the Virginia Retirement System to establish a substantially similar defined contribution plan. The measure also requires all state employees who participate in the Virginia Retirement System to contribute five percent of their salary to their defined benefit retirement accounts. Local employers would retain the option of paying member retirement contributions on behalf of their employees participating in the Virginia Retirement System.

Social Services

Passed

Regulation of child day programs; use of outdoor play equipment and areas. The measure provides that regulations

governing child day centers shall not prohibit child day programs providing care for school-age children at a location that is currently approved for school occupancy and that houses a public or private school during the school year from allowing school-age children to use outdoor play equipment and areas approved for use by students of the school during school hours.

Adult adopted person; access to identifying information. The measure requires the State Registrar of Vital Records to make an adult adopted person's original certificate of birth available to the adult adopted person for inspection and copying upon order of the Commissioner of Social Services or order of a circuit court. The measure also provides that if a circuit court corrects or establishes a date of birth for a person born in a foreign country during an adoption proceeding or upon a petition to amend a certificate of foreign birth, the State Registrar shall issue a certificate of birth showing the date of birth established by the court.

Child day programs; exemption from licensure requirements. The measure clarifies that a child day program where, by written policy given to and signed by a parent or guardian, children are free to enter and leave the premises without permission or supervision shall be exempt from licensure requirements.

Recognition of foreign adoptions. The measure provides that in cases in which a child has been adopted pursuant to the laws of a foreign country and enters the United States with an IR-3 or IH-3 visa issued by the United States Citizenship and Immigration Service, the adoptive parents shall not be required to readopt the child in Virginia and the adoption shall be recognized by the Commonwealth and the rights and obligations of the parties shall be determined as though the order of adoption was entered by a court of the Commonwealth. This measure also establishes a streamlined process whereby adoptive parents of children adopted pursuant to the laws of a foreign country and brought into the United States with an IR-3 or IH-3 visa may obtain a certificate of birth for the child.

Failed

Eligibility for TANF; drug-related felonies. The measure requires persons otherwise eligible to receive Temporary Assistance for Needy Families (TANF) benefits to not be denied benefits solely due to a previous conviction of a felony drug offense pursuant to § 18.2-250.

Taxation

Passed

Income tax; farm wineries and vineyards tax credit. The measure creates an income tax credit for licensed farm wineries equal to 25 percent of the cost of certain winery equipment and materials for taxable years beginning on and after January 1, 2011. There is a \$250,000 cap on the total amount of credits allowed in a calendar year.

Income tax; telework expenses tax credit. The measure provides a tax credit to employers for expenses incurred in allowing employees to telework pursuant to a signed telework agreement for taxable years beginning on or after January 1, 2012, but before January 1, 2014.

Real estate tax relief for the elderly and permanently and totally disabled. The measure authorizes local governments to establish annual income or financial worth limitations as a condition of eligibility for real property tax relief for the elderly and permanently and totally disabled. The measure contains an emergency clause.

Real property tax; exemption for disabled veterans. The measure codifies the constitutional amendment adopted by voters in November, 2010, that provides for a property tax exemption for veterans who have a 100 percent, service-related disability. The constitutional amendment requires the General Assembly to enact the exemption in general law.

Failed

Income tax; educational improvement scholarships. The measure establishes a credit beginning in taxable year 2012 for corporations donating cash to nonprofit organizations providing education improvement scholarships to students who would have been eligible for the free and reduced lunch program under federal law, in order for them to attend nonpublic elementary or secondary schools.

Corporate income tax; market-based sourcing. The measure changes the way the sales factor is determined, for purposes of the corporate income tax, so that it will be market-based sourcing rather than costs-of-performance, which is the current method used.

Transportation

Passed

Transportation funding. The measure creates the Virginia Transportation Infrastructure Bank to fund transportation

projects. The measure authorizes the issuance of Commonwealth of Virginia Transportation Grant Anticipation Revenue Notes whose outstanding aggregate principal amount, shall not exceed \$1.2 billion, less any principal amounts outstanding from Notes issued pursuant to Chapters 1019 and 1044 of the Acts of Assembly of 2000. Proceeds of the Notes shall be used for transportation projects as determined by the Commonwealth Transportation Board. The measure also increases the aggregate principal amount of Commonwealth of Virginia Transportation Capital Projects Revenue Bonds that may be issued in the fiscal years ending June 30, 2012, and June 30, 2013, from \$300 million to \$500 million and \$600 million, respectively. Finally, the measure increases the annual cap on the program size of the revenue sharing program to \$200.0 million, increases the per project cap to \$10.0 million, and provides that the funds allocated by the CTB will be distributed only to projects included in the Six Year Improvement Program or a locality's capital improvement plan.

Failed

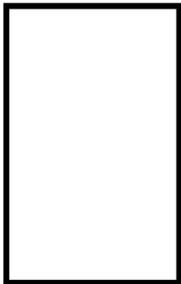
Fuels taxes; indexing of tax rates. The measure increases or decreases each year the rates of Virginia's fuels taxes using a fuel efficiency index with 2007 as the base year for the fuel efficiency index.

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Session Highlights
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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

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

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

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

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

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

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

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

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

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

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

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

SB859 Mid-Atlantic Offshore Wind Energy Infrastructure Development Compact. Repeals the Mid-Atlantic Offshore Wind Energy Infrastructure Development Compact.

Patron - Wagner

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HB1509 Employment; prohibit discrimination based on sexual orientation. Prohibits discrimination in employment based on sexual orientation.

Patron - Scott, J.M.

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

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

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

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

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

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

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.

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

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

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.

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

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

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

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

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

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

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

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

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

Patron - Locke

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 sledge, 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 sledge, 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 or 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 - McDougle

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 - McDougle

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 - McDougle

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

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

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

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

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

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

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

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 (Catoctin 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

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

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

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

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

Patron - Ware, O.

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.

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

Patron - Lewis

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 licenses.

Patron - Hugo

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.

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

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

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

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

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

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

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

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

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

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

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.

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

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

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

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

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

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

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

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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.

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

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

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

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

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

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

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.

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

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

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

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

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

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

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

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

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

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

Passed

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.

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

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

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

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

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

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

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.

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.

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.

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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.

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

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

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

PHB2472 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

PHB2478 Southwest Virginia Health Authority; appointments. Adds two additional appointments to the Authority's board of directors.

Patron - Phillips

PHB2504 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

PSB757 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

PSB773 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

PSB777 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

PSB783 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

PSB799 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

PSB873 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

PSB900 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

PSB901 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

PSB1092 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

PSB1160 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

PSB1204 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

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

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

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

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

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

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

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

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

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

Patron - Puller

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

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

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

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

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 - McDougle

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

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

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

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

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

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

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

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

Patron - McEachin

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

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

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

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

Courts of Record

Passed

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.

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

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

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

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

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

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

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

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

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

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

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

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.

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

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

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

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

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

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

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

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

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

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

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

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

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.

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.

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

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

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

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

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

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 - McDougle

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

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

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

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

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

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.

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

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

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

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

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.

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.

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

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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 raked 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

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

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

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.

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.

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

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

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

Patron - Phillips

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 declaratory of existing law.

Patron - Comstock

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

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

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

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

HB2254 Drug Treatment Court. Provides for the establishment of a Drug Treatment Court in Montgomery County.

Patron - Nutter

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

are disqualified from obtaining a permit within five years of receiving residential treatment.

Patron - Reynolds

SB758 Preliminary protective orders. Makes the prohibition on purchasing and transporting a firearm applicable to persons subject to preliminary protective orders that contain a finding of abuse or neglect. Under current law, persons subject to a preliminary protective order are prohibited from purchasing or transporting a firearm regardless of any court finding.

Patron - Reynolds

SB813 Threats of death or bodily injury; penalty. Provides that any person who knowingly communicates, in a writing, a threat to kill or do bodily harm to a person or class of persons, regardless of whether the person or a member of the class of persons who is the object of the threat actually receives the threat, and the threat would place the object of the threat in reasonable apprehension of death or bodily injury is guilty of a Class 6 felony. Current law only governs threats made against a person or his family members or threats to do harm at a school or a school-related event or on a school bus. The bill also expands the types of government activities to include judicial proceedings for which threats to kill or do bodily injury with the intent to influence such government activities are punishable as Class 5 felony.

Patron - Martin

SB826 Publication of unlawful photographs; penalty. Provides that it is a Class 6 felony for a person to publish on the Internet a photograph or video made in violation of the current law prohibiting photographing, etc., a nonconsenting person in certain situations where there is an expectation of privacy.

Patron - Edwards

SB849 Illegal gambling; poker a game of skill. Clarifies that poker games are deemed games of skill and nothing in the definition of illegal gambling shall be construed to make any poker game illegal. The bill defines "poker game" as any of several card games in which a player bets that the value of his hand is greater than that of the hands held by others, in which each subsequent player must either equal or raise the bet or drop out, and in which the player holding the highest hand at the end of the betting wins the prize, stake or other consideration, or thing of value.

Patron - Petersen

SB857 Misdemeanor fines. Provides that the maximum fine for a misdemeanor is raised each July 1, starting July 1, 2012, by an amount approximately equal to the annual rate of inflation for the previous calendar year.

Patron - Wagner

SB872 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 - Stuart

SB876 Castle doctrine. Encodes a version of the "castle doctrine," allowing a lawful occupant to use of physical force, including deadly force, against an intruder in his dwelling who has committed an overt act against him, without civil liability.

Patron - Stuart

SB904 Family assault and battery. Allows the penalty for family assault and battery to be elevated from a Class 1 misdemeanor to a Class 6 felony if the defendant has previously been convicted of unlawful wounding or unlawful bodily injury by means of a substance. Under current law, malicious wounding and malicious bodily injury by means of a substance are two of the crimes that allow elevation of the penalty.

Patron - Deeds

SB919 Penalty for certain crimes against adults 60 years of age or older. Increases criminal penalties when the victim of the offense is 60 years of age or older and the offender knows or reasonably should know the victim of the offense is 60 years of age or older as follows: Any person who commits a grand larceny shall be punished by a term of imprisonment of not less than two nor more than 20 years. Any person who obtains money by false pretenses is guilty of a Class 3 felony. Any person who signs another's name to a writing is guilty of a Class 4 felony. Any person who commits an identity theft resulting in financial loss of greater than \$200 is guilty of a Class 5 felony. Any person who commits a second or subsequent offense shall be sentenced to a term of imprisonment of two years in addition to the punishment provided for such offense. This bill has been incorporated into SB 1324.

Patron - McDougle

SB926 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 I (§ 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 I, punishment for possession and distribution of synthetic marijuana is largely in accord with the provisions for actual marijuana. However, except where synthetic marijuana is specifically exempted, it will fall under provisions in the Virginia Code that refer to controlled substances. This bill has been incorporated into SB 745.

Patron - McDougle

SB929 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 - McDougle

SB962 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 - Northam

SB992 Imitation marijuana; penalty. Provides the same penalties for the sale, gift, distribution or possession with the intent to sell, give or distribute imitation marijuana as for marijuana. This includes any substance that is an imitation, is intended to imitate, or that the person should reasonably know

is used as an imitation for marijuana. This bill has been incorporated into SB 745.

Patron - Stuart

SB1028 Drug Treatment Courts. Provides for the establishment of drug treatment courts in Buchanan, Dickenson, Goochland, Montgomery, and Russell Counties, and for the establishment of a drug treatment court in the County of Wise that will serve the Counties of Lee, Scott, and Wise; and that funding shall be from federal appropriations or other non-general funds as may be made available for the purpose.

Patron - Puckett

SB1035 Possession of open container of alcohol in a motor vehicle; penalty. Provides that no person shall possess an alcoholic beverage in the passenger area of a motor vehicle upon a public highway of the Commonwealth in other than the manufacturer's unopened, original container. The bill punishes violators with a civil penalty of \$25.

Patron - Barker

SB1082 Synthetic marijuana; penalties. Adds synthetic marijuana (known as K2 and Spice and various other names) to Schedule I of the Drug Control Act. Possession of a Schedule I drug is a Class 5 felony and the sentence for a first offense of manufacturing, selling, distributing or possessing with intent to manufacture, sell, give or distribute a Schedule I controlled substance is 5-40 years of imprisonment with a maximum fine of \$500,000. There are additional felonies for subsequent offenses, transporting into the Commonwealth, distributing to a person under the age of 18 and selling, etc. on or near school property, etc. This bill has been incorporated into SB 745.

Patron - Hanger

SB1084 Access to concealed handgun permittee information. Prohibits the clerk of the court from disclosing identifying information contained on a concealed handgun permit application or on an order issuing a concealed handgun permit, if so requested by the applicant or permittee.

Patron - Hanger

SB1118 First offense DUI; ignition interlock and restricted license. Provides that a person who is convicted of DUI is required to have an ignition interlock on the first offense as a condition of a restricted license. Currently, the requirement for an interlock is imposed only upon a second offense or when the offender's blood alcohol content is above 0.15 percent. The bill also expands the likelihood that a first offender will be issued a restricted license when necessary for the offender's employment.

Patron - McEachin

SB1140 Bad checks; child support; penalties. Specifies that writing a bad check for child or spousal support is subject to the criminal penalties for bad checks. The bill also adds writing a bad check for child or spousal support on behalf of a business, firm, or corporation knowing that there are insufficient funds to the provisions that make it a Class 1 misdemeanor or Class 6 felony (\$200 or more) for an employer to write a bad check for wages.

Patron - Quayle

SB1164 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 con-

duct 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 has been incorporated into SB 1195.

Patron - Reynolds

SB1181 DUI maiming; penalty. Raises the penalty for DUI maiming, causing permanent impairment, from a Class 6 to a Class 4 felony and creates a Class 6 felony when the offense causes serious bodily injury without maiming.

Patron - Norment

SB1186 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 has been incorporated into SB 745.

Patron - Norment

SB1200 Criminal law; redefinition of the triggerman rule; penalty. Redefines the "triggerman rule," by expanding the principals in the second degree and accessories before the fact who can be charged with capital murder. This bill allows a principal in the second degree to be tried as a principal in the first degree if he had the same intent to kill as the principal in the first degree in cases of the willful, deliberate, and premeditated killing of any person in the commission of rape, etc. The bill allows an accessory before the fact to be tried as a principal in the first degree if he ordered or directed the willful, deliberate, and premeditated killing in such a case. The bill also removes the provision that a principal in the second degree or an accessory before the fact in a capital murder in the commission of an act of terrorism must have acted pursuant to the direction or order of a person engaged in an act of terrorism. Current law provides that principals in the second degree and accessories before the fact can be charged as principals in the first degree in the cases of murder for hire, murder involving a continuing criminal enterprise, and terrorism (if done pursuant to the direction or order of one who is engaged in terrorism) and that in all other cases of capital murder only the actual perpetrator is eligible for the death penalty and accessories and principals in the second degree can be punished only as if guilty of first degree murder.

Patron - Obenshain

SB1217 Forced or coerced abortion prohibited; penalty. Provides that any person who forces or coerces a pregnant female to have an abortion against her will is guilty of a Class 1 misdemeanor. The bill also creates a private right of action against the person who coerced her to have an abortion for the female herself and for the wrongful death of the unborn child.

Patron - Smith

SB1251 Electronic tracking devices; penalty. Prohibits a person from placing, through intentionally deceptive means, an electronic tracking device in or on a vehicle. 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 or to parents or guardians of minors. A violation of the

section is a Class 3 misdemeanor. This bill is a recommendation of the Joint Commission on Technology and Science.

Patron - Vogel

SB1324 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. This bill incorporates SB 919.

Patron - Herring

SB1325 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.

Patron - Herring

SB1373 Penalties for possession, sale, gift, or distribution of or possession with intent to sell, give, or distribute synthetic cannabinoids. Creates a new category for "synthetic cannabinoids" as a series of controlled substances listed in Schedule I (§ 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 I, punishment for possession and distribution of synthetic cannabinoids is largely in accord with the provisions for actual marijuana. However, except where synthetic cannabinoids is specifically exempted, it will fall under provisions in the Virginia Code that refer to controlled substances. The bill has an emergency clause. This bill has been incorporated into SB 745.

Patron - Wampler

SB1395 Firearms; alcohol; penalties. Provides that it is a Class 1 misdemeanor for a person who is under the influence of alcohol or illegal drugs to carry a loaded firearm on or about his person in a public place and that a person found guilty is ineligible to apply for a concealed handgun permit for a period of five years. The bill also makes it a Class 2 misdemeanor for a person to carry a loaded firearm on or about his person onto the premises of any restaurant or club licensed to sell and serve alcoholic beverages for on-premises consumption and consume an alcoholic beverage while on the premises.

Patron - McEachin

SB1411 Making, drawing, uttering, or delivering a bad check; penalty. Provides that any person making, drawing, uttering, or delivering any check, draft, or order in payment of rent pursuant to a lease agreement under Chapter 13 (Landlord and Tenant) or Chapter 13.2 (Virginia Residential Landlord and Tenant Act) of Title 55 with intent to defraud is guilty of a Class 1 misdemeanor if the amount is less than \$200, and a Class 6 felony if the amount is \$200 or more.

Patron - Martin

SB1415 Manufacturing, selling, giving, possessing with intent to manufacture methamphetamine; penalties. Provides that, notwithstanding any other provision of law, any person who manufactures, sells, gives, distributes, or possesses with intent to manufacture, sell, give, or distribute a mixture or substance containing a detectable amount of methamphetamine, its salts, its isomers, or salts of its isomers is guilty of a felony punishable by a fine of not more than \$250,000 and imprisonment for not less than five nor more than 40 years, two years of which shall be a mandatory minimum term of imprisonment to be served consecutively with any other sentence. The bill also adds a two-year mandatory minimum term of imprisonment to the existing sentence of 10-to-40-years for allowing a child to be present during the manufacture of methamphetamine.

Patron - Wampler

SB1476 Charitable gaming; progressive games. Provides that progressive games shall be sold and priced separately from other bingo games and no price discounts shall be given. The bill also provides that each bingo card or sheet used in progressive games shall be sold at \$1 per face. The bill increases the maximum amount for an instant bingo, pull tab, or seal card prize for a single card from \$599 to \$1,000.

Patron - Vogel

Criminal Procedure

Passed

HB1455 Supervision and control of wiretap devices. Allows wiretap devices in the possession of any sheriff's office or police department to be under the direct control and supervision of a designee of the sheriff or chief of police.

Patron - Landes

HB1479 Public availability of a search warrant affidavit. Provides that the affidavit for a search warrant may be made publicly available only after the warrant that is the subject of the affidavit has been executed or 15 days after issuance of the warrant, whichever is earlier.

Patron - Loupassi

HB1591 Notice of breath test certificates. Provides that, for purposes of compliance with notice to defendants of their right to confrontation of witnesses who perform chemical, etc., analyses of evidence to be offered at trial, in the case of DUI breath test certificates, the notice is to be provided to the clerk of court no later than three business days following the day that the certificate and notice are provided to the accused. Current law requires that such notice be provided to the clerk and defendant on the same day.

Patron - Iaquinto

HB1593 Sealing of order; court-ordered disclosure of electronic communication service records. Provides that when a court orders the disclosure of records of a provider of electronic communication services or remote computing services, the order and any written application or statement of facts may be sealed for 90 days for good cause shown upon application of the attorney for the Commonwealth in an ex parte proceeding and that the attorney for the Commonwealth can apply to have the sealing continue for additional 90-day periods.

Patron - Iaquinto

HB1650 Power of magistrates to issue felony arrest warrants. Provides that a magistrate may not issue an arrest warrant for a felony offense upon the basis of a complaint by a person other than a law-enforcement officer or an animal control officer without prior authorization from the attorney for the Commonwealth or a law-enforcement agency in his jurisdiction. Currently, the magistrate need only consult with the attorney for the Commonwealth or law-enforcement agency. The bill also requires a written complaint if the complaint is by a person other than a law-enforcement officer; currently a written complaint is required in such a situation whenever practicable. This bill is identical to SB 782.

Patron - Cosgrove

HB1691 Servicemembers and veterans services. Provides for the program established by the Department of Veterans Services to monitor and coordinate mental health and rehabilitative services support for Virginia veterans to cooperate with localities that may establish special treatment procedures for veterans and active military service members in the criminal justice system. The bill further provides that to facilitate local involvement and flexibility in responding to the problem of crime in local communities and to effectively treat, counsel, rehabilitate, and supervise veterans and active military service members who are offenders or defendants in the criminal justice system that any city, county, or combination thereof, may develop, establish, and maintain policies, procedures, and treatment services for all such offenders who are convicted and sentenced for misdemeanors or felonies that are not felony acts of violence. The bill is identical to SB 1063.

Patron - Stolle

HB1695 Unexecuted warrants. Clarifies that unexecuted warrants may be destroyed if dismissed under a provision enacted during the 2010 Session of the General Assembly allowing an attorney for the Commonwealth to move the court for the dismissal of an unexecuted warrant or summons issued by a magistrate. Dismissal and destruction of warrants that charge capital murder and those whose preservation is deemed justifiable by the court shall not be dismissed and destroyed. As introduced, this bill was a recommendation of the Committee on District Courts. This bill is identical to SB 756.

Patron - Athey

HB1707 Criminal history record information; certain agencies. Authorizes the Department of Rehabilitative Services and the Department for the Blind and Vision Impaired to obtain criminal history record information for the purpose of evaluating an individual's fitness for various types of employment and for the purpose of delivering comprehensive vocational rehabilitation services that will assist the individual in obtaining employment. This bill is identical to SB 956.

Patron - Merricks

HB1713 Criminal procedure; presumption against admission to bail. Adds to the list of crimes charged for which there is a presumption against admission to bail, subject to rebuttal, obstruction of justice where a person threatens bodily harm or force to knowingly attempt to intimidate or impede a witness.

Patron - Wilt

HB1776 Expungement of police and court records; fingerprints. Requires a person petitioning for expungement because he was arrested or charged because his name or other identification was used without his consent to provide a complete set of fingerprints along with the petition. The bill also requires an expungement order to be accompanied by the petitioner's fingerprints when the charge is dismissed because the

person arrested or charged is not the person named in the summons, warrant, etc.

Patron - Gilbert

HB1780 Communications intercepts by the Attorney General. Broadens the jurisdictional scope of a court issuing an order for a communications intercept sought by the Attorney General so that the order may be issued by the court in the jurisdiction where the crime occurs or where the intercept occurs. The bill also extends the timeline for submission of reports to the federal government regarding such intercepts, to accommodate intercepts not fully concluded by the end of the calendar year. This bill is identical to SB 1198.

Patron - Gilbert

HB1891 Criminal procedure; issuance of Governor's warrant. Changes the requirement that a Governor's warrant of arrest and extradition be received within four days of the transmission of a facsimile of such document in order for the facsimile to be treated as an original. The proposal changes the requirement from four days to four working days.

Patron - Hope

HB1909 Search warrants. Allows a court to temporarily seal, for a specified period of time, a warrant and a return on the warrant in addition to the affidavit supporting the warrant, and to seal the order sealing the affidavit, warrant or return. The conditions in existing law concerning the sealing of an affidavit apply: sealing is upon application of the attorney of the Commonwealth for good cause shown in an ex parte hearing and an aggrieved party may move the court for the unsealing of the warrant and return with the burden of proof for continued sealing on the Commonwealth.

Patron - Miller, J.H.

HB2060 Bail terms set by court on a capias to be honored by magistrate. Provides that a magistrate who is to set the terms of bail of a person arrested and brought before him pursuant to a capias shall, unless circumstances exist that require him to impose more restrictive terms of bail, set bail in accordance with the order of the court that issued the capias if such an order is affixed to or made a part of the capias by the court.

Patron - Bell, Robert B.

HB2063 Protective orders; availability; penalty. Renames "protective orders for stalking" as "protective orders" and expands the class of persons that is eligible to obtain a protective order by enlarging the types of conduct that permit the issuance of a protective order from certain specified criminal acts to any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury. Such protective orders are available based on such conduct, regardless of the relationship of the parties involved. The bill also makes several amendments to make protective orders and family abuse protective orders more consistent, including amending the definition of "family abuse" to be consistent with the conduct that would allow for the issuance of a "protective order" and providing that a family abuse protective order may include a condition prohibiting the allegedly abusing person from committing a criminal offense that results in injury to person or property. The bill also makes the penalties for violating a protective order consistent with the penalties for violating a family abuse protective order: (i) any person convicted of a second violation of a protective order, when the offense is committed within five years of a conviction for a prior offense and when either the instant or prior offense was based on an act or threat of violence, shall be sentenced to a mandatory minimum term of confinement of 60 days; (ii) any person convicted of a third

or subsequent offense, when such offense is committed within 20 years of the first conviction and when either the instant or any of the prior offenses was based on an act or threat of violence, is guilty of a Class 6 felony and punishment shall include a mandatory minimum term of confinement of six months; (iii) any person who commits an assault and battery resulting in serious bodily injury upon a person protected by a protective order is guilty of a Class 6 felony; and (iv) any person who violates a protective order by furtively entering the home of the protected party while such party is present or enters and remains in such home until the protected party arrives is guilty of a Class 6 felony. This bill incorporates HB 1716, HB 1876, HB 2340 and HB 2422. This bill is also identical to SB 1222.

Patron - Bell, Robert B.

HB2065 DNA samples taken at arrest and upon conviction. Expands the scope of DNA (deoxyribonucleic acid) collection to provide that every person convicted of a violation of (i) § 18.2-67.4 (sexual battery), (ii) § 18.2-67.4:2 (sexual abuse of a child 13 years of age or older but under 15), (iii) subsection C of § 18.2-67.5 (attempt to commit sexual battery), (iv) § 18.2-130 (peeping), or (v) § 18.2-370.6 (penetrating the mouth of a child under 13 with the tongue) shall have a sample of his blood, saliva, or tissue taken for DNA analysis. The bill also provides that the Department of Forensic Science may include the identification characteristics of an individual's DNA profile in the DNA data bank when ordered by a circuit court pursuant to a lawful plea agreement.

Patron - Bell, Robert B.

HB2106 Bond; GPS tracking. Allows GPS (Global Positioning System) tracking for persons on secured bond or as a condition of probation or suspended sentence. This bill is identical to SB 925.

Patron - Armstrong

HB2143 Notice of seizure for forfeiture. Provides that when property is civilly seized for forfeiture (in drug and certain other cases), notice of the seizure is provided to the treasurer of the locality in which seized property is located.

Patron - Johnson

HB2158 Bonds in recognizances. Provides that bonds in recognizances in criminal or juvenile cases, whether the violation is committed against the Commonwealth or the locality, shall be payable to the jurisdiction where the recognizance was taken. Current law provides that such bonds in recognizances are paid to the Commonwealth of Virginia when the violation is committed against the Commonwealth.

Patron - Iaquinto

HB2272 Statute of limitation for local professional license violations. Creates a statute of limitations for local licensure violations by providing that prosecution of any misdemeanor violation of any professional licensure requirement imposed by a locality shall commence within one year of the discovery of the offense by the complainant, but in no case later than five years from occurrence of the offense.

Patron - Keam

HB2281 DNA data bank. Modifies the entities to which the Department of Forensic Science may release information from the DNA data bank and adds that information may be released to further a prosecution, not just an investigation as under current law. This bill is identical to SB 1197.

Patron - Cline

HB2361 Child abduction. Makes it a duty of the Missing Children Information Clearinghouse to maintain close

liaison with the National Crime Information Center and the National Center for Missing and Exploited Children for the exchange of information on children suspected of international travel. Furthermore, the bill makes property owned by a person and used to further the abduction of his child subject to lawful seizure and forfeiture. This bill is identical to SB 1141.

Patron - McClellan

HB2363 Criminal procedure; multijurisdiction grand jury. Includes a violation of § 18.2-178 (obtaining money or signature, etc., by false pretense) involving insurance fraud within the functions of a multijurisdiction grand jury to investigate any condition that involves or tends to promote certain criminal violations.

Patron - Loupassi

HB2423 Transfer of custody of person suspected of drunk boating. Reinstates language allowing for transfer of custody of a person arrested for drunk boating. The language was removed, in Chapter 840 of the Acts of the Assembly of 2010, from the statute providing for warrantless arrests and replaced with broader language applicable to arrests for both DUI and drunk boating that allows for an arrest in any location whether or not the offense was committed in the officer's presence.

Patron - Cleveland

HB2438 Criminal cases; delayed appeal. Allows a defendant to move for a delayed appeal when an appeal from a criminal case has been denied or the conviction has been affirmed due to failure to file or timely file the indispensable transcript or written statement of facts. This provision is added to the current provisions that a defendant may move for leave to pursue a delayed appeal from circuit court to the Court of Appeals and from the Court of Appeals to the Supreme Court when an appeal in a criminal case was never initiated or was dismissed for failure to adhere to proper form, procedures, and time limits due to error, neglect, or fault of counsel, court reporter, the court, or an officer or employee of the court.

Patron - Herring

SB756 Unexecuted warrants. Clarifies that unexecuted warrants may be destroyed if dismissed under a provision enacted during the 2010 Session of the General Assembly allowing an attorney for the Commonwealth to move the court for the dismissal of an unexecuted warrant or summons issued by a magistrate. Dismissal and destruction of warrants that charge capital murder and those whose preservation is deemed justifiable by the court shall not be dismissed and destroyed. As introduced, this bill was a recommendation of the Committee on District Courts. This bill is identical to HB 1695.

Patron - Reynolds

SB782 Power of magistrates to issue felony arrest warrants. Provides that a magistrate may not issue an arrest warrant for a felony offense upon the basis of a complaint by a person other than a law-enforcement officer or an animal control officer without prior authorization from the attorney for the Commonwealth or a law-enforcement agency in his jurisdiction. Currently, the magistrate need only consult with the attorney for the Commonwealth or law-enforcement agency. The bill also requires a written complaint if the complaint is by a person other than a law-enforcement officer; currently a written complaint is required in such a situation whenever practicable. This bill is identical to HB 1650.

Patron - Reynolds

SB925 Bond; GPS tracking. Allows GPS (Global Positioning System) tracking for persons on secured bond or as

a condition of probation or suspended sentence. This bill is identical to HB 2106.

Patron - McDougle

SB956 Criminal history record information; certain agencies. Authorizes the Department of Rehabilitative Services and the Department for the Blind and Vision Impaired to obtain criminal history record information for the purpose of evaluating an individual's fitness for various types of employment and for the purpose of delivering comprehensive vocational rehabilitation services that will assist the individual in obtaining employment. This bill is identical to HB 1707.

Patron - Blevins

SB1063 Servicemembers and veterans courts. Provides that any city, county, or combination thereof, may develop, establish, and maintain policies, procedures, and services to provide the judicial system with sentencing alternatives for (i) all such offenders who are convicted and sentenced for misdemeanors or felonies that are not felony acts of violence, as defined in § 19.2-297.1, and who are considered suitable candidates for alternatives that require less than incarceration in a local correctional facility and (ii) all such defendants in cases in which there has not been entered a written order adjudicating the defendant guilty. This bill is identical to HB 1691.

Patron - Miller, J.C.

SB1067 Unauthorized practice of law; statute of limitations; restitution. Increases the statute of limitations on prosecutions of the unauthorized practice of law from one year to two years after discovery. The bill also allows a person convicted to be ordered to pay restitution.

Patron - Edwards

SB1103 Department of Forensic Science; powers and duties. Provides for the Department of Forensic Science to provide forensic laboratory services upon the request of the head of any private police department that has been designated as a criminal justice agency by the Department of Criminal Justice Services.

Patron - Hanger

SB1141 Child abduction. Makes it a duty of the Missing Children Information Clearinghouse to maintain close liaison with the National Crime Information Center and the National Center for Missing and Exploited Children for the exchange of information on children suspected of international travel. Furthermore, the bill makes property owned by a person and used to further the abduction of his child subject to lawful seizure and forfeiture. This bill is identical to HB 2361.

Patron - Quayle

SB1162 Criminal procedure warrantless arrest. Gives authority to special agents of the Department of Alcoholic Beverage Control to arrest, without a warrant, any person who commits any crime in the presence of the agent and any person whom he has reasonable grounds or probable cause to suspect of having committed a felony not in his presence.

Patron - Reynolds

SB1184 Certificates of analysis; labs. Adds the Forensic Document Laboratory of the U.S. Department of Homeland Security as an authorized lab in criminal matters.

Patron - Norment

SB1197 DNA data bank. Modifies the entities to which the Department of Forensic Science may release information from the DNA data bank and adds that information may

be released to further a prosecution, not just an investigation as under current law. This bill is identical to HB 2281.

Patron - Obenshain

SB1198 Communications intercepts by the Attorney General. Broadens the jurisdictional scope of a court issuing an order for a communications intercept sought by the Attorney General so that the order may be issued by the court in the jurisdiction where the crime occurs or where the intercept occurs. The bill also extends the timeline for submission of reports to the federal government regarding such intercepts, to accommodate intercepts not fully concluded by the end of the calendar year. This bill is identical to HB 1780.

Patron - Obenshain

SB1222 Protective orders; availability; penalty. Renames "protective orders for stalking" as "protective orders" and expands the class of persons that is eligible to obtain a protective order by enlarging the types of conduct that permit the issuance of a protective order from certain specified criminal acts to any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury. Such protective orders are available based on such conduct, regardless of the relationship of the parties involved. The bill also makes several amendments to make protective orders and family abuse protective orders more consistent, including amending the definition of "family abuse" to be consistent with the conduct that would allow for the issuance of a "protective order" and providing that a family abuse protective order may include a condition prohibiting the allegedly abusing person from committing a criminal offense that results in injury to person or property. The bill also makes the penalties for violating a protective order consistent with the penalties for violating a family abuse protective order: (i) any person convicted of a second violation of a protective order, when the offense is committed within five years of a conviction for a prior offense and when either the instant or prior offense was based on an act or threat of violence, shall be sentenced to a mandatory minimum term of confinement of 60 days; (ii) any person convicted of a third or subsequent offense, when such offense is committed within 20 years of the first conviction and when either the instant or any of the prior offenses was based on an act or threat of violence, is guilty of a Class 6 felony and punishment shall include a mandatory minimum term of confinement of six months; (iii) any person who commits an assault and battery resulting in serious bodily injury upon a person protected by a protective order is guilty of a Class 6 felony; and (iv) any person who violates a protective order by furtively entering the home of the protected party while such party is present or enters and remains in such home until the protected party arrives is guilty of a Class 6 felony. This bill incorporates SB 877, SB 1091 and SB 1364. This bill is identical to HB 2063.

Patron - Barker

Failed

HB1403 Forfeiture of vehicle used to elude police. Provides that any vehicle driven to elude police and in such a manner as to interfere with or endanger the operation of a law-enforcement vehicle or officer or to endanger a person (in violation of subsection B of § 46.2-817) shall be forfeited and sold by the sheriff. The proceeds of the sale are to be delivered to the Literary Fund. This bill incorporates HB 2211.

Patron - Loupassi

HB1406 Pretrial appeal by attorney for Commonwealth. Expands pretrial appeal by an attorney for the Commonwealth to include an appeal on the constitutionality of a

ruling by a juvenile and domestic relations district court in a case in which a juvenile is to be tried for an offense that would be a felony if committed by an adult.

Patron - Loupassi

HB1430 Arresting officer to ascertain citizenship of arrestee. Supplements the existing law that requires sheriffs to make a query into legal presence when a person is "taken into custody" at a jail. This bill expands such inquiries by requiring inquiries of everyone arrested, and requires that an arresting officer inquire of every arrestee whether he (i) was born in a country other than the United States and (ii) is a citizen of a country other than the United States. This bill incorporates HB 2332.

Patron - Albo

HB1462 Definition of crime for purposes of the Criminal Injuries Compensation Fund. Expands the category of criminal victims entitled to receive compensation from the Commonwealth's Criminal Injuries Compensation Fund to include injured victims of vehicular hit-and-run. Currently, the specific motor vehicle crimes that give rise to criminal victim compensation are DUI and maiming (as a result of DUI).

Patron - Pogge

HB1463 Expungement of certain drug charges. Provides that any person who has been convicted of a charge of possession of marijuana or had a charge of possession of marijuana or other drug discharged and dismissed in accordance with the provisions of § 18.2-251, more than five years prior to his petition for expungement, may file a petition setting forth the relevant facts and requesting expungement of the police records and the court records relating to the charge. The bill adds that the Department of Criminal Justice Services shall maintain a record of the expungement to be made available to any attorney for the Commonwealth upon request.

Patron - Ware, O.

HB1574 Mandatory self-identification. Provides that any person, when he is lawfully detained by a law-enforcement officer under circumstances that reasonably indicate that the person has committed, is committing, or is about to commit a crime, and is requested by the officer to identify himself, shall do so. Any such person who refuses to identify himself is guilty of a Class 1 misdemeanor.

Patron - Garrett

HB1716 Protective orders. Provides that a court may include in a protective order provisions prohibiting harm to a companion animal and damage to any item of personal property. This bill was incorporated into HB 2063.

Patron - Scott, J.M.

HB1785 Criminal procedure; collection of fines, costs, penalties, forfeitures, and restitution. Authorizes a local treasurer to recover the costs of collecting fines, costs, penalties, forfeitures, and restitution pursuant to an agreement with the attorney for the Commonwealth in an amount not to exceed 20 percent of the amounts collected, and authorizes the local treasurer when undertaking such collection to employ collection powers used when collecting local taxes.

Patron - Tata

HB1876 Protective order; grounds. Expands the class of persons who may be issued a protective order from victims of stalking, sexual battery, aggravated sexual battery, or a criminal offense resulting in serious bodily injury to any party who is or has been subjected to conduct that causes a reasonable apprehension of death, criminal sexual assault, or bodily injury. The bill also authorizes protective orders to be

issued based on the issuance of a warrant for the arrest of the respondent for certain crimes. The protective order may be issued irrespective of the relationship between the petitioner and respondent. The bill does not affect provisions authorizing protective orders in cases of family abuse. This bill was incorporated into HB 2063.

Patron - Filler-Corn

HB1897 Requiring payment of support by probationer. Provides that a defendant placed on probation following conviction shall be required, as a condition of probation, to provide for the support of his spouse or others for whose support he may be legally responsible. Under current law, a court has permissive authority to require the payment of spousal and child support as a condition of probation.

Patron - Spruill

HB1923 Dissemination of criminal history records. Provides that criminal history record information shall be supplied at no charge to a person who has applied to be a volunteer with the Boy Scouts of America, Girls Scouts of the United States of America, Boys & Girls Clubs of America, Inc., or any youth athletic league.

Patron - Abbott

HB1955 Images of child pornography to be sent to NCMEC. Requires law enforcement to forward digital images of child pornography to the National Center for Missing and Exploited Children.

Patron - Villanueva

HB1967 Collection of unpaid fines, etc.; attorney fees. Provides that if the attorney for the Commonwealth is required to institute a proceeding or to contract with a private attorney or collection agency for the collection of delinquent fines, costs, forfeitures, penalties, or restitution imposed in a criminal case, he shall be entitled to recover reasonable attorney fees from the defendant.

Patron - Villanueva

HB1997 Accused released on recognizance; report to Central Criminal Records Exchange. Provides that information necessary to make reports to the Central Criminal Records Exchange required after the arrest of an accused, which must be accompanied by fingerprints, must be collected before an accused may be released upon satisfaction of the terms of recognizance.

Patron - Janis

HB2211 Forfeiture of vehicle used to elude police. Provides that any vehicle driven to elude police and in such a manner as to interfere with or endanger the operation of a law-enforcement vehicle or officer or to endanger a person (in a felony violation of § 46.2-817) shall be forfeited and sold by the sheriff. The proceeds of the sale are to be delivered to the Literary Fund. This bill was incorporated into HB 1403.

Patron - McQuinn

HB2332 Arresting officer to ascertain citizenship of arrestee. Supplements the existing law that requires sheriffs to make a query into legal presence when a person is "taken into custody" at a jail. This bill expands such inquiries by requiring inquiries of everyone arrested, independent of whether they were taken into custody at a jail, and requires that an arresting officer inquire of every arrestee whether he (i) was born in a country other than the United States and (ii) is a citizen of a country other than the United States. The bill further provides that when a warrantless arrest is made and the law-enforcement officer finds probable cause to believe that the person is not legally present in the United States, he shall com-

municate to the judicial officer the facts and circumstances underlying his belief. If the judicial officer concurs in the determination of the officer and finds probable cause to believe that the person will not appear for trial or hearing, the judicial officer may refuse to admit the person to bail. This bill was incorporated into HB 1430.

Patron - Lingamfelter

HB2340 Protective orders; dating relationship. Expands the class of persons who is eligible to obtain a protective order in cases of family abuse to include persons who are in a dating relationship and who have been subjected to dating relationship abuse. The bill also defines the terms "dating relationship" and "dating relationship abuse." This bill was incorporated into HB 2063.

Patron - Morrissey

HB2347 Waiver of payment of interest on fines and costs; incarcerated defendant. Provides for the purging of interest on fines and costs for an incarcerated defendant when such fines and costs have accrued on cases other than the one for which the defendant is incarcerated. Current law provides for the interest waiver only for the case for which the defendant is incarcerated.

Patron - Morrissey

HB2351 Biological evidence; writ of actual evidence. Allows testing of biological evidence to be conducted, for purposes of a writ of actual evidence, whether or not the testing procedure is employed by the Department of Forensic Science, provided the test is regarded as reliable by the Department.

Patron - Morrissey

HB2421 Adoption procedures. Makes numerous changes to adoption procedures including (i) providing that venue for a parental placement adoption consent hearing lies in any city or county in the Commonwealth; (ii) providing that juvenile and domestic relations district courts have jurisdiction over petitions to review an adoption home study and petitions for the court to assist with the execution of another state's or jurisdiction's adoption consent or related document; (iii) under what conditions parental consent is not required for an adoption of a child from another country whose foreign placement will be finalized in the Commonwealth; and (iv) providing that procedures used in parental placement adoptions apply in all cases, except step-parent, relative, and agency placements. The bill also provides that a birth parent's consent to an adoption is not required if he has not visited or contacted the child for six months immediately prior to the filing of the petition for adoption or prior to any adoption-related proceeding in the juvenile and domestic relations district court where the birth parent has been notified of the Putative Father Registry or other adoption-related proceeding or has been contacted for the purpose of seeking his cooperation in a future adoption proceeding. Current law only provides that the birth parent's consent is not required if he had not visited or contacted the child for six months prior to the filing of the petition for adoption.

Patron - Toscano

HB2422 Protective orders; definition of family abuse; dating violence; penalty. Makes numerous changes to the laws governing family abuse protective orders and stalking protective orders, including (i) amending the definition of "family abuse" to specifically include assault, stalking, sexual assault, forceful detention, and intentional damage to real or personal property with the intent to intimidate or control; (ii) expanding the availability of stalking protective orders to any person who has been a victim of "dating violence" or an "act of violence"; and (iii) providing that if both parties file for a pro-

tective order, the court may issue mutual orders upon finding by clear and convincing evidence that both parties have committed, and are likely to commit in the future, conduct justifying the issuance of an order. The bill also harmonizes certain provisions regarding the violation of a family abuse protective order and a stalking protective order, including making the penalties for violating the orders consistent, to wit: (i) any person convicted of a second violation of a protective order, when the offense is committed within five years of a conviction for a prior offense and when either the instant or prior offense was based on an act or threat of violence, shall be sentenced to a mandatory minimum term of confinement of 60 days; (ii) any person convicted of a third or subsequent offense, when such offense is committed within 20 years of the first conviction and when either the instant or any of the prior offenses was based on an act or threat of violence, is guilty of a Class 6 felony and punishment shall include a mandatory minimum term of confinement of six months; (iii) any person who commits an assault and battery resulting in serious bodily injury upon a person protected by a protective order is guilty of a Class 6 felony; and (iv) any person who violates a protective order by furtively entering the home of the protected party while such party is present or enters and remains in such home until the protected party arrives is guilty of a Class 6 felony. The bill also provides that any person convicted of violating a protective order for which no mandatory minimum sentence is specified shall be sentenced to a term of confinement and shall not have his entire sentence suspended. This bill was incorporated into HB 2063.

Patron - Toscano

HB2426 Marital privilege in criminal cases. Provides that, except in the prosecution for certain specified criminal offenses, in any criminal proceeding a person has a privilege to refuse to disclose, and to prevent anyone else from disclosing, any confidential communication between his spouse and him during their marriage, provided he is married to that spouse at the time he objects to disclosure. Current law provides that the privilege survives regardless of whether he is married to that spouse at the time he objects to the disclosure.

Patron - Ingram

HB2445 CCRE juvenile information dissemination. Provides that, for purposes of a determination as provided in §§ 18.2-308.2 and 18.2-308.2:2 (records checks for possession and purchase, respectively) of eligibility to possess or purchase a firearm, juvenile record information maintained in the Central Criminal Records Exchange pursuant to the provisions of § 16.1-299 (fingerprints and photographs of juveniles) shall be disseminated only to the State Police or the Attorney General of the United States. Currently, there are no named recipients.

Patron - Cosgrove

HB2450 Establishment of pretrial services agencies. Removes the mandatory requirement that any city, county or combination thereof that is required to submit a community-based corrections plan also establish a pretrial services agency, but preserves the permissive authority for any city, county or combination thereof to establish a pretrial services agency.

Patron - Gilbert

HB2513 Inherent authority to defer and dismiss a criminal case. Provides that no court shall have the authority, upon a plea of guilty or nolo contendere or after a plea of not guilty, when the facts found by the court would justify a finding of guilt, to defer proceedings or to defer entry of a final order of guilt for more than 60 days following the conclusion of the evidence or to dismiss the case upon completion of terms and conditions except as provided by statute. This is in

response to the January 13, 2011, Supreme Court of Virginia decision in *Hernandez v. Commonwealth*, ___ Va. ___ (2011); record no. 092524.

Patron - Gilbert

SB767 Expungement of protective orders. Provides that a person against whom a protective order has been issued may petition to have police and court records relating to the protective order expunged if the order is subsequently dissolved by the issuing court.

Patron - Marsden

SB775 Waiver of payment of interest on fines and costs; incarcerated defendant. Provides for the purging of interest on fines and costs for an incarcerated defendant when such fines and costs have accrued on cases other than the one for which the defendant is incarcerated. Current law provides for the interest waiver only for the case for which the defendant is incarcerated.

Patron - Marsh

SB820 Mental health courts. Provides that any district court or circuit court may establish a mental health court, which is a separate court docket within the existing calendar of a district or circuit court offering judicial monitoring of the treatment and supervision of certain individuals with mental illness who are under the jurisdiction of the criminal court. The court is required to (i) identify eligible individuals; (ii) obtain services from a willing local community services board or behavioral health authority serving the territorial jurisdiction of the court and which can provide, or contract for, appropriate treatment and services for the offender or, from a program offered to any eligible veteran by the U.S. Department of Veterans Affairs; (iii) maintain court-established treatment and compliance terms of participation; and (iv) monitor adherence to court requirements.

Patron - Edwards

SB877 Definition of family or household member; penalty. Redefines the definition of "family or household member" to include (1) a person's in-laws regardless of whether the in-laws reside in the same house as the person and (2) any individual who is or was involved in a continuing relationship of a romantic or intimate nature with the person. Expanding the definition of "family or household member" implicates crimes for which a family or household member is a victim (e.g., assault and battery against a family member) and protective orders under which a person may be protected (e.g., protective orders in cases of family abuse). This bill has been incorporated into SB 1222.

Patron - Reynolds

SB1012 Destruction of live marijuana plants. Provides that where a seizure of more than 10 suspected marijuana plants is made in connection with any drug prosecution or investigation, the appropriate law-enforcement agency may destroy the plants by direction of the chief law-enforcement officer or his designee, without a court order, when it is not reasonably possible to preserve the plants in place or to remove the plants to another location; random and representative samples of the plants to be destroyed are retained for evidentiary purposes; and photographs or video recordings are taken to record the total amount of the suspected marijuana plants seized.

Patron - Puckett

SB1089 Sealing psychological tests received into evidence. Provides that a court may, upon motion, seal a psychological test or other assessment device received into evidence if the moving party establishes that (i) the value of the

psychological test or assessment device depends in whole or in part on the subject lacking knowledge of the testing or assessment process and (ii) public access to such test or assessment device would compromise the objectivity, fairness, or integrity of the testing or assessment process. Such motion may be brought by either a party to the proceeding or a psychologist who used, administered, or prepared the test or assessment device and who was called to testify in the proceeding.

Patron - Hanger

SB1091 Protective order; grounds. Expands the class of persons who may be issued a protective order from victims of stalking, sexual battery, aggravated sexual battery, or a criminal offense resulting in serious bodily injury to any party who is or has been subjected to conduct that causes a reasonable apprehension of death, criminal sexual assault, or bodily injury. The bill also authorizes protective orders to be issued based on the issuance of a warrant for the arrest of the respondent for certain crimes. The protective order may be issued irrespective of the relationship between the petitioner and respondent. The bill does not affect provisions authorizing protective orders in cases of family abuse. This bill has been incorporated into SB 1222.

Patron - Hanger

SB1142 Deferred disposition. Allows a court to defer disposition in and discharge and dismiss any criminal case.

Patron - Quayle

SB1180 Pretrial deposition of a witness in a criminal trial. Creates a mechanism for the taking of a pretrial deposition of a witness in a criminal trial who has been shown to the satisfaction of the court to be likely to be unavailable for trial because of impending death.

Patron - Marsden

SB1328 Magistrates ascertaining citizenship of arrested persons. Requires a magistrate or other issuing authority having jurisdiction who issues a warrant following a warrantless arrest to inquire as to whether the arrested person (i) was born in a country other than the United States and (ii) is a citizen of a country other than the United States. The magistrate or other issuing authority having jurisdiction shall make an immigration alien query to the Law Enforcement Support Center of U.S. Immigration and Customs Enforcement for any arrested person who responds that he (a) was born in a country other than the United States and (b) is a citizen of a country other than the United States, or for whom the answer to clause (i) or (ii) is unknown. The magistrate or other issuing authority having jurisdiction shall communicate the results of any immigration alien query to the Central Criminal Records Exchange of the Department of State Police in a format approved by the Exchange. The information received by the Central Criminal Records Exchange concerning the person's immigration status shall be recorded in the arrested person's criminal history record. Under current law, sheriffs and jail officers have the above duties when a person is taken into custody at their jails.

Patron - Herring

SB1364 Protective orders; definition of family abuse; dating violence; penalty. Makes numerous changes to the laws governing family abuse protective orders and stalking protective orders, including (i) amending the definition of "family abuse" to specifically include assault, stalking, sexual assault, forceful detention, and intentional damage to real or personal property with the intent to intimidate or control; (ii) expanding the availability of stalking protective orders to any person who has been a victim of "dating violence" or an "act of violence"; and (iii) providing that if both parties file for a protective order, the court may issue mutual orders upon finding

by clear and convincing evidence that both parties have committed, and are likely to commit in the future, conduct justifying the issuance of an order. The bill also harmonizes certain provisions regarding the violation of a family abuse protective order and a stalking protective order, including making the penalties for violating the orders consistent, to wit: (a) any person convicted of a second violation of a protective order, when the offense is committed within five years of a conviction for a prior offense and when either the instant or prior offense was based on an act or threat of violence, shall be sentenced to a mandatory minimum term of confinement of 60 days; (b) any person convicted of a third or subsequent offense, when such offense is committed within 20 years of the first conviction and when either the instant or any of the prior offenses was based on an act or threat of violence, is guilty of a Class 6 felony and punishment shall include a mandatory minimum term of confinement of six months; (c) any person who commits an assault and battery resulting in serious bodily injury upon a person protected by a protective order is guilty of a Class 6 felony; and (d) any person who violates a protective order by furtively entering the home of the protected party while such party is present or enters and remains in such home until the protected party arrives is guilty of a Class 6 felony. The bill also provides that any person convicted of violating a protective order for which no mandatory minimum sentence is specified shall be sentenced to a term of confinement and shall not have his entire sentence suspended. This bill has been incorporated into SB 1222.

Patron - Lucas

SB1445 **Collection of fines, costs, and fees, etc.** Requires the cost of collecting fines, costs, and fees be added to the total amounts due instead of paid from amounts collected. The bill also allows the Department of Taxation's fee to localities for collecting fines, costs, and fees to be added to the total amounts due.

Patron - Marsden

Domestic Relations

Passed

HB1529 **Pendente lite support orders; payment of debts.** Provides that a pendente lite spousal support order may include ordering that a party pay secured or unsecured debts incurred jointly by the parties or in either party's name.

Patron - Toscano

HB1569 **Equitable distribution; marital debts.** Provides that for purposes of equitable distribution in divorce actions, the court is required to classify debts of the parties as either marital or separate. The bill defines what constitutes a marital debt and a separate debt for purposes of classification and establishes how a party may rebut such a classification. This bill is in response to the Virginia Supreme Court's decision in *Gilliam v. McGrady*, 279 Va. 703, 691 S.E.2d 797 (2010).

Patron - Cleaveland

SB910 **Military parents; delegation of visitation rights.** Provides that in cases involving a parent who is a member of the military and who has been deployed on active duty, a court may enter an order (i) delegating the deploying parent's visitation rights with a child to a family member of the deploying parent or (ii) awarding visitation rights to a family member of the deploying parent if the parent had physical custody of the child prior to the deployment and physical custody is

awarded to the nondeploying parent or his family during the deployment. Written notice of the return of the deployed parent or guardian and the termination of the delegated visitation shall be provided by the previously deployed parent or guardian to any family member whose visitation is thereby terminated. The bill also provides that the court may provide for the appearance of parties and witnesses via electronic means at any hearing under the Virginia Military Parents Equal Protection Act (§ 20-124.7 et seq.).

Patron - Herring

Failed

HB1563 **Failure to comply with order or decree for support; good conduct credits.** Allows a person sentenced to jail for nonsupport and who is assigned to a work release program or to perform public service work to earn good conduct credit at the rate of one day for each one day served on electronic monitoring.

Patron - Miller, P.J.

HB1641 **Uniform Child Abduction Prevention Act.** Establishes in the Code of Virginia the Uniform Child Abduction Prevention Act that was adopted by the National Conference of Commissioners on Uniform State Laws in 2006. The Act authorizes (i) a court on its own motion to order abduction prevention measures in a child-custody proceeding if the court finds that the evidence establishes a credible risk of abduction of the child and (ii) a party to a child-custody determination or another individual or entity having a right under the law of the Commonwealth or any other state to seek a child-custody determination for the child to file a petition seeking abduction prevention measures to protect the child. The petition must specify the risk factors for abduction, including certain statutorily prescribed factors. The court may issue an ex parte warrant to take physical custody of the child if a petition contains allegations, and the court finds that there is a credible risk, that the child is imminently likely to be wrongfully removed.

Patron - O'Bannon

HB1787 **Shared child custody.** Establishes a presumption in child custody cases that an award of joint legal and physical custody, with physical custody, to the extent feasible, shared equally between the parties, is in the best interests of the child.

Patron - Tata

HB2266 **Pendente lite custody orders; appeals.** Provides that pendente lite custody or visitation orders, despite their temporary nature, may be appealed to the appropriate appellate court.

Patron - Morgan

HB2275 **Spousal support and separate maintenance.** Provides that in any proceeding on the issue of determining spousal support or separate maintenance, the court shall have the authority to order a party to (i) maintain any existing life insurance policy on his life provided the party so ordered has the right to designate a beneficiary and (ii) designate the other party as the beneficiary of such life insurance for so long as the party so ordered has an obligation to pay spousal support to the other party.

Patron - Keam

SB994 **Best interests of the child.** Provides that when a court has jurisdiction to resolve a dispute between parents as to how a child shall be educated, there shall be a rebuttable pre-

sumption that it is in the child's best interests to remain in the last educational setting to which both parents agreed.

Patron - Stuart

Education

Passed

HB1483 School calendar. Adds to the "good cause" circumstances for which school divisions may be granted a waiver from the post-Labor Day school opening schedule a school division that is entirely surrounded by a school division that has an opening date prior to Labor Day in the school year for which the waiver is sought.

Patron - Cleaveland

HB1493 Career and technical education; industry certifications. Provides that where there is a national industry certification for career and technical education instructional personnel or programs for automotive technology, the Board of Education must make such certification a mandatory part of the career and technical education program. The bill has a delayed effective date of July 1, 2012.

Patron - Greason

HB1554 Accreditation of schools; delayed implementation of certain statutes and regulations, etc. Provides for the delayed implementation of statutes and regulations upon which the accreditation of schools in the Commonwealth is based that were not already in effect on June 30, 2008, with the exceptions of the graduation and completion rate index and the economics and financial literacy requirement, until July 1, 2012, unless such statutes or regulations are also specifically required by federal code, federal regulation, or court action. This bill incorporates HB 2378 and is identical to SB 810.

Patron - Wilt

HB1708 Pittsylvania County school board; staggered terms. Allows for staggered terms for the Pittsylvania County school board beginning with the November 2012 general election upon a majority vote of its members.

Patron - Merricks

HB1792 Standards of Quality; Standard 2. Codifies in the Standards of Quality the flexibility to use funds provided in the appropriation act and provided to local school divisions for certain staffing standards related to instructional staff in mathematics, limited English proficiency, reading, technology, and assistant principals. Additionally, the bill amends the definition of "support services." This bill is identical to SB 1270.

Patron - Tata

HB1793 Public schools; diploma seals. Allows local school boards to award diploma seals for all Board of Education-approved diplomas.

Patron - Tata

HB1885 Public schools; unfunded programs. Deletes references to educational programs that have not been funded and do not exist and updates language in other sections to conform to current practice. This bill incorporates HB 2242.

Patron - Bell, Richard P.

HB1976 Virginia Council on the Interstate Compact on Educational Opportunity for Military Children. Adds a fifth citizen member to the Virginia Council on the

Interstate Compact on Educational Opportunity for Military Children and specifies that such member must be a representative from a military installation in Virginia. Such representative is to be appointed by the Governor.

Patron - Greason

HB2077 Violations related to secure mandatory testing; exclusion of students. Adds the act of excluding students from testing who are required to be assessed to the conditions under which the Board of Education may (i) bring a cause of action, (ii) suspend or revoke an administrative or teaching license, or (iii) initiate or cause to be initiated a review or investigation of any alleged break in security, unauthorized alteration, or improper administration of tests. The bill clarifies that any cause of action brought on behalf of the Board of Education may not be brought against a student enrolled in a public school.

Patron - Landes

HB2172 VIP incentive program; STEM course offerings. Requires the Board of Education to take into account in its guidelines for the Virginia Index of Performance program a school division's increase in enrollments and elective course offerings in science, technology, engineering, and mathematics. This bill is identical to SB 953.

Patron - Phillips

HB2243 Local school board policies; electronic records and signatures. Authorizes local school boards to adopt and implement policies pursuant to which electronic records and electronic signatures may be accepted from any parent, guardian, or other person having control or charge of a child enrolled in the relevant school division.

Patron - Torian

HB2291 Health requirements for students; immunizations. Allows licensed nurse practitioners, in addition to physicians, registered nurses, or local health department employees, to immunize public school students and to provide proof of such immunizations. Also, the bill provides that a licensed nurse practitioner may provide written certification that an immunization may be detrimental to a child's health for purposes of compliance with health requirements for public school students, home-instructed children, and children exempted or excused from school attendance.

Patron - Sickles

HB2439 Driver education in Planning District 8; nonpublic school students. Requires school boards in Planning District 8 to make the 90-minute parent/student driver education component available to all students and their parents or guardians who are in compliance with the compulsory school attendance statute.

Patron - Sickles

HB2494 Standards for Accreditation; alternative accreditation. Provides that any school board, on behalf of one or more of its schools, may request from the Board of Education releases from state regulations and approval of an individual School Accreditation Plan.

Patron - Scott, E.T.

SB810 Accreditation of schools; delayed implementation of certain statutes and regulations, etc. Provides for the delayed implementation of statutes and regulations upon which the accreditation of schools in the Commonwealth is based that were not already in effect on June 30, 2008, with the exception of the graduation and completion rate index and the economics and financial literacy requirement, until July 1, 2012, unless such statutes or regulations are also specifically

required by federal code, federal regulation, or court action. This bill is identical to HB 1554.

Patron - Obenshain

SB906 Family life education; dating violence. Provides that any family life education curriculum offered by a local school division shall require the Standards of Learning objectives related to dating violence and the characteristics of abusive relationships to be taught at least once during middle school and at least twice during high school.

Patron - Deeds

SB953 VIP incentive program; STEM course offerings. Requires the Board of Education to take into account in its guidelines for the Virginia Index of Performance program a school division's increase in enrollments and elective course offerings in science, technology, engineering, and mathematics. This bill is identical to HB 2172.

Patron - Houck

SB966 Public schools; physical education requirement. Requires at least 150 minutes of physical education per week on average during the regular school year for grades K through eight, with a similar goal for high school students. This requirement would go into effect beginning with the 2014 - 2015 school year and would not apply to any half-day kindergarten. This bill incorporates SB 803 and SB 934.

Patron - Northam

SB1270 Standards of Quality; Standard 2. Codifies in the Standards of Quality the flexibility to use funds provided in the appropriation act and provided to local school divisions for certain staffing standards related to instructional staff in mathematics, limited English proficiency, reading, technology, and assistant principals. Additionally, the bill amends the definition of "support services." This bill is identical to HB 1792.

Patron - Houck

Failed

HB1416 Expenditures and reports on instructional spending. Requires each local school board to allocate 65 percent of its operating budget to instructional spending. Local school boards must report annually to the Board of Education the percentage of their operating budgets allocated to instructional spending. Any school board that fails to meet the 65 percent requirement must present a plan to the Board of Education to increase instructional spending by 0.5 percent in the following fiscal year. School boards failing to submit such a plan must be audited by the Auditor of Public Accounts, who is required to submit a report to the Board with any recommendations he deems appropriate concerning how such school boards can increase their instructional spending. In addition, the Board must report annually to the House Committee on Appropriations and the Senate Committee on Finance the amount of spending allocated by the local school boards to instructional spending based on the school boards' annual reports to the Board of Education.

Patron - Loupassi

HB1433 School calendar. Makes local school boards responsible for setting the school calendar and determining the opening of the school year and eliminates the post-Labor Day opening requirement and "good cause" scenarios for which the Board of Education may grant waivers of this requirement.

Patron - Greason

HB1480 Opening of the school year in the City of Roanoke. Authorizes the City of Roanoke School Board to set

the opening of the school year so that the first day students are required to attend school shall be no earlier than two weeks prior to Labor Day.

Patron - Cleaveland

HB1518 Economics education and financial literacy. Allows local school boards to implement economics education and financial literacy requirements, with Board of Education approval, through other educational programs that meet Board objectives, in addition to relevant Standards of Learning and career and technical education programs.

Patron - Orrock

HB1537 Opening of the school year in certain school divisions. Authorizes the school boards of the City of Danville, the City of Martinsville, Henry County, and Pittsylvania County school divisions to set the opening of the school year so that the first day students are required to attend school is prior to Labor Day.

Patron - Merricks

HB1543 Opening of the school year. Provides that the Board of Education may waive the requirement that local school boards must set the calendar so that the first day students are required to attend school must be after Labor Day for any reason deemed reasonable by the Board.

Patron - Kory

HB1548 Parental notification; school board policy violations. Requires the school principal, or designee, to notify the parents of a student who violates a school board policy or the compulsory school attendance requirements when such violation is likely to result in the student's suspension or the filing of a court petition.

Patron - Kory

HB1550 Approval of textbook publishers. Provides that the Board of Education shall certify publishers of textbooks rather than approving the textbooks themselves. In order to become a Board-certified publisher, a publisher must agree to (i) employ established content experts to review every textbook available for sale to Virginia school divisions, (ii) list with each book the content experts that have reviewed it, (iii) certify that the content of books for sale to Virginia school divisions in Standards of Learning subjects meet the appropriate mandated content standards, and (iv) agree to be fully responsible for replacing, correcting, or otherwise fixing any mistakes discovered by the Board or the Superintendent.

Patron - Englin

HB1575 Public schools; antibullying measures. Adds specificity to the codes of student conduct required of local school divisions in terms of how incidents of bullying, harassment, and intimidation are handled. The bill provides that teacher training in this area be required and that incidents of bullying, harassment, and intimidation be reported to the division superintendent. The bill also requires that the codes of student conduct hold school administrators responsible for implementing the procedures outlined in the local policy.

Patron - Englin

HB1583 Nutritional content; school breakfast and lunch program. Requires the Board of Education to ensure that the nutritional content of all foods sold to students as part of the official school breakfast or school lunch program is posted or otherwise made available. Such content must include but not be limited to calorie, fat, sugar, and sodium content.

Patron - Kory

HB1617 Property transfer; Governor; Virginia School for the Deaf, Blind and Multi-Disabled. Authorizes the Governor to convey certain property held in the name of the board of visitors of the Virginia School for the Deaf, Blind and Multi-Disabled located in Hampton, Virginia, to Insight Enterprises, Inc., for the purpose of providing (i) housing and educational opportunities for disabled youth, (ii) vocational training for disabled youth and adults, and (iii) a technical center for the elderly and disabled.

Patron - Ward

HB1644 Public schools; physical education requirement. Requires at least 150 minutes of physical education per week on average during the regular school year for grades K through eight, with a similar goal for high school students. This requirement would go into effect beginning with the 2014 -2015 school year, and would not apply to any half-day kindergarten program. This bill incorporates HB 1710 and is identical to SB 966.

Patron - O'Bannon

HB1680 Public charter school. Modifies the definition of a public charter school to include virtual school programs.

Patron - Bell, Richard P.

HB1710 Public schools; physical fitness requirement. Requires at least 150 minutes of physical fitness per week on average for grades K through five and 225 minutes per week on average for grades six through eight during the regular school year, with a similar goal for high school students. Physical fitness may include (i) physical education classes, (ii) extracurricular athletics, or (iii) other programs and physical activities deemed appropriate by the local school board. This bill was incorporated into HB 1644.

Patron - Howell, A.T.

HB1720 Board of Education; teacher licensure; paraprofessional training. Requires the Board of Education to include in its regulations governing licensure a requirement that by September 1, 2014, every person seeking initial licensure or renewal of a license with an endorsement in special education and working with students with autism spectrum disorders must demonstrate proficiency in student behavior management. The bill also requires that by September 1, 2014, each local school division must provide 80 hours of training in student behavior management to any aide assigned to work with a teacher who has primary responsibility for students with an autism spectrum disorder within 60 days of the aide being so assigned.

Patron - Massie

HB1748 Public schools; antibullying measures. Adds specificity to the codes of student conduct required of local school divisions in terms of how incidents of bullying, harassment, and intimidation are handled. The bill requires teacher training in this area, and that incidents of bullying, harassment, and intimidation be reported to the division superintendent. The bill also requires that the codes of student conduct hold school administrators responsible for implementing the procedures outlined in the local policy.

Patron - Plum

HB1775 English as a Second Language; report. Requires local school boards to annually collect data on the number of students enrolled in English as a Second Language courses and report such data to the Board of Education, as well as provide the number of students unable to provide a birth record upon admission to the public schools. The Board of

Education must compile all such data and report it, aggregated by school division, to the Governor and the General Assembly.

Patron - Gilbert

HB1786 Local school boards; unexpended funds. Provides that any funds appropriated by the locality to a local school board that are not expended in any fiscal year must not revert to the locality but shall be reappropriated to the local school board.

Patron - Tata

HB1806 Award of credit; applied music study in piano. Requires the Board of Education to provide for the award of a standard unit of elective credit for achieving an independently verified level of proficiency in the applied music study of piano. The credit must only be awarded (i) if the student performs a minimum of two memorized pieces in the Virginia Music Teachers Association's annual Concerto Competition and achieves a passing score and (ii) completes any other requirements established by the Board.

Patron - Surovell

HB1871 Length of school term; minimum number of required days or hours. Provides that, beginning in the 2012-2013 school year, the minimum length of the school term shall increase by 5.5 hours annually for a period of 10 years.

Patron - Toscano

HB1881 Composite index of local ability to pay. Provides that a locality whose composite index exceeds 0.6750 must be considered as having an index of 0.6750 for purposes of distributing all payments based on the composite index.

Patron - Filler-Corn

HB1896 School health services. Mandates that each school board employ nurses or contract with local health departments for nursing services in order to have a ratio of one nurse per 1,000 students.

Patron - Spruill

HB2008 Public schools; opening of the school year. Allows local school divisions to set the school calendar so that the first day students are required to attend must be no earlier than the fourth Monday in August.

Patron - LeMunyon

HB2009 Open enrollment policies; local school divisions. Provides that local school divisions may have policies that provide for the open enrollment to any school of any pupil residing within the school division upon the request of a parent or guardian. The bill describes optional criteria for local school boards to consider when developing any such plan.

Patron - LeMunyon

HB2044 Board of Education; statewide uniform grading policy. Requires the Board of Education to establish a statewide uniform grading policy whereby a student could receive a maximum of five quality points for an "A" in an Advanced Placement, International Baccalaureate, or dual enrollment course.

Patron - Anderson

HB2082 Permitted fees and charges; local school boards. Prohibits local school boards from charging fees for (i) Advanced Placement or International Baccalaureate testing, if such test is required for academic credit, or (ii) participation in extracurricular interscholastic athletics.

Patron - Kory

HB2204 Local school divisions; unexpended state funds. Provides that local school divisions may elect to use any unexpended state funds to provide a one-time bonus to all teachers of up to three percent of the annual base salary.

Patron - Comstock

HB2241 Length of the school term; exception to 180 teaching day or 990 teaching hour requirement. Provides that when severe weather conditions or other emergency situations have resulted in the closing of a school or the schools in a school division for six days or more, a school board may determine that time spent at school other than in the classroom, such as but not limited to recess or lunch periods, shall be deemed instructional time in order to meet the minimum teaching day or teaching hour requirement.

Patron - Torian

HB2242 Local school divisions; annual notification of the estimated average per pupil cost. Authorizes the annual notification of the estimated average per pupil cost for public education in the school division for the next school year to be posted to the division's website instead of distributing it separately or with any other materials being currently transmitted to the parents, guardians or other persons having control or charge of students. This bill was incorporated into HB 1885.

Patron - Torian

HB2258 Nonpublic school students; participation in interscholastic sports. Directs any nonprofit corporation founded in Virginia in 1913 to organize and govern interscholastic activities among the public high schools to provide an exception to its rules allowing eligibility for participation in interscholastic sports by a student who is receiving home instruction and who is eligible for free tuition in a public school in Virginia. This bill was incorporated into HB 2395.

Patron - Nutter

HB2302 Virginia Early Childhood Investment Fund. Establishes the Virginia Early Childhood Investment Fund for the purpose of financing cost-effective early childhood development and educational programs throughout the Commonwealth. The Fund will be administered by the Virginia Early Childhood Foundation with oversight from the State Superintendent of Schools and the State Board of Education.

Patron - Englin

HB2311 Virginia State Virtual School; Board of Visitors; established. Establishes the Board of Visitors of the Virginia State Virtual School as a policy agency in the executive branch of government, under the name of the "Virginia State Virtual School," for the purpose of governing the online educational programs and services offered to students enrolled in the Virginia State Virtual School. The Secretary of Education is responsible for such agency. The 11-member Board is given operational control of the School and assigned various powers and duties. The bill requires the School to be open to any school-age person in the Commonwealth, subject to local school division approval and admission by the Board, and to provide an educational program meeting the Standards of Quality for grades K-12.

Patron - Bell, Richard P.

HB2313 Public charter schools. Amends the definitions of a public charter school and a regional public charter school to allow for such schools to operate as virtual school programs. The bill further provides that, in the case of a public charter school or regional public charter school operating as a virtual school program, school personnel may be employed through a contractual agreement with the local school board to

deliver online instruction, provided that such personnel delivering online instruction to students through virtual school programs are licensed by the Board and subject to certain background check requirements.

Patron - Bell, Richard P.

HB2378 Accreditation of schools; delayed implementation of certain statutes and regulations, etc. Provides for the delayed implementation of statutes and regulations upon which the accreditation of schools in the Commonwealth is based that were not already in effect on June 30, 2008, with the exception of the graduation and completion rate index, until July 1, 2012, unless such statutes or regulations are also specifically required by federal code, federal regulation, or court action. This bill was incorporated into HB 1554.

Patron - Pogge

HB2395 Nonpublic school students; participation in interscholastic programs. Directs a nonprofit corporation founded in Virginia in 1913 to organize and govern interscholastic programs among the public high schools to deem eligible for participation in interscholastic programs a student who (i) is receiving home instruction, (ii) has demonstrated evidence of progress for two years, (iii) is entitled to free tuition in a public school, (iv) has not reached the age of 19 by August 1 of the current school year, (v) is an amateur, who receives no compensation but participates solely for the educational, physical, mental, and social benefits of the activity, (vi) complies with all disciplinary rules applicable to all public high school athletes, (vii) and complies with all other rules governing awards, all-star games, parental consents, and physical examinations applicable to all high school athletes. The bill allows such students to be charged reasonable fees for participation. This bill incorporates HB 2258.

Patron - Bell, Robert B.

HB2484 Standards of Quality; apportionment of state and local share. Directs the General Assembly, in apportioning the state and local share for the costs of meeting the Standards of Quality, beginning July 1, 2011, to implement a formula that determines each locality's ability to pay based on the ratios of (i) the reimbursement payment made to the locality for providing tangible personal property tax relief to the reimbursement payments made statewide for providing tangible personal property tax relief; (ii) the total value of real estate in the locality adjusted by the index used for the pay differential for state employees residing in that locality to the statewide value of real estate per person; (iii) the median value of residential real estate in the locality adjusted by the index used for the pay differential for state employees residing in that locality to the statewide median value of residential real estate; (iv) sales subject to the state sales tax in the locality to the statewide sales subject to the state sales tax; (v) revenue collected from the local personal property tax to the revenue collected statewide from the local personal property tax; and (vi) revenue collected from local lodging, local cigarette, and local meals taxes to the revenue collected statewide from these local lodging, cigarette, and meals taxes, as provided in the appropriation act. To determine each locality's composite index of ability to pay, (a) the sum of the ratios calculated on the basis of average daily membership for each locality shall be divided by the sum of the average daily membership ratios for all localities; (b) the sum of the ratios calculated on a per capita basis for each locality shall be divided by the sum of the per capita ratios for all localities; and (c) the locality's ratio calculated on the basis of average daily membership shall be multiplied by 0.66 and the locality's ratio calculated on a per capita basis shall be multiplied by 0.33. The sum of the two adjusted ratios

in clause (c) shall be the local composite index of ability to pay.

Patron - Watts

HB2525 Judicial review of school board decision; aggrieved person. Provides that, for the purpose of judicial review, any parent, custodian, or legal guardian of a school-age child eligible to attend a school directly affected by an action of the local school board shall presumptively be considered to be aggrieved by such action.

Patron - Keam

SB803 Public schools; physical fitness requirement. Requires at least 150 minutes of physical fitness per week on average for grades K through five and 225 minutes per week on average for grades six through eight during the regular school year, with a similar goal for high school students. Physical fitness may include (i) physical education classes, (ii) extracurricular athletics, or (iii) other programs and physical activities deemed appropriate by the local school board. This bill was incorporated into SB 966.

Patron - Lucas

SB840 Judicial review of school board decision; aggrieved person. Provides that, for the purpose of judicial review, any parent, custodian, or legal guardian of a school-age child eligible to attend a school directly affected by an action of the local school board shall presumptively be considered to be aggrieved by such action.

Patron - Petersen

SB934 Public schools; physical education requirement. Requires at least 150 minutes of physical education per week on average during the regular school year for grades K through twelve. This bill was incorporated into SB 966.

Patron - Miller, J.C.

SB935 Healthy lifestyles education. Requires the Board of Education to develop and approve instructional objectives for healthy lifestyles at the middle and high school levels, which shall be required of all students, and to provide for the systematic infusion of healthy lifestyle principles in the relevant Standards of Learning. The objectives shall include, but not be limited to, nutritional education, emphasizing the benefits of physical activity, and healthy lifestyle choices.

Patron - Miller, J.C.

SB967 Family life education. Requires each school division to implement the standards of learning for the family life education program promulgated by the Board of Education, or a family life education program consistent with the guidelines developed by the Board, which shall have the goals of reducing the incidence of pregnancy, sexually transmitted disease, and substance abuse among teenagers. Any curricula or materials used must be evidence-based and supported by peer reviewed medical research.

Patron - Northam

SB1031 Public schools; unexpended funds. Allows local school divisions to keep any unexpended funds from the Commonwealth or local sources for use the next year.

Patron - Barker

SB1320 Charter schools; employees. Allows public charter school employees to choose whether to participate in the Virginia Retirement System and specifies that they are not party to any existing collective bargaining agreement. The bill also allows only 75 percent of public charter elementary school teachers to be licensed, and 50 percent of public charter middle and high school teachers to be licensed, and specifies that all

teachers otherwise be highly qualified, as defined by the federal No Child Left Behind Act.

Patron - Obenshain

SB1480 Teacher training; civics education. Clarifies the requirement that any teacher seeking renewal of a license with an endorsement in middle education 6-8 complete study of the structures, function, and powers of state and local government of Virginia and the importance of citizen participation in the political process in state and local government of Virginia only if such endorsement has a concentration in history and social sciences. Also, the bill provides that the requirement shall also apply to a holder of a previous version of an elementary, middle school, or secondary license and who is renewing such license, if such teacher's responsibilities include the teaching of social studies and/or history, civics, geography or economics.

Patron - Marsden

Educational Institutions

Passed

HB1435 American Sign Language; recognition for completed coursework. Provides that if a local school board offers an elective course in American Sign Language, it must grant academic credit for course completion on the same basis as the successful completion of a foreign language course and count course completion in American Sign Language toward the fulfillment of any foreign language requirement for graduation. Additionally, the bill requires public institutions of higher education to count academic credit received for successful completion of American Sign Language courses in a secondary school or higher education institution toward satisfaction of the foreign language entrance requirements.

Patron - Bell, Richard P.

HB1619 Virginia College Savings Plan. Clarifies the roles of the two advisory committees to the Board of the Virginia College Savings Plan and requires the Board to post the annual report on its website. This bill is identical to SB 1362.

Patron - Cox, M.K.

HB1647 Higher education; military reinstatement guidelines. Updates language requiring the State Council of Higher Education to issue and update military reinstatement guidelines to allow reinstatement for students whose service in the uniformed services has required sudden withdrawal or prolonged absence from enrollment in a public institution of higher education.

Patron - Tata

HB1848 Eligibility for in-state tuition charges. Ensures that the established Virginia domicile of a spouse of an active duty military service member, and therefore in-state tuition eligibility, must not be affected by the establishment and maintenance of a place of residence in another jurisdiction for the purpose of maintaining a joint household with such member. The bill also provides that the spouse of an active duty military service member, if such spouse has established domicile and claimed a dependent student on federal or state income tax returns, must not be subject to minimum income tests or requirements. This bill is identical to SB 1279.

Patron - Stolle

HB1861 Eligibility for in-state tuition; waiver of one-year residency requirement. Authorizes certain veterans who elect to establish Virginia as their permanent residence for domiciliary purposes to establish immediate residency in Virginia and become eligible for in-state tuition, rather than waiting the required one-year period. This bill is identical to SB 824.

Patron - Anderson

HB1910 Cambridge Advanced (A/AS) Exams; course credit. Requires the governing boards of each public institution of higher education to implement policies regarding the granting of credit for Cambridge Advanced Exams. The bill also clarifies that students should be eligible for credit for International Baccalaureate and Advanced Placement examinations, not courses. This bill is identical to SB 1448.

Patron - Miller, J.H.

HB1960 Tuition Assistance Grant Program. Amends the criteria for institutions of higher education to be eligible to receive tuition assistance on behalf of eligible students. For an institution, not admitted to the program as of January 1, 2011, to be eligible, it must (i) be formed, chartered, established, or incorporated within the Commonwealth; (ii) have its principal place of business within the Commonwealth; (iii) conduct its primary educational activity within the Commonwealth; and (iv) be accredited by a nationally recognized regional accrediting agency. The bill also defines "principal place of business." This bill is identical to SB 1439.

Patron - Rust

HB2094 Jamestown-Yorktown Foundation. Updates the primary duty of the Jamestown-Yorktown Foundation to conform with the agency's recently updated mission statement. The bill contains technical amendments and repeals an outdated Code section. This bill is identical to SB 1139.

Patron - Jones

HB2140 University of Virginia; management agreement. Clarifies that the University of Virginia is authorized to make full use of the additional financial and operational authority granted to it in its management agreement in providing assistance to the Southwest Virginia Higher Education Center. This bill is identical to SB 1110.

Patron - Johnson

HB2510 Virginia Higher Education Opportunity Act of 2011. Establishes the Virginia Higher Education Opportunity Act of 2011 for the purpose of fueling strong economic growth in the Commonwealth and preparing Virginians for the top job opportunities in the knowledge-driven economy of the 21st century. The bill provides for (i) a new higher education funding policy; (ii) the calculation of the state general fund share of an institution's basic operations and instruction funding need; (iii) per student enrollment-based funding; (iv) targeted economic and innovation incentives; (v) the creation of a STEM Public-Private Partnership; and (vi) the creation of a Higher Education Advisory Committee. The bill also makes technical amendments. This bill is a recommendation of the Governor's Commission on Higher Education Reform, Innovation and Investment. This bill is identical to SB 1459.

Patron - Cox, M.K.

SB824 Eligibility for in-state tuition; waiver of one-year residency requirement. Authorizes certain veterans who elect to establish Virginia as their permanent residence for domiciliary purposes to establish immediate residency in Virginia and become eligible for in-state tuition, rather than wait-

ing the required one-year period. This bill incorporates SB 1289 and SB 1391 and is identical to HB 1861.

Patron - Edwards

SB1074 In-state tuition; National Guard. Provides in-state tuition for any person who met the requirements for in-state tuition prior to being called to active duty in the National Guard of another state following completion of active duty service if during active duty that person maintained one or more of the following in Virginia rather than in another state or jurisdiction: a driver's license, motor vehicle registration, voter registration, employment, property ownership, or sources of financial support.

Patron - Barker

SB1077 International Baccalaureate and Advanced Placement; course credit. Clarifies that students should be eligible for credit for International Baccalaureate and Advanced Placement examinations, not the courses.

Patron - Barker

SB1110 University of Virginia; management agreement. Clarifies that the University of Virginia is authorized to make full use of the additional financial and operational authority granted to it in its management agreement in providing assistance to the Southwest Virginia Higher Education Center. This bill is identical to HB 2140.

Patron - Wampler

SB1139 Jamestown-Yorktown Foundation. Updates the primary duty of the Jamestown-Yorktown Foundation to conform with the agency's recently updated mission statement. The bill contains technical amendments and repeals an outdated Code section. This bill is identical to HB 2094.

Patron - Quayle

SB1279 Eligibility for in-state tuition charges. Ensures that the established Virginia domicile of a spouse of an active duty United States military service member, and therefore in-state tuition eligibility, must not be affected by the establishment and maintenance of a place of residence in another jurisdiction for the purpose of maintaining a joint household with such member. The bill also provides that the spouse of an active duty United States military service member, if such spouse has established domicile and claimed a dependent student on federal or state income tax returns, must not be subject to minimum income tests or requirements. This bill is identical to HB 1848.

Patron - McWaters

SB1362 Virginia College Savings Plan. Clarifies the roles of the two advisory committees to the Board of the Virginia College Savings Plan and requires the Board to post the annual report on its website. This bill is identical to HB 1619.

Patron - Stosch

SB1439 Tuition Assistance Grant Program. Amends the criteria for institutions of higher education to be eligible to receive tuition assistance on behalf of eligible students. For an institution to be eligible, the institution must have either been receiving such funds as of January 1, 2011, or (i) be formed, chartered, established, or incorporated within the Commonwealth; (ii) have its principal place of business in the Commonwealth; (iii) conduct its primary educational activity within the Commonwealth; and (iv) be accredited by a nationally recognized regional accrediting agency. The bill requires the State Council of Higher Education to keep a current, and periodically updated, list of such institutions. The bill also defines "principal place of business." This bill is identical to HB 1960.

Patron - Herring

SB1448 Cambridge Advanced Exams; course credit. Requires the governing boards of each public institution of higher education to implement policies regarding the granting of credit for Cambridge Advanced Exams. The bill also clarifies that students should be eligible for credit for International Baccalaureate and Advanced Placement examinations, not courses. This bill is identical to HB 1910.

Patron - Barker

SB1459 Virginia Higher Education Opportunity Act of 2011. Establishes the Virginia Higher Education Opportunity Act of 2011 for the purpose of fueling strong economic growth in the Commonwealth and preparing Virginians for the top job opportunities in the knowledge-driven economy of the 21st century. The bill provides for (i) a new higher education funding policy; (ii) the calculation of the state general fund share of an institution's basic operations and instruction funding need; (iii) per student enrollment-based funding; (iv) targeted economic and innovation incentives; (v) the creation of a STEM Public-Private Partnership; and (vi) the creation of a Higher Education Advisory Committee. The bill also makes technical amendments. This bill is a recommendation of the Governor's Commission on Higher Education Reform, Innovation and Investment. This bill is identical to HB 2510.

Patron - Houck

Failed

HB1465 Admission of illegal aliens at institutions of higher education. Provides that notwithstanding any existing policies regarding limitations on enrollment eligibility, the boards of visitors of the public, post secondary institutions of higher education, including the State Board of Community Colleges, shall adopt written policies and procedures prohibiting the enrollment of an individual determined to be not lawfully present in the United States. This bill incorporates HB 2153.

Patron - Peace

HB1572 In-state tuition; certain ROTC cadets. Provides that any enrolled cadet in good standing in any Reserve Officers Training Corps (ROTC) unit or any current member of a Reserve Component of the United States Armed Forces attending any public institution of higher education shall pay tuition in an amount no more than the institution's in-state tuition rate.

Patron - Cleaveland

HB2002 Public institutions of higher education; undergraduate out-of-state tuition charges. Requires the boards of visitors of every public institution of higher education in the Commonwealth to set tuition and fee charges at levels they deem to be appropriate for all nonresident student groups based on, but not limited to, competitive market rates, provided that the tuition and mandatory educational and general fee rates for nonresident undergraduate students are at least 100 percent of the average cost of their education. The determination of competitive market rates shall consider tuition and fees charged at comparable private and public institutions of higher education within the Commonwealth or in another state, totaling at least five, which are most similar to the public institution of higher education with respect to total undergraduate enrollment, undergraduate student body academic qualifications, and to which a significant number of students of the institution of higher education also applied. Additionally, at the time that undergraduate tuition is determined by each board of visitors, the board of visitors must include in its meeting records the tuition rates at comparable

private institutions and any other factors used in establishing the undergraduate tuition and fees.

Patron - LeMunyon

HB2053 Admission of in-state students at public institutions of higher education. Provides that the board of visitors or other governing body of each public institution of higher education, except for the Virginia Military Institute, Norfolk State University, and Virginia State University, must establish rules and regulations requiring that at least 75 percent of students admitted and enrolled at the institution be Virginia domiciles.

Patron - Hugo

HB2153 In-state tuition and educational benefits for unlawfully present aliens. Provides that an alien who is unlawfully present in the United States shall not be eligible on the basis of residency within Virginia for any postsecondary educational benefit including, but not limited to, in-state tuition and state financial aid unless citizens or nationals of the United States are eligible for such benefits in no less an amount, duration, and scope, without regard to whether such citizens or nationals are Virginia residents. This bill was incorporated into HB 1465.

Patron - Cline

HB2246 In-state tuition; certain Department of Defense employees. Provides that any civilian employees of the Department of Defense who are realigned to Virginia as a result of Base Realignment and Closure, and their dependents, shall pay the in-state tuition rate at the public institution of higher education in which they are enrolled.

Patron - Torian

HB2250 State Council of Higher Education for Virginia; creation of nonstock corporation to support academic research. Requires the State Council of Higher Education for Virginia to establish a nonprofit, nonstock corporation under Chapter 10 (§ 13.1-801 et seq.) of Title 13.1 as a public instrumentality exercising public and essential governmental functions to assist the Council in (i) supporting academic research in Virginia; (ii) encouraging research initiatives, with emphasis on biological systems and nanotechnology, to support Virginia industry; (iii) directing the disbursement of funds for such research initiatives based on established scientific criteria from the Academic Research Initiative Fund, created pursuant to this bill; and (iv) conducting or undertaking other activities useful in carrying out the provisions of this bill. The Council shall require such corporation to report to it at least annually on its activities. The bill sets out the composition of the board of directors for such corporation. This bill was incorporated into HB 2324.

Patron - Nutter

HB2264 Private institutions of higher education; credit enhancement. Allows the Virginia College Building Authority to issue or acquire credit enhancements to secure payment of bonds issued by the Authority. Credit enhancements include, without limitation, surety bonds, insurance policies, letters of credit, guarantees and other forms of collateral or security as well as capital reserve funds for private institutions of higher education.

Patron - Morgan

HB2296 Commonwealth Scholars Program and Investment Fund; established. Provides for the establishment of the Commonwealth Scholars Program and Investment Fund whereby public or private organizations and individuals may make monetary contributions to provide scholarships for eligible students in order to expand access to higher education.

Scholarship funds may be paid to any accredited, degree-granting public or private nonprofit institution of higher education in Virginia. Eligibility for the scholarships is limited to domiciled residents of Virginia as defined by § 23-7.4 and who are admitted and enrolled as full-time students in a public or nonprofit private institution of higher education, and any other criteria established by the Council. Each scholarship recipient will be required to sign a promissory note agreeing to annually pay back into the Fund a percentage of his annual income, not to exceed five percent, beginning five years after the end of the scholarship funded program, and for a period not to exceed 25 years.

Patron - Englin

HB2346 Public institutions of higher education; compensation of athletic coaches. Requires that the board of visitors of every public institution of higher education adopts and implements policies such that the annual total compensation provided to any coach of an intercollegiate athletic team shall not include more than \$300,000 of state funding.

Patron - Morrissey

HB2490 Campus police; report of certain incidents to local law-enforcement agency. Requires the chief law-enforcement officer of a public or private institution of higher education to report the death or an alleged rape of any person on campus property to the local law-enforcement agency of the locality in which the institution is located. The local law-enforcement agency would assume responsibility for leading the investigation, with cooperation from the institution of higher education.

Patron - Miller, P.J.

SB819 Two-Year College Scholarship Match Program. Establishes the Two-Year College Scholarship Match Program to provide matching funds to two-year college foundations and the Virginia Foundation for Community College Education. Funds paid shall not exceed \$5 million, in aggregate, in any fiscal year. These funds shall be used to award scholarships to students who (i) are domiciled residents of Virginia and (ii) are enrolled in an associate degree program in a Virginia two-year college studying science, technology, engineering, math, education, or nursing. This will only become effective upon an appropriation of general funds effectuating the purposes of the bill passed by the 2011 General Assembly.

Patron - Edwards

SB939 Boards of visitors; adding two members. Adds two members to the boards of visitors of each public college and university, to be chosen by the other members.

Patron - Miller, J.C.

SB1289 Eligibility for in-state tuition; waiver of one-year residency requirement. Authorizes certain veterans who elect to establish Virginia as their permanent residence for domiciliary purposes to establish immediate residency in Virginia and become eligible for in-state tuition, rather than waiting the required one-year period. This bill was incorporated into SB 824.

Patron - McWaters

SB1306 Private institutions of higher education; credit enhancement. Allows the Virginia College Building Authority to issue or acquire credit enhancements to secure payment of bonds issued by the Authority. Credit enhancements include, without limitation, surety bonds, insurance policies, letters of credit, guarantees and other forms of collateral or security as well as capital reserve funds for private institutions of higher education.

Patron - Ruff

SB1363 Two-Year College Transfer Grant Program. Increases the amount of the grant from \$1,000 to \$1,500, and the federal Expected Family Contribution threshold from \$8,000 to \$12,000, and requires the students who receive the grant to maintain the continued enrollment requirements at the institution to which they have transferred, rather than meeting a specific GPA requirement.

Patron - Stosch

SB1391 Eligibility for in-state tuition; waiver of one-year residency requirement. Authorizes certain veterans who elect to establish Virginia as their permanent residence for domiciliary purposes to establish immediate residency in Virginia and become eligible for in-state tuition, rather than waiting the required one-year period. This bill was incorporated into SB 824.

Patron - Barker

SB1484 Restructured Higher Education Financial and Administrative Operations Act; use of nongeneral fund revenues. Provides that nongeneral fund revenues of institutions of higher education under a management agreement pursuant to the Restructuring Act that are deposited in the state treasury shall only be expended for the educational and general or auxiliary enterprise purposes for which they were received. Such revenues shall in no case be transferred to the general fund.

Patron - Watkins

Elections

Passed

HB1501 Elections; distribution of mail voter registration application forms. Provides that the State Board of Elections, in cooperation with the Department of Game and Inland Fisheries, will make mail voter registration application forms available where hunting and fishing licenses are sold. This bill is identical to SB 1213.

Patron - Putney

HB1507 Primary schedule in 2011. Moves the June 14, 2011, primary date to August 23, 2011, in anticipation of the 2011 redistricting process and adjusts various deadlines for filings and election preparations to accommodate the new primary date. The bill also authorizes the State Board of Elections to adjust dates and deadlines if necessary to complete the Voting Rights Act Section 5 preclearance process. The bill declares that an emergency exists and that the bill is effective upon passage. The act will expire January 1, 2012.

Patron - Cole

HB1508 Elections; local electoral boards; certain prohibitions. Prohibits a member of a local electoral board from being the spouse or other relative of a candidate for or holder of an office filled in whole or in part by voters in the jurisdiction of the electoral board.

Patron - Cole

HB1568 Elections; absentee ballots; deceased voter. Provides that an absentee ballot cast by a voter found to be entitled to vote when he returned the ballot will be counted although the voter died between the time he returned the ballot and the time that the absentee ballots are counted on election day.

Patron - Cleaveland

HB1646 Referendum elections; voter petition requirements. Provides that the person circulating a petition calling for a referendum election must include on each page, front and back, of the petition: his name, his residence address, and, if different, his mailing address, and the name of the organization, if any, that he represents. The bill also specifies that a voter signing the petition may provide the last four digits of his social security number rather than the entire number.

Patron - Brink

HB1660 Special elections; filling vacancies in certain local offices. Clarifies that a vacancy in a local office shall be filled by special election to be held no later than the next general election in November, or in May if the vacant office is regularly scheduled by law to be filled at that time. If the vacancy occurs within 90 days of such general election, the special election shall be held no later than the second such general election.

Patron - Alexander

HB1702 Elections; vacancies in certain local offices; oaths. Provides that the failure by an elected local governing body member, mayor, or school board member to take the oath of office before attending his first meeting will not create a vacancy in the office so long as he takes the oath within 30 days after the first meeting. Under present law such vacancies must be filled by special elections.

Patron - Lewis

HB1746 Elections; biennial county supervisor elections; staggered terms. Provides that if the number of supervisors elected following the change to biennial elections and staggered terms who volunteer to accept a two-year term exactly equals the number of two-year terms to be assigned, they may accept the two-year terms and avoid the need for a drawing to assign the two-year and four-year terms. Present law provides that the county electoral board will assign the two-year and four-year terms by lot.

Patron - Ingram

HB1843 Presidential primary. Moves the presidential primary date from the second Tuesday in February to the first Tuesday in March. The bill retains the first Tuesday in March as the primary date before the May general election. This bill is identical to SB 1246. This bill incorporates HB 1667.

Patron - Cole

HB1858 Elections; clarifications related to absentee voting and identification required for certain first-time voters. Provides that certain voter registrations remain valid until the next November general election or federal general election, whichever is later, rather than for 365 days or a federal election cycle. The bill also requires absentee ballots to be available 45 days prior to the election or three business days after receipt of the completed application, whichever is later; and makes other technical changes. This bill is identical to SB 886.

Patron - Anderson

HB2080 Elections; voting equipment; DREs. Allows, for a limited period until June 30, 2012, the purchase of direct recording electronic machines from any source to meet legal mandates to provide accessible voting equipment. The bill provides for oversight of such purchases by the State Board of Elections. Current law requires these purchases to be made from existing DRE inventories within the Common-

wealth. The bill incorporates HB 1490 and HB 2023. The bill is identical to SB 1340.

Patron - Landes

HB2251 Elections; pollbooks. Provides that when the electronic pollbooks fail to operate and no alternative voter list or pollbook is available, the officers of election shall maintain a written list of the persons voting and provide provisional ballots to those persons.

Patron - Nutter

SB886 Elections; clarifications related to absentee voting and identification required for certain first-time voters. Provides that certain voter registrations remain valid until the next November general election or federal general election, whichever is later, rather than for 365 days or a federal election cycle. The bill also requires absentee ballots to be available 45 days prior to the election or three business days after receipt of the completed application, whichever is later; and makes other technical changes. This bill is identical to HB 1858. This bill incorporates SB 1252.

Patron - Martin

SB887 Deadlines for certain special elections. Adjusts various deadlines for certain special elections and nominations in response to changes required by the federal Military and Overseas Voter Empowerment Act regarding when ballots are to be prepared and made available for absentee voting.

Patron - Martin

SB889 Referendum petitions; social security numbers. Provides that each voter who signs a petition to call for a referendum election may provide the last four digits of his social security number on the petition. Currently, the voter must provide his entire social security number.

Patron - Martin

SB945 Elections; voter whose name is erroneously omitted from the pollbook. Modifies the requirement that the voter provide his social security number, if any, to require only the last four digits of the number. The voter also provides his full name, birth date, and address on his sworn statement that he is a qualified and registered voter of the precinct. In these situations, the general registrar has informed the officers of election that the voter's name was omitted from the pollbook in error.

Patron - Howell

SB1036 Elections; voting equipment; direct recording electronic voting machines (DREs). Allows localities to modify their DREs to meet legal mandates to provide accessible voting equipment and provides that the State Board of Elections must give prior approval to the modifications.

Patron - Barker

SB1076 Elections; recount procedures. Provides that in a recount when ballots are rerun through optical scan tabulators, the total number of ballots counted by the tabulator and the total number of ballots set aside by the tabulator must equal the total number of ballots rerun through the tabulator. If this requirement is not met, all the optical scan ballots for the precinct must be counted by hand.

Patron - Barker

SB1196 Elections; voter registration system; maintenance. Requires that the State Board of Elections promptly provide to general registrars pertinent information to update voter registration records and requires that the general registrars update records within 30 days of receipt of the informa-

tion. The bill also allows the State Board to share voter registration information with the chief election officers of other states for the purpose of maintaining the voter registration system.

Patron - Obenshain

SB1213 Elections; distribution of mail voter registration application forms. Provides that the State Board of Elections, in cooperation with the Department of Game and Inland Fisheries, will make mail voter registration application forms available where hunting and fishing licenses are sold. This bill is identical to HB 1501. This bill incorporates SB 1346.

Patron - Smith

SB1246 Presidential primary. Moves the presidential primary date from the second Tuesday in February to the first Tuesday in March. The bill retains the first Tuesday in March as the primary date before the May general election. This bill is identical to HB 1843.

Patron - Vogel

SB1340 Elections; voting equipment; DREs. Allows, for a limited period until June 30, 2012, the purchase of direct recording electronic machines from any source to meet legal mandates to provide accessible voting equipment. The bill provides for oversight of such purchases by the State Board of Elections. Current law requires these purchases to be made from existing DRE inventories within the Commonwealth. The bill is identical to HB 2080.

Patron - Puller

Failed

HB1400 Elections; early voting. Provides that any registered voter qualified to vote in the election may vote in person from 14 to three days before the election, or eight to three days before a special election, at the office of the general registrar or secretary of the electoral board. The provisions for absentee voting remain in effect except that the provisions for in-person absentee voting are superseded by the early voting process during the early voting period. The bill takes effect January 1, 2012.

Patron - Dance

HB1401 Elections; absentee voting. Provides that qualified voters may vote absentee for any reason. The bill eliminates the present statutory list of specific reasons entitling a voter to cast an absentee ballot. Several special provisions concerning military and overseas absentee voters and disabled voters are consolidated in two new provisions.

Patron - Dance

HB1402 Elections; absentee voting. Provides that qualified voters may vote absentee in person without providing an excuse or reason for not being able to vote in person on election day. The bill retains the present statutory list of specific reasons entitling a voter to cast an absentee ballot for those persons who vote absentee by mail. This bill is identical to SB 949.

Patron - Dance

HB1414 Campaign finance; contributions from entities; disclosure of controlling individuals. Adds a requirement for campaign committees, political committees, and out-of-state political committees to report the name and address of any controlling individual with an ownership interest exceeding 50 percent in any contributor that is a corporation, partnership, business, or other like entity. The bill

prohibits making or receiving contributions without required disclosure and imposes a civil penalty equal to the greater of \$500 or the amount of the contribution.

Patron - Scott, J.M.

HB1415 Campaign finance disclosure reports; reviews. Provides a procedure for review of campaign finance reports for candidates for Governor, Lieutenant Governor, and Attorney General and for candidates in a random sample of General Assembly districts. The review focuses on reconciling the balance in the campaign depository with campaign finance reports, on mathematical accuracy, and on completeness. The provisions would become effective on January 1, 2012.

Patron - Scott, J.M.

HB1478 State Board of Elections; Director of Elections. Provides for the position of Director of Elections to be appointed by the Governor for a four-year term, subject to confirmation by the General Assembly. The Director shall serve as head of the elections agency, in place of the present Secretary who is a member of the State Board and appointed by the Governor. The Director shall, by his education, training, or experience, be knowledgeable of election law and administration. The State Board will continue to consist of three members appointed by the Governor subject to confirmation by the General Assembly.

Patron - Janis

HB1490 Elections; acquisition of voting equipment by localities. Permits localities to acquire direct recording electronic (DRE) machines by deleting the provision enacted in 2007 and later amended that generally prohibited the acquisition of such machines on and after July 1, 2007. This bill is identical to HB 2023 and SB 884. This bill was incorporated into HB 2080.

Patron - Spruill

HB1503 General registrar; qualifications. Allows an electoral board to appoint a general registrar who is a qualified voter of a county or city adjoining the jurisdiction for which he is appointed.

Patron - Putney

HB1525 Elections; form of ballots; Loudoun County. Extends to local elections in Loudoun County the requirement that ballots include the nominating political party for each candidate. Currently, this requirement applies only to federal, statewide, and General Assembly elections.

Patron - Greason

HB1560 Elections; voting procedures; voter identification requirements; provisional ballots. Provides that a voter who is unable to present one of the enumerated forms of identification may sign a sworn statement that he is the named registered voter he claims to be and then be allowed to vote a provisional ballot after signing the statement. Present law allows such a voter to vote an official rather than provisional ballot after signing such statement.

Patron - Cole

HB1667 Presidential elections and primaries. Moves the presidential primary date from the second Tuesday in February to the first Tuesday in March and retains the first Tuesday in March as the primary date before the May general election. The bill also reduces the petition requirement for presidential candidates from 10,000 to 5,000 signatures. This bill was incorporated into HB 1843.

Patron - McClellan

HB1684 Elections; voter registration by mail; identification requirements. Revises the current requirement for first-time voters who register by mail. The bill replaces the requirement to vote in person with a requirement to show a form of voter identification. The bill makes conforming changes to the law on ballot styles.

Patron - Toscano

HB1749 Redistricting process. Provides a new method for the preparation of state legislative and congressional redistricting plans; spells out standards for developing plans including population equality, compactness, maintenance of cores of existing districts, and respect for locality boundaries; precludes consideration of incumbency and political data in developing plans; assigns responsibility to the Division of Legislative Services to prepare plans for submission to the General Assembly; and establishes a temporary redistricting advisory commission to advise the Division, disseminate information on plans, and hold hearings for public reaction to plans. The General Assembly may reject the Division's plans and may ultimately amend the plans. This bill is patterned after the Iowa redistricting process. The bill contains an emergency clause.

Patron - Plum

HB2023 Elections; acquisition of voting equipment by localities. Permits localities to acquire direct recording electronic (DRE) machines by deleting the provision enacted in 2007 and later amended that generally prohibited the acquisition of such machines on and after July 1, 2007. This bill is identical to HB 1490 and SB 884. This bill was incorporated into HB 2080.

Patron - May

HB2073 Elections; redistricting local districts; prison populations. Provides that the local governing body may exclude from its calculations in drawing local districts for decennial redistricting the population of certain correctional facilities. The bill includes federal and regional, as well as state, correctional facilities and allows the exclusion of the facility population if it exceeds 12 percent of the ideal population of an election district of the locality. The bill contains an emergency clause.

Patron - Ingram

HB2088 Elections; absentee voting; business and medical emergencies. Expands the provisions on late in-person absentee voting in business and medical emergencies to cover situations learned of by the voter after 6:00 p.m. on the Thursday before the election rather than after noon on the Saturday before the election. The voter is allowed to vote up to 2:00 p.m. on the Monday before the election.

Patron - Herring

HB2098 Campaign Finance Disclosure Act; conversion of contributions to personal use. Enacts a separate provision to make it unlawful for any person to convert to his personal use, at any time, money and like intangibles that have been contributed to a candidate, campaign committee, or other type of political committee.

Patron - Jones

HB2249 Powers and duties of the State Board of Elections. Authorizes the Board to impose a civil penalty not to exceed \$1,000 on a general registrar for conduct that has a material adverse effect upon the conduct of either the registrar's office or any election and demonstrates his failure to

comply with his duties under state law or the policies of the Board.

Patron - Nutter

HB2288 Political campaign advertisements; disclosure requirements. Provides that advertisements on the Internet that do not contain sufficient space to display the required disclosure statement may meet disclosure requirements by providing a direct link to another Internet site that displays the required disclosure statement.

Patron - Sickles

HB2459 Elections; absentee voting. Provides that persons age 65 and older will be entitled to vote absentee. This bill is identical to SB 937.

Patron - Surovell

SB808 Elections; voter identification requirements; absentee voting eligibility and procedures. Revises the list of items that a voter may show to prove identification at the polls. The bill adds to the list several items now allowed to prove the identity of first-time voters for federal elections who registered by mail: a copy of a current utility bill, bank statement, government check, or paycheck that shows the name and address of the voter. The bill deletes the provision that allows a voter to sign a sworn statement that he is the named registered voter he claims to be in lieu of showing identification and provides instead for the voter to cast a provisional ballot if he cannot provide a required form of identification.

Patron - Obenshain

SB864 Voter identification requirements; provisional ballots. Eliminates the provision that allows a voter to sign a sworn statement that he is the named registered voter he claims to be in lieu of showing identification and provides instead for the voter to cast a provisional ballot if he cannot provide a required form of identification. The bill also provides that, in order to determine whether a person who cast a provisional ballot is a qualified voter, an electoral board may rely on a faxed copy of a person's identification. The bill also removes a Commonwealth of Virginia voter registration card from the list of forms of identification that a voter can present to demonstrate that he is a qualified voter.

Patron - Martin

SB884 Elections; acquisition of voting equipment by localities. Permits localities to acquire direct recording electronic (DRE) machines by deleting the provision enacted in 2007 and later amended that generally prohibited the acquisition of such machines on and after July 1, 2007. This bill is identical to HB 1490 and HB 2023.

Patron - Blevins

SB888 Duration of temporary voter registration. Deletes the provision that temporary voter registration for a voter who moves overseas for employment and his spouse and dependents residing with him is permitted only as long as the voter, his spouse, or dependent votes at least once every five years in an election held in the precinct where the voter was registered prior to moving.

Patron - Martin

SB932 Virginia Redistricting Commission created. Establishes a five-member commission to prepare redistricting plans for the House of Delegates, state Senate, and congressional districts. Appointments to the Commission shall be made one each by the four majority and minority party leaders of the House and Senate. Those four appointees shall appoint the fifth member and chair of the Commission. If they cannot agree by a majority of at least three members, they shall submit

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

Patron - Miller, J.C.

SB937 Elections; absentee voting. Provides that persons age 65 and older will be entitled to vote absentee. This bill is identical to HB 2459.

Patron - Miller, J.C.

SB938 Absentee voting; application by electronic mail or other electronic means. Provides that the State Board of Elections shall implement a system to accept absentee ballot applications electronically. Currently, an applicant may request and receive, but not submit, an absentee ballot application electronically.

Patron - Miller, J.C.

SB947 Primary schedule in 2011. Moves the June 14, 2011, primary date to September 13, 2011, in anticipation of the 2011 redistricting process and adjusts various deadlines for filings and election preparations to accommodate the new primary date. The bill declares that an emergency exists and that the bill is effective upon passage. This bill is identical to SB 1158.

Patron - Howell

SB949 Elections; absentee voting. Provides that qualified voters may vote absentee in person without providing an excuse or reason for not being able to vote in person on election day. The bill retains the present statutory list of specific reasons entitling a voter to cast an absentee ballot for those persons who vote absentee by mail. This bill is identical to HB 1402.

Patron - Howell

SB1030 Elections; costs of primaries. Provides that the state will reimburse the localities for the costs of statewide and federal primary elections held after January 1, 2013, as funded by the general appropriation act.

Patron - Barker

SB1051 Elections; emergencies; extension of polling hours. Provides for a court-ordered extension of polling hours in emergency situations and situations that interfere with the ability of voters to travel to the polls. The bill provides that no extension shall exceed three hours, provides for notice by any petitioner for an extension to the other potential petitioners, and includes other restrictions on the court's discretion and the premature release of election results. The potential petitioners are the Secretary of the State Board of Elections and the state chairs of the political parties.

Patron - Barker

SB1052 Elections; absentee voting procedures. Deletes the requirement that domestic absentee voters must provide detailed information concerning their legal residence in Virginia in their sworn statement on the envelope in which they return their marked absentee ballot. The bill retains the requirement that the statement contain the voter's full name (last, first, and middle).

Patron - Barker

SB1158 Primary schedule in 2011. Moves the June 14, 2011, primary date to September 13, 2011, in anticipation of the 2011 redistricting process and adjusts various deadlines for filings and election preparations to accommodate the new primary date. The bill declares that an emergency exists and that the bill is effective upon passage. This bill is identical to SB 947.

Patron - Quayle

SB1203 Primary elections; costs. Provides that the political party shall pay the costs of the primary. The bill provides that the party must post bond in advance of the primary to cover those costs. Currently the costs of the primary are paid by the localities. The bill will take effect January 1, 2012.

Patron - Obenshain

SB1218 Political parties to determine method of nominating candidates. Provides that only political parties may determine the method by which parties nominate candidates for office and eliminates exceptions that allowed incumbents in certain cases to determine the method of nomination. The change takes effect November 9, 2011.

Patron - Smith

SB1252 Voter registration; certain overseas voters. Changes the duration of a temporary voter registration for certain overseas voters from the end of the federal election cycle or 365 days to the end of the calendar year in which the voter submits the application. The change applies to those voters located overseas and voting absentee in an election due to active duty military service, membership in the merchant marines, employment, or temporary residence outside of the country, or the spouse or dependent residing with such a voter. The change also applies to those voters who reside overseas and were qualified to vote in Virginia prior to leaving the United States or would be qualified but for such overseas residence. This bill was incorporated into SB 886.

Patron - Vogel

SB1346 Elections; distribution of mail voter registration application forms. Provides that the State Board of Elections, in cooperation with the Department of Game and Inland Fisheries, will make mail voter registration application forms available where hunting and fishing licenses are sold. This bill is identical to HB 1501 and SB 1213. This bill was incorporated into SB 1213.

Patron - Norment

Eminent Domain

Passed

HB1693 Eminent domain; waiver of appraisal. Changes the maximum limit on waiver of appraisals for real property being acquired by a state agency from \$10,000 to \$25,000, consistent with the amount allowed by federal regulations. If the value of the property is determined to be between \$10,000 and \$25,000, the state agency shall disclose that the valuation was not based on an appraisal and that the property owner may request that an appraisal be made.

Patron - Athey

HB2161 Eminent domain; procedures. Provides that if a condemnor is required to provide an appraisal to the owner of property sought to be condemned, the condemnor must provide copies of all appraisals that the condemnor

obtained prior to making an offer to acquire or initiating negotiations for the property. The bill also makes changes to the procedure for offering to sell condemned property back to the former owner to clarify when such an offer is required to be made and how such an offer is communicated to the former owner. The bill also provides that certain definitions in certain chapters of Title 25.1 (Eminent Domain) apply to the entire title. The provisions of the bill do not apply to the acquisition of real property by a railroad, public service corporation, municipal corporation, local governmental unit, or political subdivision of the Commonwealth, or any department, agency, or instrumentality thereof, or a combination of two or more such entities, that is (i) the subject of a certificate recorded prior to July 1, 2011, (ii) the subject of a petition for condemnation filed prior to July 1, 2011, or (iii) required to construct a project funded by bonds approved for issuance by a locality prior to July 1, 2011. This bill is identical to SB 1436.

Patron - Iaquinto

SB1436 Eminent domain; procedures. Provides that if a condemnor is required to provide an appraisal to the owner of property sought to be condemned, the condemnor must provide copies of all appraisals that the condemnor obtained prior to making an offer to acquire or initiating negotiations for the property. The bill also makes changes to the procedure for offering to sell condemned property back to the former owner to clarify when such an offer is required to be made and how such an offer is communicated to the former owner. The bill also provides that certain definitions in certain chapters of Title 25.1 (Eminent Domain) apply to the entire title. The provisions of the bill do not apply to the acquisition of real property by a railroad, public service corporation, municipal corporation, local governmental unit, or political subdivision of the Commonwealth, or any department, agency, or instrumentality thereof, or a combination of two or more such entities, that is (i) the subject of a certificate recorded prior to July 1, 2011, (ii) the subject of a petition for condemnation filed prior to July 1, 2011, or (iii) required to construct a project funded by bonds approved for issuance by a locality prior to July 1, 2011. This bill is identical to HB 2161.

Patron - Smith

Failed

HB2110 Eminent domain; just compensation; restricted access. Provides that any restriction, change, or loss of access to or from property taken under the power of eminent domain shall be considered as an element in assessing the damages to residue for the purposes of determining just compensation.

Patron - Armstrong

Financial Institutions and Services

Passed

HB1992 Banks; capital stock. Exempts restricted stock award plans from the requirement that a bank's capital stock be paid in money. The measure also provides that a stock option shall not be granted at a price which is less than 100 percent of the fair market value per share of the stock; an existing provision limits such price to 100 percent of the stock's book

value as shown by the bank's last published statement prior to the granting of the option.

Patron - Janis

HB2366 Out-of-state trust institutions. Authorizes any national banking association that is supervised and regulated by the federal Comptroller of the Currency and is authorized by the Comptroller of the Currency to act as trustee, as executor, as administrator, or in another fiduciary capacity in the Commonwealth, to engage in the trust business in the Commonwealth. The measure codifies an opinion of the Attorney General that a statutory provision that bars out-of-state trust institutions without an office in the Commonwealth from engaging in trust business is preempted by § 92a of the National Bank Act to the extent it applies to national banks that are supervised and regulated by the Comptroller of the Currency.

Patron - Hugo

SB786 Definition of mortgage loan originator for residential mortgage loan; exception. Allows for a limited exception under the mortgage loan originator definition for an individual who is employed by a housing counseling organization certified or approved by the U.S. Department of Housing and Urban Development and who assists borrowers in default, or imminent default, on their residential mortgages by negotiating or offering terms of such loans but does not otherwise engage in activities for which a license is required. This bill is recommended by the Virginia Housing Commission.

Patron - Watkins

SB930 Debt management plan providers; licensure; exemption. Provides that licensed certified public accountants and accounting firms engaging in usual and customary services performed on behalf of clients are not credit counselors, and thus are exempt from licensing requirements applicable to persons offering debt management plans.

Patron - McDougle

SB1009 Mortgage lenders, mortgage brokers, and mortgage loan originators. Prohibits the State Corporation Commission (SCC) from issuing provisional licenses to mortgage loan originators on or after July 1, 2011, and repeals the provision that authorized the SCC to issue such provisional licenses effective July 1, 2012. The measure authorizes the SCC to issue cease and desist orders with regard to mortgage loan originators that have violated requirements of applicable law. Finally, the measure requires applicants for a mortgage lender or mortgage broker license to pay an application fee of \$150 for each office at which the business to be licensed is to be conducted.

Patron - Watkins

SB1367 Motor vehicle title loans; nonresidents. Eliminates provisions that prevent motor vehicle title lenders from making title loans to individuals whose motor vehicle is registered in another state. Currently, a title lender is required to have its security interest in the motor vehicle added to the vehicle's certificate of title by complying with the requirements of Virginia's motor vehicle laws. This measure will allow title loans to be made to nonresidents of Virginia provided the lender's security interest is added to its certificate of title by complying with the laws of the state where it is registered.

Patron - Saslaw

Failed

HB1441 Motor vehicle title loans, payday loans, and open-end credit plans; interest rate. Caps the rate of interest that may be charged on motor vehicle title loans, payday loans, and open-end credit plans at 36 percent per year.

Patron - Oder

HB2074 Check cashers; customer identification; civil penalty. Requires a person conducting business as a check casher to make a copy of each item cashed and either the customer's valid identification document or thumbprint. Records for each transaction are required to be retained for a period of one year and to be made available to law-enforcement officials. A violation of these requirements is punishable by a civil penalty not to exceed \$200.

Patron - Ingram

HB2228 Open-end credit plans. Prohibits anyone other than the seller of goods to be used for personal, family, or household purposes from extending credit under an open-end plan at interest rates that exceed the legal rate of interest. To extend credit under such a plan, the loan must be for the sole purpose of financing the bona fide purchase price of such goods.

Patron - O'Bannon

HB2259 Uniform Computer Information Transactions Act; identity credentials. Provides for the liability or immunity of both providers and licensees of digital identity credentials in the provisioning, providing, and commercially reasonable reliance upon digital identity credentials. The bill also includes technical amendments.

Patron - May

SB751 Motor vehicle title loans; interest rate. Caps the rate of interest that may be charged on a motor vehicle title loan at 36 percent per year. Currently, interest on such loans may not exceed 22 percent per month on the portion of the outstanding balance of the loan that does not exceed \$700; 18 percent per month on the portion between \$700 and \$1,400; and 15 percent per month on the portion that exceeds \$1,400.

Patron - Locke

SB752 Payday loans; permitted interest. Repeals provisions of the Payday Loan Act that authorize lenders to charge a loan fee or verification fee, thereby limiting permissible charges on payday loans to simple interest at a maximum annual rate of 36 percent.

Patron - Locke

SB825 Open-end loan plans; finance charges. Caps the finance charges and other charges and fees that may be charged on extension of credit under certain open-end credit plans at an annual rate of 36 percent if the maximum amount that may be advanced under the plan does not exceed \$2,500. If the maximum amount that may be advanced exceeds \$2,500, the lender may impose finance charges and other charges and fees at such rates and in such amounts as the parties may agree.

Patron - Edwards

SB933 Payday loans; permitted interest. Repeals provisions of the Payday Loan Act that authorize lenders to charge a loan fee or verification fee, thereby limiting permissible charges on payday loans to simple interest at a maximum annual rate of 36 percent.

Patron - Miller, J.C.

SB1284 Real estate lending; creditworthiness of victims of Chinese drywall. Prohibits any bank, savings institution, credit union, or licensed mortgage lender from making a detrimental decision with regard to a real estate loan application that has been submitted by an individual on the basis of the individual's credit history if, and to the extent that, the individual's credit history has been detrimentally affected by financial loss resulting from the individual's ownership of a dwelling that was damaged as a result of the use of Chinese drywall in its construction or in the making of repairs thereto. A lender who violates this prohibition shall be liable to the loan applicant for any actual damages he sustains.

Patron - McWaters

SB1304 Electronic transfer of funds; required approval. Requires a financial institution to give a depositor two weeks notice prior to honoring instructions directing the financial institution to electronically transfer funds in the consumer deposit account if the instructions do not include or contain the signature of a party to the consumer deposit account consenting to or approving the transfer. If the depositor does not notify the financial institution that he has not authorized the transfer, the financial institution may honor the instructions. If the depositor notifies the financial institution that he has not authorized the transfer, the financial institution shall cease making such transfers until it has determined that the transfers have been authorized by a party to the account or are otherwise legally required or permitted.

Patron - Ruff

Fire Protection

Passed

HB1580 Purchase of service-issued helmet or boots by certain firefighters. Authorizes a locality to allow any paid or volunteer firefighter for such jurisdiction with between 10 and 20 years of service to purchase the helmet or boots issued to the firefighter at fair market value. The bill also authorizes a locality to allow a paid or volunteer firefighter with over 20 years of service to purchase the helmet or boots issued to the firefighter at a price of \$1.

Patron - Dance

Failed

HB1834 Statewide Fire Prevention Code; permissible fireworks. Redefines what constitutes permissible fireworks in Virginia, and prevents localities from prohibiting the use, design, possession, ignition, display, storage, sale, or transportation of permissible fireworks, or the setup or supervision thereof. Further, the bill provides that the storage and sale of permissible fireworks shall be governed by the Code for the Manufacture, Transportation, Storage, and Retail Sale of Fireworks and Pyrotechnic Articles adopted by the National Fire Protection Association (NFPA 1124, 2006 Edition), and to the extent that NFPA Standard 1124 doesn't apply to buildings or structures, a locality may enforce any mercantile occupancy requirements. The bill provides that it does not limit any local zoning authority lawfully exercised.

Patron - Scott, E.T.

SB1019 Fire Prevention. Transfers from the Board of Housing and Community Development to the Virginia Fire Services Board the authority for approving the fee structure for

the fees that the State Fire Marshal may charge to recover the actual cost of administering and enforcing the Code.

Patron - Puckett

Fisheries and Habitat of the Tidal Waters

Passed

HB1723 Virginia Marine Resources Commission; subaqueous beds; permit requirements. Increases the value of projects eligible for an expedited administrative permit review before the Commissioner from \$50,000 to \$500,000.

Patron - Knight

HB1886 Prohibited crabbing area. Clarifies the boundaries of the area where the taking or catching of crabs is prohibited.

Patron - Miller, P.J.

HB1944 Public oyster grounds. Increases the amount of time from five days to 30 days that the Marine Resources Commission is required to post a public notice before closing a public oyster ground. The public notice requirement does not apply to public rocks closed by the Department of Health or state replenishment programs.

Patron - Pollard

HB2310 Conveyance of state-owned bottomlands. Creates an administrative procedure that allows the Virginia Marine Resources Commission to convey title to filled subaqueous bottomlands if the applicant can provide evidence that such fill was lawfully deposited. The bill also removes the requirement that grantees compensate the Commonwealth in an amount equivalent to 25 percent of the assessed value of the specified parcel. Grantees will pay a fee to the Commonwealth in an amount reasonably related to the costs to effect the conveyance. The new procedure does not apply to subaqueous bottomlands filled by publicly funded initiative and put to a continuing public use such as beach nourishment projects and public landings. The bill shall become effective on October 1, 2011.

Patron - Cosgrove

HB2502 Measurement standard for oysters. Provides that oysters in the shell may be bought or sold by (i) one-half bushel or one bushel metallic containers or (ii) a container of not less than 2,800 cubic inches and not more than 3,000 cubic inches the make and model of which has been approved by the Virginia Marine Resources Commission. Current law prohibits buying or selling oysters in the shell by any measure other than metallic circular tubs with specific statutory dimensions.

Patron - Pollard

SB963 Aquaculture opportunity zones. Removes the authority of the Marine Resources Commission to establish commercial shellfish aquaculture opportunity zones in which temporary protective enclosures can be placed in the waters off the shores of the Northern Neck, the Middle Peninsula, and Tangier Island.

Patron - Northam

SB964 Marine Resources Commission; Virginia Institute of Marine Science; coastal resource management. Requires the Marine Resources Commission to establish and

implement a general permit regulation that authorizes and encourages the use of living shorelines as the preferred alternative for stabilizing tidal shorelines. The Commission, in cooperation with the Department of Conservation and Recreation and with technical assistance from the Virginia Institute of Marine Science (VIMS), shall also develop integrated guidance for the management of tidal shoreline systems for the regulatory entities with authority over shoreline management projects. VIMS shall also develop comprehensive coastal resource management guidance for local governments. Those localities in Tidewater Virginia must incorporate such guidance at the next scheduled review of their comprehensive plan.

Patron - Northam

SB995 Special combined individual sportfishing licenses; boat license. Creates an additional boat license option for special combined individual sportfishing licenses, which allows licensees to fish in in all the tidal waters of the Commonwealth. The new license would enable the owner of a recreational boat, in any recreational boat he may own, and his passengers, to fish in the tidal waters of the Commonwealth under one combined license. The cost of the license for residents is \$125 and the cost of the license for nonresidents is \$200. Funds from the licenses will be shared between the Virginia Saltwater Recreational Fishing Development Fund and the Game Protection Fund.

Patron - Stuart

SB1133 Conveyance of state-owned bottomlands. Declares that lands that (i) were once or may have been state-owned bottomlands, (ii) were filled prior to July 1, 1960, and (iii) were acquired by private persons after the bottomlands were filled, are free and clear of any claimed ownership by the Commonwealth. If a person desires further assurance of title, he may request the conveyance through a special Act of Assembly using the current conveyance procedure. In choosing to obtain the conveyance through this procedure, the person seeking the conveyance would be required to pay the amount equivalent to 25 percent of the assessed value of the specified parcel.

Patron - Wagner

Failed

HB1656 Menhaden fishing prohibited. Prohibits fishing for menhaden within one mile of the low mean water mark in waters adjacent to the Cities of Hampton, Newport News, Norfolk, and Virginia Beach. If someone fishes in these waters, he is subject to a penalty of a Class 1 misdemeanor.

Patron - Purkey

HB1689 Pound net licenses. Prohibits the Marine Resources Commission from issuing any additional pound net licenses to persons who want to set pound nets in the waters of the Chesapeake Bay east of the Chesapeake Bay Bridge Tunnel. Current license holders can continue to fish these waters with pound nets. The bill also makes it unlawful for a holder of this license to transfer his license to anyone who would set a pound net in the designated area. A pound net license can be transferred if the pound net is set in waters outside of the designated area.

Patron - Stolle

HB1724 Crab dredging season. Authorizes the Virginia Marine Resources Commission to adjust the opening or closing dates of a crab dredge season or to close the crab dredge season for one or more years.

Patron - Knight

FHB1913 Menhaden fishing prohibited. Prohibits the taking or catching of menhaden with purse nets in the Rappahannock River and its tributaries. Currently, such fishing is prohibited in the Rappahannock above and west of the R.O. Norris, Jr., Bridge.

Patron - Miller, J.H.

FHB2165 Menhaden assessment; penalty. Authorizes the Marine Resources Commission to assess a fee of \$10 for each ton of menhaden harvested. The fees are to be paid to the Commission semiannually and are to be used by the Commission to evaluate the condition of the menhaden fishery. The persons harvesting menhaden are also required to submit a monthly catch report to the Commission. The bill contains a five-year sunset.

Patron - Abbitt

FHB2166 Fish size limits; summer flounder. Directs the Marine Resources Commission to adopt regulations that establish the same size limits for summer flounder taken by commercially licensed hook-and-line fishermen and persons fishing recreationally with a hook and line.

Patron - Abbitt

FHB2187 Baylor Ground. Removes 0.19 acres from the Baylor Ground in Crippen Creek in Accomack County.

Patron - Lewis

FHB2280 Menhaden fishery. Directs the Virginia Marine Resources Commission to adopt regulations to implement the Interstate Fishery Management Plan for Atlantic Menhaden. The bill also requires that any moratorium on the fishery be subject to legislative review and repeals the Governor's authority to implement menhaden management measures by proclamation.

Patron - Cosgrove

FHB2369 Cap on the taking of menhaden. Provides that, beginning on January 1, 2012, the cap on the harvesting of menhaden will be reduced 20 percent annually until the harvesting of menhaden is prohibited. The bill would become effective on January 1, 2012.

Patron - Knight

FSB765 Menhaden fishery. Directs the Virginia Marine Resources Commission to adopt regulations to implement the Interstate Fishery Management Plan for Atlantic Menhaden. The bill also requires that any moratorium on the fishery be subject to legislative review and repeals the Governor's authority to implement menhaden management measures by proclamation.

Patron - Northam

Game, Inland Fisheries and Boating

Passed

FHB1442 Hunting; practice of falconry; penalty. Updates state laws on the practice of falconry by (i) removing the limit on possession to three raptors, (ii) broadening the penalty that applies to the intentional removal of transmitting collars on dogs to include any transmitting device on raptors, and (iii) extending the rights of those hunting with dogs that permit

the retrieval of such dogs from prohibited lands to those hunting with raptors.

Patron - Morgan

PFB1629 Parking violations on Department of Game and Inland Fisheries properties. Clarifies that parking violations that occur on DGIF properties are subject to a \$25 civil penalty, not to criminal penalties. The civil penalties will be deposited in the Game Protection Fund.

Patron - Watts

PFB1712 Fishing in interjurisdictional waters. Clarifies that if a person fishes in interjurisdictional inland waters he is subject to the laws of the jurisdiction in which he is fishing. This bill is identical to SB 1299.

Patron - Wright

PFB1855 Fish passageways for the Harvell Dam. Requires the Department of Game and Inland Fisheries prior to any breach of the Harvell Dam on the Appomattox River to prepare a report on the alternatives to the proposed breach of the dam. The report is to be submitted to the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources on or before November 30, 2011.

Patron - Dance

PFB1889 Tracking dogs. Allows the use of tracking dogs on a lead to find wounded or dead bear or deer during archery, muzzleloader, or firearm bear or deer hunting seasons, so long as those who are conducting the retrieval effort have permission to hunt on or have access to the land and don't have a weapon in their possession.

Patron - Wilt

PFB1971 Acquisition of title to an abandoned vessel; notification procedures. Changes the notification requirement that a landowner proceeding to acquire title to a vessel abandoned on his land or in water adjacent to his land publish notice in a newspaper of general circulation from three consecutive days to three consecutive issues. This bill is identical to SB 991.

Patron - Robinson

PFB2176 Stocking of game animals and fish. Requires that policies to acquire and introduce any new species of game birds, game animals, or fish on the lands are implemented only with the authorization and cooperation of affected local governments. This bill is identical to SB 1017.

Patron - Phillips

PFB2370 Multiple-year licenses. Authorizes the Board of Game and Inland Fisheries to issue multiple-year hunting, fishing, or trapping licenses or permits. The costs of these types of licenses cannot exceed the costs of the permits or licenses if they were purchased on an annual basis.

Patron - Knight

PFB2415 Hunting licenses for partially disabled veterans. Establishes a special hunting license for resident and nonresident veterans who have a service-connected disability of at least 70 percent as rated by the U.S. Department of Veterans Affairs. The resident veterans will pay one-half the cost of the annual state basic hunting license and the nonresident veterans will pay one-half the cost of the nonresident basic hunting license.

Patron - Armstrong

FSB982 Endangered and threatened species. Authorizes the Board of Game and Inland Fisheries to adopt regula-

tions that allow the (i) taking, possession, exportation, transportation, or release of fish or wildlife within or among designated experimental populations of a specific species, within the context of an approved conservation plan for the species, and (ii) incidental taking of certain endangered or threatened species of fish and wildlife as long as the project enhances the long-term survival of the species and the taking is at a minimum level. The bill exempts the incidental taking of animals from designated experimental populations from the currently authorized prohibitions and penalties. Currently, the Board may permit the taking, transportation, exportation, or possession of any endangered or threatened species of fish or wildlife only for zoological, educational, scientific, or preservation purposes.

Patron - Whipple

SB991 Acquisition of title to an abandoned vessel; notification procedures. Changes the notification requirement that a landowner proceeding to acquire title to a vessel abandoned on his land or in water adjacent to his land publish notice in a newspaper of general circulation from three consecutive days to three consecutive issues. This bill is identical to HB 1971.

Patron - Stuart

SB1017 Board of Game and Inland Fisheries; powers and duties; consent of local governments. Requires that policies to acquire and introduce any new species of game birds, game animals, or fish on the lands are implemented only with the authorization and cooperation of affected local governments. This bill is identical to HB 2176.

Patron - Puckett

SB1299 Fishing in interjurisdictional waters. Clarifies that if a person fishes in interjurisdictional inland waters he is subject to the laws of the jurisdiction in which he is fishing. This bill is identical to HB 1712.

Patron - Ruff

Failed

HB1553 Separate hunting licenses. Authorizes the Board of Game and Inland Fisheries to establish separate licenses to hunt either deer, bear or turkey. Once the Board has established the separate licenses, it will no longer sell the combined license for hunting deer, bear and turkey, referred to as the big game stamp.

Patron - Wilt

HB1556 Bear hound training. Allows the training of dogs to hunt bears to occur at night. Currently, the training of dogs to hunt bears is limited to one-half hour before sunrise until four and one-half hours after sunset.

Patron - Wilt

HB1622 Reckless operation of watercraft; paddleboards. Clarifies that the current prohibition against the reckless operation of motorboats, skis, surfboards, or other devices includes the reckless operation of paddleboards and other self-propelled watercraft.

Patron - Knight

HB2442 Hunting on Sundays. Allows a person to hunt or kill any wild bird or wild animal on Sundays.

Patron - Keam

HB2443 Hunting deer with bow and arrow or crossbow on Sundays. Allows persons to hunt deer with a

bow and arrow or crossbow on private lands in the Northern Virginia Planning District on Sundays.

Patron - Keam

SB850 Hunting on Sundays. Allows a person to hunt or kill any wild bird or wild animal on Sundays.

Patron - Petersen

SB868 Damage of crops and livestock; lawful killing of elk. Changes the procedures for lawfully killing animals that damage agricultural operations and adds elk to those animals that may be killed. Whenever deer, elk, and bear are damaging agricultural operations, the landowner may request authorization from the Director of the Department of Game and Inland Fisheries. The Director shall authorize the landowner for a period of one year and the landowner shall report to the Director whenever such animals are killed. Any person receiving permission from the Director to kill deer, elk, and bear because of property damage may not charge a fee to transfer such privilege. This bill incorporates SB 1023.

Patron - Stuart

SB968 Endangered and threatened species. Consolidates the endangered plant and insect species program administered by the Virginia Department of Agriculture and Consumer Services, the Virginia Natural Area Preserve Program and Cave Protection Program administered by the Department of Conservation and Recreation, and the endangered fish and wildlife program, into one program administered by the Board of Game and Inland Fisheries

Patron - Stuart

SB1023 Department of Game and Inland Fisheries; damage stamp compensation program. Removes the local authority and responsibility to create and administer the damage stamp compensation program, which assists farmers whose crops and livestock are damaged by deer, elk, or bear, or by big game hunters. The fund and administration responsibilities are reestablished with the Board of Game and Inland Fisheries. Moneys in the fund, which come from special stamps paid by hunters of bear, deer, and elk, must be expended each year for crop damages or donated to support the activities of Hunters for the Hungry. This bill was incorporated into SB 868.

Patron - Puckett

SB1376 Hunter safety education. Requires persons 18 years of age or younger to pass a hunter safety education course before they can obtain a hunting license. Currently, the hunter safety education requirement applies to persons under the age of 16.

Patron - Wagner

General Assembly

Passed

HB1514 Virginia Disability Commission. Clarifies that the Virginia Disability Commission shall serve as the primary forum in the Commonwealth where the needs of and issues affecting people with physical and sensory disabilities are identified and addressed, and provides that the Commission shall serve as the primary body for coordinating proposals and recommendations of all commissions and agencies for legislation or budget actions affecting persons with physical and sensory disabilities, including receiving, reviewing, and responding to proposals and recommendations. The bill also

provides that the Commission shall report its recommendations related to legislative priorities and policies for adoption or examination by the General Assembly to the General Assembly and the Governor by October 1 of each year.

Patron - Orrock

HB1540 Duties of the Division of Legislative Services. Clarifies that the Division of Legislative Services' annual report to the General Assembly will be submitted for the most recently completed calendar year as soon as practicable after the first day of the next regular session and that the report may be electronically transmitted to legislators via the legislative electronic information system. The annual report includes the status of all reports, actions, or data collection required by legislation enacted by the General Assembly or otherwise requested by the General Assembly of agencies and collegial bodies.

Patron - Orrock

HB2303 Joint Commission on Health Care; sunset. Extends the sunset for the Joint Commission on Health Care from July 1, 2012, to July 1, 2015. This bill is identical to SB 988.

Patron - Brink

SB790 Unemployment compensation bills; impact statement. Requires that bills enhancing unemployment compensation benefits payable to a claimant contain a statement reflecting the projected impact on the solvency level of the unemployment trust fund and the average increase in state unemployment tax liability of employers. Currently, such bills are required to contain an estimate of potential revenue losses of state tax revenues.

Patron - Watkins

SB988 Joint Commission on Health Care; sunset. Extends the sunset for the Joint Commission on Health Care from July 1, 2012, to July 1, 2015. This bill is identical to SB 2303.

Patron - Puller

SB1054 Commission on Civics Education. Clarifies that the Commission on Civics Education will continue until July 1, 2012, if the Commission is funded by a separate appropriation in the general appropriation act or funded with non-general funds or donations to sustain its work.

Patron - Petersen

SB1069 Virginia Code Commission. Changes appointment authority for the two circuit court member representatives to the Code Commission from the Governor to the Speaker of the House of Delegates and the Senate Committee on Rules and adds the Governor, or a member of his policy staff designated by him, to the Commission.

Patron - Edwards

SB1269 Autism Advisory Council created. Creates the Autism Advisory Council as an advisory council in the legislative branch of state government to promote coordination of services and resources among agencies involved in the delivery of services to Virginians with autism spectrum disorders and to increase public awareness of such services and resources. The Council will not be created unless funds are included in the appropriation act. The Council will expire on July 1, 2014.

Patron - Houck

SB1271 Auditor of Public Accounts to review distribution of local retail sales and use tax. Requires the Auditor of Public Accounts to review each year the collection and distribution of the retail sales and use tax, with a focus on the

collection and distribution of local retail sales and use taxes. Beginning with the fiscal year ending June 30, 2013, the Auditor shall recommend annual benchmarks for evaluating the effectiveness of the Department of Taxation in collecting and distributing the local retail sales and use tax.

Patron - Houck

Failed

HB1566 Publication of House and Senate voting records. Provides that, beginning with the 2012 Regular Session of the General Assembly, the Legislative Support Commission, through the Division of Legislative Automated Systems, from information and data provided by the Clerk of the House and the Clerk of the Senate, must post on the legislative electronic information system (LIS) the recorded committee, subcommittee, and floor votes of each member of the General Assembly on legislation acted upon in each house. The information pertaining to the voting records of legislative members must be electronically accessible to state agencies, political subdivisions, and the public.

Patron - LeMunyon

HB1804 Digital recordings of House of Delegates standing committees and subcommittees. Provides that meetings of standing committees of the House of Delegates and their subcommittees shall be digitally recorded and made available on the legislative electronic information system.

Patron - Surovell

HB1869 General Assembly; general appropriation bills. Requires the Chairman of the House Appropriations Committee and the Chairman of the Senate Finance Committee to issue reports concurrently with the budget conference report that specifically identify (i) any nonstate appropriation, (ii) any item in the conference report that was not included in a general appropriation bill as passed by either the House or the Senate, and (iii) any item that represents legislation that failed in either house during the regular or a special session.

Patron - Toscano

HB1989 Leaves of absence; General Assembly members. Provides that all officers and employees of the Commonwealth, or of any political subdivision of the Commonwealth, who are members of the General Assembly shall be entitled to unpaid leaves of absence from their respective duties without loss of seniority, accrued leave or job performance rating on all days during which the General Assembly is in Session or during which a member is conducting official duties related to service in the General Assembly. A member of the General Assembly shall not be denied reemployment, retention in employment, promotion, or any benefit of employment by such employer solely on the basis of service in the General Assembly.

Patron - Bell, Richard P.

HB2007 Virginia Commission on Intergovernmental Cooperation; powers and duties. Removes participation in the Council on State Governments from the powers and duties of the Virginia Commission on Intergovernmental Cooperation.

Patron - LeMunyon

HB2301 State and Local Government Conflict of Interests Act and the General Assembly Conflicts of Interests Act; disclosure of certain professional services income; advocacy. Requires state and local government employees and officials to disclose any compensation received in excess of \$1,000 each year for activities undertaken specifically to influ-

ence public policy or public opinion in the Commonwealth or elsewhere. Disclosure would be required if the compensation was received by the filer, a member of his immediate family, his associates, his employer, or a business for which the filer or a member of his family is a paid officer or director. The bill also requires the same of General Assembly members under the General Assembly Conflicts of Interests Act.

Patron - Englin

HB2334 Fish and Wildlife Commission established; report. Establishes the eight-member Fish and Wildlife Commission to review matters relating to freshwater and tidal fisheries and wildlife that have been referred to it by the legislative committees having jurisdiction over such subject matter. The Commission has a three-year sunset.

Patron - Lingamfelter

HB2416 Accountability and Performance Review Commission. Establishes the Accountability and Performance Review Commission to review agencies on an eight-year cycle and advise the General Assembly on the elimination of waste, duplication, and inefficiency on the part of such agencies.

Patron - Stolle

SB867 General Assembly; consideration of certain documents related to the Budget. Provides that no legislative action may be taken on (i) committee amendments to the budget, (ii) any conference committee report on the budget, or (iii) any Governor's recommendations on the budget until each has been posted on the General Assembly's website for at least 72 hours. The bill provides that each house may vote by two-thirds majority to override the posting requirement.

Patron - Smith

SB1183 Legislative sessions. Provides that no bills may be introduced in an odd-year regular session except (i) amendments to the biennial budget, (ii) constitutional amendments, (iii) legislation continued from the even-year regular session immediately preceding an odd-year regular session, (iv) emergency legislation requested by the Governor or introduced by a member of the General Assembly upon the unanimous consent of the house of introduction, (v) legislation pertaining to procedural matters, and (vi) commending and memorial resolutions.

Patron - Norment

SB1345 Division of Legislative Services; legislative staff support of commissions. Provides that the Division of Legislative Services may provide staff support only to commissions created by the General Assembly, or by either the Senate of Virginia or the House of Delegates.

Patron - Norment

SB1353 General Assembly; general appropriation bills. Requires the Chairman of the House Appropriations Committee and the Chairman of the Senate Finance Committee to issue reports concurrently with the budget conference report that specifically identify (i) any nonstate appropriation, (ii) any item in the conference report that was not included in a general appropriation bill as passed by either the House or the Senate, and (iii) any item that represents legislation that failed in either house during the regular or a special session.

Patron - Norment

SB1355 General Assembly; compensation during regular session extension. Specifies that members of the General Assembly receive neither per diem allowance nor mileage reimbursement if the session is extended past the date scheduled for adjournment sine die.

Patron - Norment

General Provisions of Virginia Code

Passed

SB940 Emblems and designations; state saltwater fish. Designates the striped bass as the state saltwater fish.

Patron - Miller, J.C.

Guardian and Ward

Passed

HB2085 Guardianship; child custody. Eliminates the option for parents who are separated but not divorced to bring a custody proceeding in either circuit court or juvenile and domestic relations district court. Such actions shall be brought in juvenile and domestic relations district court, unless concurrent jurisdiction exists with the circuit court, i.e., divorce actions.

Patron - Herring

Health

Passed

HB1456 Certificate of public need; authorization of certain amendment. Authorizes the Commissioner of Health to accept and approve a request to amend the conditions of a certificate of need issued for an increase in beds in which nursing facility or extended care services are provided to allow such facility to continue to admit persons, other than residents of the cooperative units, to its nursing facility beds when such facility (i) is operated by an association described in § 55-458; (ii) was created in connection with a real estate cooperative; (iii) offers its residents a level of nursing services consistent with the definition of continuing care in Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2; and (iv) was issued a certificate of need prior to October 3, 1995.

Patron - Knight

HB1464 Disposition of unclaimed bodies; Department of Behavioral Health and Developmental Services. Provides that in the case of a person who has been committed to the custody of the Department of Behavioral Health and Developmental Services and died prior to his release, whose body is unclaimed and whose body the Commissioner of Health refuses to accept for scientific study, the Department of Behavioral Health and Developmental Services shall bear the reasonable costs of disposition of the body. This bill also provides that if a claimant is unable to pay reasonable expenses of disposition, the expenses shall be borne by the county or city where the claimant currently resides.

Patron - Wright

HB1626 Onsite sewage systems; voluntary upgrades. Allows the owner of an onsite or alternative discharging sewage system that is not failing to obtain a construction permit to improve the system, in accordance with regulations of the Board of Health, provided such upgrade is for the purposes of reducing threats to the public health or to

ground and surface waters, including the reduction of nitrogen discharges. The bill contains an emergency clause.

Patron - Knight

HB1643 Certificate of Public Need; exception. Requires the Commissioner of Health to accept and review and authorizes the Commissioner of Health to issue certificates of public need for the addition of up to 10 nursing home beds for a certified nursing home licensed for less than 60 beds, which is operated not for profit, is located in Planning District 15 but accepts patients from areas of the Commonwealth outside of the planning district, and provides care for patients regardless of ability to pay.

Patron - O'Bannon

HB1661 Disposition of dead bodies; how expenses paid. Clarifies that, following any investigation or autopsy performed by the Medical Examiner, expenses for the disposition of a dead body shall be borne by a claimant who claims the body or, if the claimant is unable to pay the reasonable expenses of disposition, the county or city in which the deceased person resided, if a resident of Virginia at the time of death, or the county or city in which the death occurred, if the deceased person was not a resident of Virginia or the location of the deceased person's residence cannot reasonably be determined. If the body is unclaimed and the Commissioner of Health does not accept the body for scientific study, the body shall be accepted by the sheriff of the county or city in which the death occurred, and the costs of disposition shall be borne by the county or city in which the deceased person resided, if a resident of Virginia at the time of death, or the county or city in which the death occurred.

Patron - Alexander

HB1675 Emergency medical services; variances. Provides that an agency or governmental entity applying for a variance or exemption from regulations governing emergency medical services shall submit the application to the local governing body or chief administrative officer of the local government for review, and shall include any recommendations of the local governing body or chief administrative officer of the local government together with the application for a variance or exemption. This bill provides that providers who are certified or candidates for certification by the Office of Emergency Medical Services shall not be required to submit an application for a variance or exemption to the local governing body or chief administrative officer of the jurisdiction for review but shall submit the application for a variance or exemption to the Operational Medical Director and the head of the agency with which the provider is affiliated and shall submit any recommendations of the Operational Medical Director or agency head together with the application. A provider who is not affiliated with an agency shall submit an application for a variance or exemption to the Commissioner of Health or the Board of Health, whichever is appropriate.

Patron - Pogge

HB1697 Certificate of public need; exempts Veterans Services facilities. Exempts any facility of the Department of Veterans Services from the certificate of public need requirements. This bill is identical to SB 986.

Patron - Athey

HB1719 Vital records; copies for veterans. Allows any veteran or his survivor to obtain a certified copy of a vital record to obtain service-connected benefits, free of charge. This bill is identical to SB 959.

Patron - Massie

HB1818 Nursing homes; information regarding family councils. Provides that the State Board of Health shall require each nursing home and certified nursing facility to, upon the request of the facility's family council, send notices and information about the family council mutually developed by the family council and the administration to the listed responsible party or a contact person of the resident's choice up to six times per year and to post notices and information in a designated location within the nursing home or certified nursing facility. This bill incorporates HB 2388 and is identical to SB 976.

Patron - Hope

HB1836 Hospitals; DNA sampling of infants. Requires every hospital providing maternity care to offer to obtain a sample of blood from an infant born at the hospital and provide that sample to the mother of the infant. This bill has a delayed effective date of July 1, 2012.

Patron - O'Bannon

HB1841 Obstetrical and pediatric pilot programs; annual report. Repeals the requirement for the Department of Health to annually report to the Joint Commission on Health Care on the impact and effectiveness of certain obstetrical and pediatric pilot programs in underserved areas.

Patron - Howell, A.T.

HB1847 Health workforce activities; annual report. Repeals the requirement for the Commissioner of Health to submit an annual report on health workforce activities to the Governor and the General Assembly.

Patron - Stolle

HB1917 Reporting on health professionals; assisted living facilities. Provides that the administrator of every licensed assisted living facility shall report to the Department of Health Professions any information indicating that a health professional may have a substance abuse or mental health problem.

Patron - Merricks

HB2017 Death certificates; organ procurement organizations. Requires the State Registrar or the city or county registrar to disclose data about or issue a certified copy of a death certificate to a nonprofit organ, eye or tissue procurement organization that is a member of the Virginia Transplant Council for the purpose of determining the suitability of organs, eyes and tissues for donation.

Patron - Alexander

HB2034 Attorney General; investigation of complaints. Provides that the Attorney General shall investigate complaints of alleged abuse or neglect of persons in the care or custody of others who receive payments for medical assistance under the state plan for medical assistance, regardless of whether the patient is a recipient of medical assistance. The bill also exempts records or information provided to the Office of the Attorney General's Medicaid Fraud Control Unit from disclosure pursuant to the Freedom of Information Act. This bill is identical to SB 1214.

Patron - Peace

HB2035 Medicaid fraud; restitution. Requires the court to order restitution to be made to the Department of Medical Assistance Services for any loss caused by a felony conviction of making a false statement or representation in applications for payment under Medicaid. This bill is identical to SB 1215.

Patron - Peace

HB2173 Drinking water community confidence reports; publication. Requires the Department of Health to include in its regulations governing waterworks, water supplies, and pure water a process whereby waterworks serving fewer than 10,000 people may seek and the Board of Health may grant a waiver of the requirement that the waterworks mail copies of its community confidence report to each customer of the system at least once annually. Such waterworks shall instead provide notice of the report via publication in a newspaper of general circulation and by such other means as the waterworks deems appropriate and make copies of the report available to the public upon request. This bill is identical to SB1024.

Patron - Phillips

HB2255 Disclosure of health records; dispensing of controlled substances. Clarifies that nothing in the Health Records Privacy Act shall prohibit a health care provider who dispenses a controlled substance to a patient from disclosing information obtained from the Prescription Monitoring Program and contained in a patient's health care record to another health care provider when such disclosure is related to the care or treatment of the patient. This bill also provides that nothing shall prevent a person who prescribes or dispenses a controlled substance from redisclosing information obtained from the Prescription Monitoring Program to another prescriber or dispenser who prescribes or dispenses a controlled substance to a recipient. This bill is identical to SB 1029.

Patron - Nutter

HB2279 Emergency medical services personnel; certification. Requires the Commissioner of Health to consider relevant practical experience, education, and training completed by an applicant for certification as emergency medical services personnel; provides that the Commissioner may accept such experience, education, and training as satisfying the requirements for certification; and requires the Board of Health to establish criteria for determining when an applicant's experience, education and training satisfies the requirements for certification.

Patron - Keam

HB2292 Health records; electronic access. Provides that health records, disclosure of which have been authorized by a patient or as otherwise allowed by state law, shall be made available electronically but only to the extent and in the manner authorized by federal law, except that a health care entity shall not be obligated to provide records in the electronic format requested if (i) the electronic format is not reasonably available without additional cost to the health care entity, (ii) the records would be subject to modification in the format requested, or (iii) the health care entity determines that the integrity of the records could be compromised in the electronic format requested.

Patron - Sickles

HB2326 Water companies. Authorizes the Board of Health's regulations for determining the amount of bonds or escrowed funds required of licensed water suppliers to be based on the age and condition of the system infrastructure and the cost of maintaining, repairing, or replacing such infrastructure. The Board or a local governing body may proceed against the bond or escrowed fund upon the revocation of a waterworks operation permit.

Patron - Lingamfelter

HB2384 Medicaid Works program; maximum allowable earnings. Requires the Department of Medical Assistance Services to increase the maximum allowable gross

earnings for individuals participating in the Medicaid Works program established pursuant to § 1902(a)(10)(A)(ii)(XV) of the Social Security Act to the maximum gross income amount allowed by the Ticket to Work and Work Incentives Improvement Act of 1999 that does not trigger collection of mandatory premiums.

Patron - Orrock

HB2427 Certificate of public need; amendment authorized. Allows the Commissioner of Health to approve a request to amend the conditions of a certificate of public need issued to a continuing care provider registered with the State Corporation Commission in which nursing facility or extended care services are provided to allow such continuing care provider to continue to admit community patients, other than contract holders, to its nursing facility beds through December 31, 2014, if the following conditions are met: (i) the facility is located within the County of Botetourt and operated as a not-for-profit and (ii) the facility's contract holder occupancy rate is less than 85 percent at the time of such application. This bill is identical to SB 1212.

Patron - Putney

HB2453 Certificate of public need; nursing home beds in Planning District 11. Allows the Commissioner of Health to issue a certificate of need for a new 90-bed nursing home in Planning District 11, provided that (i) any such nursing home facility application also proposes the replacement and relocation of all nursing home beds of an existing nursing home located in Planning District 11, licensed as of December 31, 2010, of no more than 45 licensed beds, all of which shall be relocated to the new 90-bed nursing home; (ii) Virginia Health Information has reported that the fiscal year 2009 occupancy rate of the nursing home to be replaced was at least 85 percent; and (iii) such new 90-bed nursing home is to be located in the city or county that is adjacent to the city or county of the nursing home that shall be replaced and relocated. This bill contains an emergency clause. This bill is identical to SB 1434.

Patron - Garrett

HB2515 Health records; disclosure requirements. Clarifies that a health care entity is required to share, at the request of the subject of the records, health records with other health care entities, in the format requested by the individual in the manner authorized by the federal law unless (i) the electronic format is not reasonably available without additional cost to the health care entity, (ii) the records would be subject to modification in the format requested, or (iii) the health care entity determines that the integrity of the records could be compromised in the electronic format requested.

Patron - BaCote

SB924 Board of Health; regulation of facilities. Requires the Board of Health to promulgate regulations containing minimum standards for policies related to infection prevention, disaster preparedness, and facility security of hospitals, nursing homes, and certified nursing facilities. This bill provides that minimum standards for construction, maintenance, operation, staffing, equipping, staff qualifications and training, and conditions under which services may be provided, as well as requirements for policies related to infection prevention, disaster preparedness, and facility security for hospitals, nursing homes, and certified nursing facilities, shall also apply to any facility in which five or more first trimester abortions per month are performed, and that such facilities shall be classified as a category of hospital for the purposes of such requirements. This bill requires the Board of Health to promulgate regulations to implement the provisions of this act within 280 days of enactment.

Patron - McDougale

SB959 Vital records; copies for veterans. Allows any veteran or his survivor to obtain a certified copy of a vital record to obtain service-connected benefits, free of charge. This bill is identical to HB 1719.

Patron - Northam

SB960 Children's hospitals; definition. Defines "children's hospital" as a hospital (i) whose inpatients are predominantly under 18 years of age and (ii) which is excluded from the Medicare prospective payment system pursuant to the Social Security Act.

Patron - Northam

SB976 Nursing homes; information regarding family councils. Provides that the State Board of Health shall require each nursing home and certified nursing facility to, upon the request of the facility's family council, send notices and information about the family council mutually developed by the family council and the administration to the listed responsible party or a contact person of the resident's choice up to six times per year and to post notices and information in a designated location within the nursing home or certified nursing facility. This bill is identical to HB 1818.

Patron - Whipple

SB986 Certificate of public need; exempts Veterans Services facilities. Exempts any facility of the Department of Veterans Services from the certificate of public need requirements. This bill is identical to HB 1697.

Patron - Locke

SB1024 Drinking water community confidence reports; publication. Requires the Department of Health to include in its regulations governing waterworks, water supplies, and pure water a process whereby waterworks serving fewer than 10,000 people may seek and the Board of Health may grant a waiver of the requirement that the waterworks mail copies of its community confidence report to each customer of the system at least once annually. Such waterworks shall instead provide notice of the report via publication in a newspaper of general circulation and by such other means as the waterworks deems appropriate and make copies of the report available to the public upon request. This bill is identical to HB 2173.

Patron - Puckett

SB1029 Disclosure of health records; dispensing of controlled substances. Clarifies that nothing in the Health Records Privacy Act shall prohibit a health care provider who dispenses a controlled substance to a patient from disclosing information obtained from the Prescription Monitoring Program and contained in a patient's health care record to another health care provider when such disclosure is related to the care or treatment of the patient. This bill also provides that nothing shall prevent a person who prescribes or dispenses a controlled substance from redisclosing information obtained from the Prescription Monitoring Program to another prescriber or dispenser who prescribes or dispenses a controlled substance to a recipient. This bill is identical to HB 2255.

Patron - Puckett

SB1039 Certificate of public need; nursing facilities. Clarifies provisions allowing certain nursing facilities in continuing care retirement communities to participate in the Medical Assistance Program.

Patron - Barker

SB1094 Youth health risk survey. Requires the Department of Health to develop and administer a random sur-

vey of students in public middle and high schools to facilitate planning and implementation of effective programs for substance abuse prevention through collection of information identifying trends in alcohol, tobacco, and other drug use and the assessment of risk and protective factors among youth of the Commonwealth. The bill provides that a student shall not be required to participate if his parents refuse consent in writing prior to administration of the survey, and requires local school boards to develop policies for the notification of parents of students selected for participation in the survey.

Patron - Hanger

SB1117 Death certificates; who may sign. Allows supervised nurse practitioners and physician assistants to determine cause of death and sign death certificates, provided they have access to the decedent's medical history and the death is due to natural causes. In addition, the bill expands the description of which physicians may determine cause of death and sign a death certificate and provides civil immunity for signature and determination of cause of death on a certificate for physicians, physician assistants and nurse practitioners who sign death certificates and determine cause of death, in the absence of gross negligence or willful misconduct.

Patron - Northam

SB1149 Certificate of public need; amendment authorized. Allows the Commissioner of Health to accept and approve a request to amend the conditions of a certificate of public need issued to a continuing care provider registered with the State Corporation Commission pursuant to Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2 of the Code of Virginia in which nursing facility or extended care services are provided to allow such continuing care provider to continue to admit community patients, other than contract holders, to its nursing facility beds through December 31, 2014, if the following conditions are met: (i) the facility is located within the City of Suffolk and operated as a not-for-profit and (ii) the facility's contract holder occupancy rate is less than 85 percent at the time of such application.

Patron - Quayle

SB1212 Certificate of public need; amendment authorized. Allows the Commissioner of Health to approve a request to amend the conditions of a certificate of public need issued to a continuing care provider registered with the State Corporation Commission in which nursing facility or extended care services are provided to allow such continuing care provider to continue to admit community patients, other than contract holders, to its nursing facility beds through December 31, 2014, if the following conditions are met: (i) the facility is located within the County of Botetourt and operated as a not-for-profit and (ii) the facility's contract holder occupancy rate is less than 85 percent at the time of such application. This bill is identical to HB 2427.

Patron - Smith

SB1214 Attorney General; investigation of complaints. Provides that the Attorney General shall investigate complaints of alleged abuse or neglect of persons in the care or custody of others who receive payments for medical assistance under the state plan for medical assistance, regardless of whether the patient is a recipient of medical assistance. The bill also exempts records or information provided to the Office of the Attorney General's Medicaid Fraud Control Unit from disclosure pursuant to the Freedom of Information Act. This bill is identical to HB 2034.

Patron - Smith

SB1215 Medicaid fraud; restitution. Requires the court to order restitution to be made to the Department of Med-

ical Assistance Services for any loss caused by a felony conviction of making a false statement or representation in applications for payment under Medicaid. This bill is identical to HB 2035.

Patron - Smith

SB1321 Certificate of public need; relocation of nursing home beds. Allows an entity that has relocated nursing home beds in certain circumstances and thereafter closed the facility to, within 36 months of such closure, relocate the remaining beds to another facility, either existing or new, under common ownership or control, without regard to the criteria set forth in § 32.1-102.3:5. The bill allows the Commissioner to issue a certificate of public need for such relocation. The bill contains technical amendments.

Patron - Newman

SB1434 Certificate of public need; nursing home beds in Planning District 11. Allows the Commissioner of Health to issue a certificate of need for a new 90-bed nursing home in Planning District 11, provided that (i) any such nursing home facility application also proposes the replacement and relocation of all nursing home beds of an existing nursing home located in Planning District 11, licensed as of December 31, 2010, of no more than 45 licensed beds, all of which shall be relocated to the new 90-bed nursing home; (ii) Virginia Health Information has reported that the fiscal year 2009 occupancy rate of the nursing home to be replaced was at least 85 percent; and (iii) such new 90-bed nursing home is to be located in the city or county that is adjacent to the city or county of the nursing home that shall be replaced and relocated. This bill contains an emergency clause. This bill is identical to HB 2453.

Patron - Smith

Failed

HB1419 Human papillomavirus vaccination; eliminates requirement. Eliminates the requirement for vaccination against human papillomavirus for female children.

Patron - Byron

HB1428 Abortion clinics; licensure and regulation. Requires all abortion clinics, defined as any facility other than a hospital or an ambulatory surgery center in which 25 or more first-trimester abortions are performed in any 12-month period, to be licensed and regulated by the Board of Health.

Patron - Bell, Richard P.

HB1466 Regulation of surgical procedures; circulator duties. Provides that the Board of Health shall promulgate regulations that require that for surgical procedures performed in hospitals, operating room circulator duties related to coordination of nursing care, patient safety procedures, and procedures necessary for the support and safety of the surgical team shall be performed by a registered nurse who is qualified by training in operating room nursing and circulator duties and who is present in the operating room during the surgical procedure.

Patron - Garrett

HB1486 Nursing homes; investigation of complaints; in-person interviews of residents. Requires that, whenever the Department of Health investigates a complaint against a nursing home, the Department shall conduct an in-person interview of (i) the complainant, including any long term care ombudsman who submitted or investigated the complaint, and (ii) any patient of the nursing home who is the sub-

ject of the complaint or identified in the complaint, or his legally authorized representative.

Patron - Hope

HB2081 Death certificates; multiple copies. Provides that the Board of Health shall require that, whenever certified copies of a death certificate are requested, up to 10 certified copies of such death certificate shall be provided to the requester at a cost not to exceed the fee for one certified copy of any other vital record.

Patron - Landes

HB2174 Nonemergency medical transport. Directs the Department of Medical Assistance Services to issue a request for, receive, and consider proposals for the coordination and provision of nonemergency medical transport services in Planning Districts I and II, and authorizes the Department to enter into a contract with a provider other than the current provider upon expiration of an existing contract.

Patron - Phillips

HB2175 Department of Health; dental and oral health programs for children. Provides that the mission of the State Board of Health and the Department of Health shall include provision of a comprehensive program of dental and oral health services for children.

Patron - Phillips

HB2185 Submission of onsite soil evaluations for permits or letters for sewage systems. Provides that the Department of Health shall require submission of onsite soil evaluations with every application for a permit or letter for any onsite sewage or alternative discharging sewage system, but authorizes the Department to waive such requirement for applicants whose incomes are below the federal poverty guidelines.

Patron - Lewis

HB2192 Medicaid; coverage for certain pregnant women. Provides that the Board of Medical Assistance Services shall include a provision in the State Plan for Medical Assistance Services for medical assistance for pregnant women lawfully residing in the United States who are not admitted for permanent residence but who are otherwise eligible for medical assistance.

Patron - Ebbin

HB2235 Disease prevention and control; Lyme disease. Adds both confirmed and suspected cases of Lyme disease to the list of diseases required to be reported to the Department of Health.

Patron - Marshall, R.G.

HB2315 Notification of breach of medical information. Adds private entities to the list of those entities that are required to provide notice of a database breach involving medical information. Current law applies to state and local governmental entities only. Any entity, public or private, that is required to provide similar notice pursuant to federal law would be exempt from the state requirement.

Patron - Byron

HB2336 Save Our Sight Fund and Advisory Board established. Establishes the Save Our Sight Fund, to consist of voluntary contributions made at the time of vehicle registration and used to provide grants to private, charitable, and nonprofit organizations for vision health and safety services. This bill also establishes the Save Our Sight Advisory Board to advise the State Board of Health regarding administration of the Fund.

Patron - Garrett

HB2388 Nursing homes and assisted living facilities; family groups. Requires nursing homes, certified nursing facilities, and assisted living facilities to provide notice of and information about family councils, provide private space in which family councils may meet, and to convey information to and receive information from family councils. This bill was incorporated into HB 1818.

Patron - Torian

HB2454 Medical Fraud Control Unit; appointment of investigators. Authorizes the Attorney General to appoint investigators to the Medical Fraud Control Unit. Such investigators would be considered law-enforcement officers, and would be sworn to enforce the laws of the Commonwealth through the investigation of medical fraud and abuse. Such investigators would also be authorized to carry a concealed handgun while in the discharge of their official duties.

Patron - Loupassi

SB818 Certificate of public need; exemption. Exempts the construction of an outpatient radiation therapy facility, and the upgrade of the facility's equipment, from the certificate of public need requirements.

Patron - McEachin

SB853 Vital records; posting online. Requires the State Registrar of Vital Records to develop a system for the secure posting and retrieval of vital records online, to be accessible for a fee sufficient to cover the cost of such posting.

Patron - Petersen

SB865 Vital records; records becoming public. Requires records of birth after 100 years have elapsed from the date of birth and records of death, marriage, or divorce certificates after 50 years have elapsed from the date of death, marriage, or divorce to become public information.

Patron - Blevins

SB977 Nursing homes; investigation of complaints; in-person interviews of residents. Requires that, whenever the Department of Health investigates a complaint against a nursing home, the Department shall conduct an in-person interview of (i) the complainant, including any long term care ombudsman who submitted or investigated the complaint, and (ii) any patient of the nursing home who is the subject of the complaint or identified in the complaint, or his legally authorized representative.

Patron - Whipple

SB978 FAMIS Plan eligibility. Changes the eligibility for the Family Access to Medical Insurance Security Plan from children in families with an income at or below 200 percent of the federal poverty level to those with an income at or below 225 percent of the federal poverty level. The provisions of this act will only become effective upon an appropriation of funds effectuating the purposes of the act passed by the 2011 Session of the General Assembly.

Patron - Whipple

SB1041 Notification of breach of medical information. Extends the requirement to notify individuals of a breach of their medical information to all individuals and public and private entities, rather than just governmental agencies. The bill also allows the Attorney General to impose a civil penalty not to exceed \$150,000 per breach of the security system.

Patron - Barker

SB1207 Constitutionally guaranteed 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 and precedents of the appellate courts of Virginia and of the United States.

Patron - Obenshain

SB1219 Charges by nonparticipating physicians at participating hospitals. Requires a hospital that is a participating provider under a health insurance policy, contract, or plan to notify enrollees who are admitted for hospitalization of any physicians or surgeons who provide medical services at the hospital in the regular course of their practice and who are not members of a provider panel under the contract, policy, or plan. Such nonparticipating physicians and surgeons are required to inform enrollees admitted for hospitalization that they do not participate in a provider panel under the policy, contract, or plan and that the enrollee may be liable for the portion of his charges that exceeds the amount paid by the carrier for his services. Such providers are prohibited from billing an enrollee for any amount by which their charges for covered services exceed the amount paid by the carrier for the services unless the enrollee consented in writing, prior to receiving such services, to the use of their services.

Patron - Barker

SB1277 Professional engineering of onsite treatment works; Department of Health oversight. Contains several provisions restricting the Department of Health's oversight of the requirements for and the review of onsite treatment works submitted by professional engineers.

Patron - Obenshain

SB1286 Medicaid; managed care. Directs the Department of Medical Assistance Services to continue efforts to expand managed care of Medicaid recipients throughout the Commonwealth, to the extent possible. The Department shall have a goal of achieving statewide managed care by July 1, 2012.

Patron - McWaters

SB1378 Constitutionally guaranteed 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 and precedents of the appellate courts of Virginia and of the United States.

Patron - Stanley

SB1433 Nursing homes; notice of liability insurance coverage. Requires nursing homes, certified nursing facilities, and assisted living facilities to inform patients and residents about liability insurance available to pay claims of the patient or resident, and to report such information to the Commissioner of Health or the Commissioner of Social Services, as applicable.

Patron - Stanley

SB1435 Informed consent includes ultrasound to determine gestation age. Requires that, as a component of informed consent to an abortion, to determine gestation age, every pregnant female shall undergo ultrasound imaging and be given an opportunity to view the ultrasound image of her fetus prior to the abortion.

Patron - Smith

SB1464 Medicaid; legal permanent residents. Requires the state plan to include a provision for payment of medical assistance services delivered to permanent residents

who have been legally present in the United States for the federally required five-year waiting period and meet all other eligibility requirements. The provisions of the Act are made contingent upon an appropriation of general funds.

Patron - Whipple

Highways, Bridges and Ferries

Passed

HB1432 **HOV lanes; use by vehicle with clean special fuel license plates.** Extends until July 1, 2012, the sunset on use of HOV lanes by clean special fuel vehicles, regardless of the number of occupants. This bill incorporates HB 1754.

Patron - Greason

HB1602 **Virginia War of 1812 Heritage Trail.** Creates The Virginia War of 1812 Heritage Trail as a part of the national observance of the bicentennial of the War of 1812.

Patron - Peace

HB1612 **Patriots Crossing project.** Requires the Virginia Department of Transportation to accept for review unsolicited proposals for construction of the Patriots Crossing (Third Crossing) project at Hampton Roads. This bill incorporates HB 2120 and is identical to SB 856.

Patron - Oder

HB1648 **Rail Enhancement Fund; allocation and use of funds.** Provides that allocations from this fund may be used as matching funds for federal grants to support rail projects. The bill repeals the Rail Advisory Board, which had previously provided advice on the use of these funds.

Patron - Cosgrove

HB1735 **Blue Star Memorial Highway.** Designates the entire length of Route 3 in Lancaster County as the "Blue Star Memorial Highway."

Patron - Pollard

HB1758 **Local roads; notice.** Provides that those cities and towns that decide to take over responsibility for their construction programs must notify the Commonwealth Transportation Board by December 31 (currently July 1) for implementation the following fiscal year. The bill exempts Rural Rustic Roads from regulations requiring additional engineering or improvements beyond those required to provide an adequate hard surface. The bill eliminates, in certain circumstances, the requirement that a local governing body hold a public hearing when provided notice that VDOT plans to pave a secondary road within the locality and requires that the local governing body provide concurrence or other recommendation to the Commissioner within 72 hours of VDOT providing such notice.

Patron - Wilt

HB1789 **Norfolk/Virginia Beach light rail project.** Clarifies that the extension of the proposed light rail system from the City of Norfolk to the oceanfront area of Virginia Beach is one option for, and has not been preselected as, the public transportation project to be constructed along the Interstate 264 corridor on the right-of-way of the Norfolk Southern Railway.

Patron - Tata

HB1825 **Commonwealth Transportation Commissioner.** Changes the title "Commonwealth Transportation

Commissioner" to "Commissioner of Highways." The bill also eliminates the requirement that the Commissioner employ an assistant commissioner for the environment, transportation planning, and regulatory affairs; allows the Commissioner to transfer, abandon, and discontinue roads in the primary and secondary systems of state highways or move roads from one such system to another when such actions are recommended as appropriate by the Chief Engineer in connection with a construction or maintenance project; eliminates the requirement that the CTB must declare excess right-of-way surplus before VDOT may sell the land; and amends the Code to allow VDOT to submit one comprehensive report focusing on VDOT operations and services. This bill is identical to SB 1005.

Patron - Oder

HB1900 **Compton Road.** Designates Compton Road in Fairfax County a Virginia byway.

Patron - Hugo

HB1947 **Right to enter on land for transportation purposes.** Removes the requirement that notice of intent to enter be sent by certified mail. The bill also eliminates the required waiting period if the landowner agrees to or requests an earlier date of entry than that specified in the notice.

Patron - Cox, J.A.

HB1957 **Powers and duties of CTB.** Makes various changes to the powers and duties of the Commonwealth Transportation Board (CTB): (i) clarifies that local roads in counties outside the state secondary highway system are local roads, and not part of the state system; (ii) increases the limitation on contract values that the Commonwealth Transportation Commissioner and the Director of the Virginia Department of Rail and Public Transportation may let; (iii) eliminates the duty of the CTB to regulate outdoor theaters; (iv) provides for the updating of the Statewide Transportation Plan every four years (instead of five); and (v) repeals the section that allows the CTB to designate its employees as special police officers. This bill is identical to SB 1135.

Patron - Rust

HB2001 **Quiet pavement technology.** Requires VDOT to expedite the development of quiet pavement technology.

Patron - LeMunyon

HB2025 **Noise abatement practices and technologies.** Provides that first consideration should be given to the use of noise reducing design and low noise pavement materials for highway projects that require mitigation of traffic noise. The bill also clarifies use of vegetative screening when visual screening is required.

Patron - May

HB2116 **The Road to Revolution.** Adds Leatherwood Plantation in Henry County to this heritage trail of sites significant to Patrick Henry. This bill is identical to SB 1161.

Patron - Armstrong

HB2164 **Funding for construction of industrial access railroad tracks.** Changes the limit on allocation of funds for construction of industrial access railroad tracks that any county, city, or town receives in any one fiscal year from not more than 25 percent to not more than 50 percent of the funds.

Patron - Abbitt

HB2233 **Transportation agency efficiencies and cost recoveries.** Exempts the Department of Transportation (VDOT) and the Department of Rail and Public Transportation

(DRPT) from paying any fee for remote access to land records; provides for VDOT to recommend to the Commonwealth Transportation Board (CTB) an annual rate to be used by VDOT to make payments for maintenance; deletes references to the statewide maintenance cost index, the base lane per mile rate, and fund allocation; and adds language indicating that total payments are not to exceed CTB allocations. The bill also ensures that payback provisions specified are available to VDOT if a locality chooses to cancel a project in the six-year plan after approval of the location and design. Further, the bill eliminates the requirement of refunding bonds any time within three years of the date of maturity. This bill is identical to SB 1004.

Patron - Anderson

HB2379 Discontinued secondary system highways. Provides that when a secondary system highway is discontinued, the highway shall continue to be available for use by the public as a road, unless it has been abandoned or its use has been modified by an ordinance.

Patron - Pogge

HB2508 Commonwealth Transportation Board; transfer of interest in and control over landings. Provides that, for purposes of transfer of interest in and control over a landing to a public access authority, landing includes wharfs, piers, and docks.

Patron - Morgan

HB2527 Transportation funding. The bill creates the Virginia Transportation Infrastructure Bank (Bank) that would be managed and administered by the Virginia Resources Authority. The Bank would be capitalized as appropriated by the General Assembly. Up to 20 percent of the capitalization of the Bank may be used to make grants to localities for transportation projects as determined by the Bank, and the remainder is used to make loans to private or public entities for transportation projects as determined by the Bank. The bill authorizes the issuance of Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue Notes whose outstanding aggregate principal amount, together with any outstanding aggregate principal amount of Commonwealth of Virginia Federal Highway Reimbursement Anticipation Notes, cannot exceed \$1.2 billion, with the proceeds used for transportation projects as determined by the Commonwealth Transportation Board. The bill also increases the aggregate principal amount of Commonwealth of Virginia Transportation Capital Projects Revenue Bonds that may be issued in fiscal year 2011-2012 from \$300 million to \$500 million and in fiscal year 2012-2013 from \$300 million to \$600 million. The bill establishes the Intercity Passenger Rail Operating and Capital Fund to be used by the Director of the Department of Rail and Public Transportation, with the approval of the Commonwealth Transportation Board, on projects that expand and improve intercity passenger rail service. Finally, the bill increases from \$50 million to \$200 million the total limit on revenue-sharing funds allocated by the Commonwealth Transportation Board (CTB) to certain counties, cities, and towns in any one fiscal year and increases from \$1 million to \$10 million the per project cap on funds; and provides that the funds allocated by the CTB will be distributed in accordance with the revenue-sharing guidelines established by the CTB. This bill incorporates HB 1582 and HB 2021.

Patron - Howell, W.J.

SB856 Patriots Crossing project. Requires the Virginia Department of Transportation to accept for review unsolicited proposals for construction of the Patriots Crossing

(Third Crossing) project at Hampton Roads. This bill is identical to HB 1612.

Patron - Wagner

SB874 George Washington Toll Road Authority. Adds Stafford County as a participating locality.

Patron - Stuart

SB894 Commonwealth Transportation Board's cooperation with persons maintaining marine museums. Repeals a Code of Virginia provision authorizing the CTB to cooperate with persons maintaining marine museums in a county in the Commonwealth adjoining a city located on navigable water with a population of 30,000 or more.

Patron - Miller, Y.B.

SB896 State and municipal turnpike projects. Repeals certain Code provisions relating to the establishment of turnpikes. The Commonwealth Transportation Board and the Virginia Department of Transportation have never used these sections to issue revenue bonds for turnpike projects and no city or town has constructed a toll facility connected to a state turnpike project.

Patron - Miller, Y.B.

SB897 Interstate 66 Economic Development Program. Repeals the Interstate 66 Economic Development Program.

Patron - Miller, Y.B.

SB952 Bridges in the vicinity of Lake Anna. Names six bridges in the vicinity of Lake Anna.

Patron - Houck

SB1004 Transportation agency efficiencies and cost recoveries. Exempts the Department of Transportation (VDOT) and the Department of Rail and Public Transportation (DRPT) from paying any fee for remote access to land records; provides for VDOT to recommend to the Commonwealth Transportation Board (CTB) an annual rate to be used by VDOT to make payments for maintenance; deletes references to the statewide maintenance cost index, the base lane per mile rate, and fund allocation; and adds language indicating that total payments are not to exceed CTB allocations. The bill also ensures that payback provisions specified are available to VDOT if a locality chooses to cancel a project in the six-year plan after approval of the location and design. Further, the bill eliminates the requirement of refunding bonds any time within three years of the date of maturity. This bill is identical to HB 2233.

Patron - Watkins

SB1005 Commonwealth Transportation Commissioner. Changes the title "Commonwealth Transportation Commissioner" to "Commissioner of Highways." The bill also eliminates the requirement that the Commissioner employ an assistant commissioner for the environment, transportation planning, and regulatory affairs; allows the Commissioner to transfer, abandon, and discontinue roads in the primary and secondary systems of state highways or move roads from one such system to another when such actions are recommended as appropriate by the Chief Engineer in connection with a construction or maintenance project; eliminates the requirement that the CTB must declare excess right-of-way surplus before VDOT may sell the land; and amends the Code to allow VDOT to submit one comprehensive report focusing on VDOT operations and services. This bill is identical to HB 1825.

Patron - Watkins

SB1112 Metropolitan Planning Organizations (MPOs). Specifies the role of MPOs in the Commonwealth's transportation decision-making process.

Patron - Miller, Y.B.

SB1135 Powers and duties of CTB. Makes various changes to the powers and duties of the Commonwealth Transportation Board (CTB): (i) clarifies that local roads in counties outside the state secondary highway system are local roads, and not part of the state system; (ii) increases the limitation on contract values that the Commonwealth Transportation Commissioner and the Director of the Virginia Department of Rail and Public Transportation may let; (iii) eliminates the duty of the CTB to regulate outdoor theaters; (iv) provides for the updating of the Statewide Transportation Plan every four years (instead of five); and (v) repeals the section that allows the CTB to designate its employees as special police officers. This bill is identical to HB 1957.

Patron - Wagner

SB1161 The Road to Revolution. Adds Leatherwood Plantation in Henry County to this heritage trail of sites significant to Patrick Henry. This bill is identical to HB 2116.

Patron - Reynolds

SB1290 Pearl Harbor Memorial Highway. Designates I-664 and I-264 in the Hampton Roads Highway Construction District the "Pearl Harbor Memorial Highway."

Patron - McWaters

SB1446 Transportation funding. The bill creates the Virginia Transportation Infrastructure Bank (Bank) that would be managed and administered by the Virginia Resources Authority. The Bank would be capitalized as appropriated by the General Assembly. Up to 20 percent of the capitalization of the Bank may be used to make grants to localities for transportation projects as determined by the Bank, and the remainder is used to make loans to private or public entities for transportation projects as determined by the Bank. The bill authorizes the issuance of Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue Notes whose outstanding aggregate principal amount, together with any outstanding aggregate principal amount of Commonwealth of Virginia Federal Highway Reimbursement Anticipation Notes, cannot exceed \$1.2 billion, with the proceeds used for transportation projects as determined by the Commonwealth Transportation Board. The bill also increases the aggregate principal amount of Commonwealth of Virginia Transportation Capital Projects Revenue Bonds that may be issued in fiscal year 2011-2012 from \$300 million to \$500 million and in fiscal year 2012-2013 from \$300 million to \$600 million. The bill establishes the Intercity Passenger Rail Operating and Capital Fund to be used by the Director of the Department of Rail and Public Transportation, with the approval of the Commonwealth Transportation Board, on projects that expand and improve intercity passenger rail service. Finally, the bill increases from \$50 million to \$200 million the total limit on revenue-sharing funds allocated by the Commonwealth Transportation Board (CTB) to certain counties, cities, and towns in any one fiscal year and increases from \$1 million to \$10 million the per project cap on funds; and provides that the funds allocated by the CTB will be distributed in accordance with the revenue-sharing guidelines established by the CTB. This bill incorporates SB 1329.

Patron - Wampler

SB1462 VDOT regulations; transportation planning; subdivision streets. Requires VDOT to review and

revise certain of its regulations applicable to transportation planning and subdivision streets.

Patron - Puckett

Failed

HB1491 Highway maintenance funds. Provides that when allocating funds for the interstate system of highways, the primary system of state highways, and the secondary system of state highways maintained by the Commonwealth, the Commonwealth Transportation Board shall consider achieving a minimal level of disparity among highway construction districts in meeting asset performance standards. Prior to such allocation, the Board shall release for public review a comparison of the proposed allocation of funds by highway construction district with an allocation of funds based entirely on specific asset performance standards by highway construction district. This bill incorporates HB 1884.

Patron - Albo

HB1582 Transportation funding; Virginia Transportation Infrastructure Bank. Creates the Virginia Transportation Infrastructure Bank (VTIB) as a special fund to provide loans and grants to public and private entities to fund transportation projects in the Commonwealth. The special fund shall consist of revenues generated through the privatization of the Commonwealth's ABC stores and revenues generated through a one-time drawing down of construction cash reserves by the Virginia Department of Transportation. VTIB is authorized to issue bonds in an amount not to exceed \$4 billion. This bill was incorporated into HB 2527.

Patron - Cosgrove

HB1631 Payments to cities and towns for highway maintenance. Equalizes municipal street payments to comparable amounts paid for state maintenance.

Patron - Watts

HB1754 HOV lanes; use by vehicle with clean special fuel license plates. Extends until July 1, 2012, the sunset on use of HOV lanes by clean special fuel vehicles, regardless of the number of occupants. This bill was incorporated into HB 1432.

Patron - Plum

HB1801 Commonwealth Transportation Board (CTB); composition. Changes the composition of the CTB. One member will be appointed from each of Virginia's 11 congressional districts (as they were on January 1, 2011) and four more will be at-large appointees: one representing seaports, one representing aviation, one representing railroads, and one representing mass transit. The three ex-officio members remain unchanged.

Patron - Surovell

HB1884 Highway maintenance funds. Provides that when allocating funds for the interstate system of highways, the primary system of state highways, and the secondary system of state highways maintained by the Commonwealth, the Commonwealth Transportation Board shall consider achieving a minimal level of disparity among highway construction districts in meeting asset performance standards. Prior to such allocation, the Board shall release for public review a comparison of the proposed allocation of funds by highway construction district with an allocation of funds based entirely on specific asset performance standards by highway construction district. This bill was incorporated into HB 1491.

Patron - Filler-Corn

HB1916 Virginia's Heritage Music Trail: The Crooked Road. Adds to "Virginia's Heritage Music Trail: The Crooked Road," designated in 2004, U.S. Route 58 from the Town of Stuart east to the City of Martinsville.

Patron - Merricks

HB1926 Transportation funding; the Salem Highway Construction District. Provides funds for transportation in the Salem Highway Construction District by allocating revenue attributable to a portion of economic growth due to or facilitated by the Inland Port in Montgomery County.

Patron - Marshall, D.W.

HB1998 Northern Virginia Transportation District; long-range planning. Establishes responsibilities for various entities for long-range transportation planning for the Virginia Department of Transportation in the Northern Virginia Transportation District.

Patron - LeMunyon

HB2021 Allocation of revenue-sharing funds. Removes the priority structure for allocation of revenue-sharing funds to localities and provides for funding of no less than \$50 million each fiscal year. This bill incorporates HB 2203 and was incorporated into HB 2527.

Patron - May

HB2120 Intermodal Connector of I-664 (Patriots Crossing); unsolicited proposals. Directs the Virginia Department of Transportation to accept for review unsolicited proposals to add capacity to the Intermodal Connector of I-664 (Patriots Crossing). This bill was incorporated into HB 1612.

Patron - Villanueva

HB2203 Allocation of revenue-sharing funds. Removes the priority structure for allocation of revenue-sharing funds to localities. This bill was incorporated into HB 2021.

Patron - Comstock

HB2222 Transportation funding and administration. Provides for transportation funding and administration in Northern Virginia, Hampton Roads, the Richmond Highway Construction District, the Staunton Highway Construction District, and the Salem Highway Construction District. The amount of funding is based on (i) for Northern Virginia, a portion of the growth in certain state tax revenues in Northern Virginia; (ii) for Hampton Roads, a portion of the growth in certain state tax revenues generated or facilitated by the marine terminals in Hampton Roads; (iii) for the Richmond Highway Construction District, a portion of the growth in certain state tax revenues generated or facilitated by the Port of Richmond; (iv) for the Staunton Highway Construction District, a portion of the growth in certain state tax revenues generated or facilitated by the Inland Port at Front Royal; and (v) for the Salem Highway Construction District, a portion of the growth in certain state tax revenues expected to be generated or facilitated by the Elliston Intermodal Facility.

Patron - Oder

HB2238 Prince William County Metrorail Improvement District. Creates the Prince William County Metrorail Improvement District to provide a means of financing an extension of commuter rail service from Fairfax County into Prince William County.

Patron - Torian

HB2331 Allocation of highway maintenance and construction funds. Alters the manner in which the Common-

wealth Transportation Board allocates highway maintenance and construction funds from the Transportation Trust Fund and the Highway Maintenance and Operating Fund.

Patron - Lingamfelter

HB2418 Virginia Railway Express; passenger surcharge. Imposes a \$1 per passenger surcharge on VRE passengers boarding in Manassas and Manassas Park. Proceeds of this surcharge are to be paid to the Northern Neck Planning District Commission to be used exclusively for economic development projects.

Patron - Pollard

HB2469 Relocation or removal of utility facilities. Provides that when the Commonwealth Transportation Board acquires property by eminent domain, the relocated utility facilities shall not be placed any closer to a private residence than those facilities were before the relocation, or 100 feet, whichever is closer.

Patron - Morefield

HB2475 The Wilderness Road. Designates the highway segments composing the Wilderness Road as Virginia byways.

Patron - Nutter

HB2481 Designating a portion of U.S. Route 29 as Interstate 785. Designates U.S. Route 29 from the Virginia-North Carolina line to north of the Town of Altavista as Interstate 785. The bill provides that such designation shall not take effect until the Virginia Department of Transportation consults with the Federal Highway Administration to identify any steps that need to be taken along the designated route to meet federal interstate standards, and VDOT shall report to the Joint Commission on Transportation Accountability the steps that need to be taken for such designation by December 1, 2011.

Patron - Marshall, D.W.

SB740 Motorcycles and mopeds; use of bridges in high winds. Requires VDOT to prohibit use of certain bridges in Hampton Roads by motorcycles and mopeds during periods of high wind.

Patron - Lucas

SB834 VDOT highway maintenance contracts. Allows VDOT to contract with private entities for the maintenance of state-owned highway rights-of-way in return for the Department's permission for display by the private entity of a single advertising sign, no larger than 18 inches x 24 inches, for each direction of traffic on the maintained portion of the right-of-way.

Patron - Petersen

SB881 Integrated Directional Sign Program. Provides that fees charged for participation in the Integrated Directional Sign Program (Logo Signs) will be based, in the case of single attractions accessible from more than one access ramp, on the number of access ramps at which the signs are placed, and not the number of signs.

Patron - Reynolds

SB913 Chief Executive Officer for Transportation. Abolishes the office of Commonwealth Transportation Commissioner and replaces that position with a Chief Executive Officer for Transportation who takes over the powers, duties, and responsibilities of the Commonwealth Transportation Commissioner, the Director of the Department of Aviation, and the Director of the Department of Rail and Public Transportation. The Virginia Board of Aviation and the Rail Advisory Board are also abolished and their functions transferred to the

Commonwealth Transportation Board. The composition of the Commonwealth Transportation Board is changed to remove the Secretary of Transportation, the Commonwealth Transportation Commissioner, and the Director of the Department of Rail and Public Transportation and to provide for election of the at-large members of the Board by the General Assembly.

Patron - McDougle

SB1034 HOV lanes; use by vehicle with clean special fuel license plates. Extends until July 1, 2012, the sunset on use of HOV lanes by clean special fuel vehicles, regardless of the number of occupants.

Patron - Barker

SB1044 Highway maintenance allocations. Provides that allocation by the Commonwealth Transportation Board for maintenance of assets within the Interstate System of Highways and the primary and secondary systems of state highways shall be based on achieving a minimal level of disparity among highway construction districts in meeting asset management performance standards established pursuant to § 33.1-13.02.

Patron - Barker

SB1048 HOT lane construction contracts. Requires that HOT lane construction contracts contain requirements for minimum average speed for vehicles using the facility.

Patron - Barker

SB1167 Crashes on HOT lanes under construction on the Capital Beltway. Requires that when there is a vehicle crash on HOT lanes under construction on any portion of Interstate 95, 395, or 495 and the vehicles involved in the crash can be moved and there are no apparent bodily injuries, the drivers must move their vehicles to the nearest designated pull-off area.

Patron - Marsden

SB1242 Revenues of the Commonwealth; transportation funding. Creates additional sources of revenue for transportation by increasing the motor vehicle sales and use tax by one-half percent and the motor vehicle rental tax by one percent and by imposing a five percent tax on the wholesale price of gasoline. The new revenue sources will be directed to the Rail Enhancement Fund, the Transportation Trust Fund, and the Highway Maintenance and Operating Fund for transportation projects and needs of the Commonwealth and to certain priority transportation projects, as designated by the Commonwealth Transportation Board, in Northern Virginia and Hampton Roads. The bill would also eliminate the one-half percent sales tax on food currently going to the Transportation Trust Fund and would raise the allowed credit for low-income taxpayers.

Patron - Edwards

SB1295 Transportation funding. Provides new and increased taxes, tolls, and general fund revenues for transportation funding. The bill would (i) decrease the motor fuels tax from \$0.175 per gallon to \$0.05 per gallon and establish a five percent tax on motor fuels sales based upon the statewide average wholesale price of a gallon of self-serve unleaded regular gasoline; (ii) subject to the amount of the additional revenues generated by the changes described in clause (i), increase the motor fuels tax rate by \$0.10 per gallon in increments of \$0.02 per gallon each year over the five-year period beginning in 2012; (iii) beginning in 2012 increase the motor vehicle sales and use tax by 0.50 percent each year for four years; (iv) provide that of the retail sales and use tax revenues generated by the Commonwealth's four percent tax on sales of automobile parts and automobile accessories, an amount equivalent to the

revenues generated by a 2.5 percent retail sales and use tax on such parts and accessories would be deposited into the Highway Maintenance and Operating Fund; (v) subject to receipt of federal authorization, authorize the Commonwealth Transportation Board to impose and collect a toll of \$1 per axle on every vehicle entering the Commonwealth from the state of North Carolina via Interstate Route 85 and Interstate Route 95; and (vi) dedicate for highway maintenance purposes 10 percent of the future growth in certain state taxes that is attributable to economic activity generated or facilitated by the public and private general cargo marine terminals and inland ports of the Commonwealth. All amounts generated under the bill would be deposited into the Highway Maintenance and Operating Fund to be used for highway maintenance except the revenues from tolls on vehicles entering the Commonwealth from North Carolina, which would be deposited into the Transportation Trust Fund.

Patron - Miller, J.C.

SB1329 Highway "revenue sharing" construction funds. Removes the \$1 million cap for individual allocations and changes first priority for allocation to congestion relief. The bill also changes the maximum and minimum appropriations from \$50 million and \$15 million to \$250 million and \$50 million. This bill was incorporated into SB 1446.

Patron - Herring

SB1370 Highway rumble strips. Requires installation of rumble strips along all highways with speed limits of 55 mph or more.

Patron - Blevins

SB1397 Allocations to certain homeowners' associations; highway maintenance and maintenance replacement. Requires the Commonwealth Transportation Board annually to set aside from all funds available for highway maintenance and construction \$50 million to be distributed among homeowners' associations within the Commonwealth for use exclusively for highway maintenance and maintenance replacement.

Patron - Colgan

SB1468 Rail Transportation Development Authority. Establishes the Rail Transportation Development Authority. The Authority is to be responsible for identifying needed construction, reconstruction, improvements, or repairs to railroads and their facilities and equipment. The Authority is given the power to finance or assist in financing any such rail transportation project. The bill requires the Virginia Department of Rail and Public Transportation, in conjunction with the Authority, to develop a rail transportation plan for the Commonwealth. The bill further abolishes the Rail Advisory Board and repeals Chapter 1041 of the 2003 Acts of Assembly, which provided for the creation of a Rail Transportation Development Authority, but never became effective because it included a reenactment clause, and the act was not reenacted.

Patron - Edwards

Homestead and Other Exemptions

Passed

HB1422 Homestead exemptions. Adds one family firearm, not to exceed \$3,000 in value, to the list of items that every householder shall be entitled to hold exempt from credi-

tor process. The bill also increases the maximum exemption for a motor vehicle from \$2,000 to \$6,000. This bill incorporates HB 1471, HB 1494, and HB 2428. This bill is identical to SB 839.

Patron - Albo

SB839 Homestead exemptions. Adds one family fire-arm, not to exceed \$3,000 in value, to the list of items that every householder shall be entitled to hold exempt from creditor process. The bill also increases the maximum exemption for a motor vehicle from \$2,000 to \$6,000. This bill is identical to HB 1422.

Patron - Petersen

Failed

HB1471 Homestead and other exemptions. Raises the homestead exemption from real or personal property not exceeding \$5,000 in value to personal property not exceeding \$5,000 in value and real property not exceeding \$25,000 in value. The bill also adds certain specific items of personal property to the list of what a debtor may hold exempt from creditor process and increases from \$2,000 to \$7,500 the value of an automobile that may be held as exempt. The bill also provides that the amount of certain exemptions shall be adjusted for inflation every three years. The bill also provides that a debtor may elect between the exemptions permitted under federal bankruptcy law and Title 34. Current law does not allow a debtor to elect the bankruptcy exemptions. This bill has been incorporated into HB 1422.

Patron - Cole

HB1494 Homestead exemption. Increases from \$5,000 to \$15,000 the homestead exemption for every householder. This bill has been incorporated into HB 1422.

Patron - Ware, O.

HB1925 Garnishment; earnings. Clarifies that a person's earnings that may be subject to garnishment include earnings deposited into a bank, credit union, or financial institution on the person's behalf and includes earnings that have been commingled with nonexempt funds.

Patron - Abbott

HB2428 Homestead and other exemptions. Raises the homestead exemption from real or personal property not exceeding \$5,000 in value to personal property not exceeding \$5,000 in value and real property not exceeding \$25,000 in value. The bill also adds certain specific items of personal property to the list of what a debtor may hold exempt from creditor process and increases from \$2,000 to \$7,500 the value of an automobile that may be held as exempt. The bill also provides that the amount of certain exemptions shall be adjusted for inflation every three years. The bill also provides that a debtor may elect between the exemptions permitted under federal bankruptcy law and Title 34. Current law does not allow a debtor to elect the bankruptcy exemptions. This bill has been incorporated into HB 1422.

Patron - Abbott

Hotels, Restaurants, Summer Camps, and Campgrounds

Passed

HB1940 Restaurant regulations; exemption for certain nonprofit fund-raisers. Allows localities to adopt ordinances exempting nonprofit organizations selling food at fund-raisers from restaurant regulations.

Patron - Pollard

Failed

HB1927 Display of restaurant inspection reports. Requires every restaurant licensed by the State Board of Health to display a copy of the most recent restaurant inspection report, which shall include evidence of the number of critical violations found during the inspection, in a place where it is readily observable by the public transacting business with the establishment.

Patron - Marshall, D.W.

HB2124 Restaurants; licensure fee. Provides that the State Board of Health shall establish in its regulations licensure fees for restaurants, which shall be based on the size of the restaurant and the amount of the restaurant's annual gross receipts from the sale of food prepared on the premises.

Patron - Poindexter

Housing

Passed

HB1826 Virginia Housing Development Authority; loan servicing agreements. Authorizes the Virginia Housing Development Authority to make contracts and enter into agreements to act as the loan servicer to a housing lender for loans on properties located in or outside of the Commonwealth to persons and families of any income.

Patron - Oder

HB1887 Virginia Housing Development Authority Act; terms and conditions of purchases from and sales to mortgage lenders of mortgage loans. Removes requirement that a lender reinvest sales proceeds and make certification of prudent investment in the case of single family loans that when made by the lender will be purchased by a housing development authority. The bill has an emergency clause. The bill is identical to SB 985.

Patron - Bulova

HB2168 Uniform Statewide Building Code; statute of limitations. Harmonizes the statute of limitations for criminal prosecutions under the Uniform Statewide Building Code at one year. Currently, the Uniform Statewide Building Code provides that such prosecutions shall be commenced within two years while § 19.2-8 provides that such prosecutions must be commenced within one year. This bill incorporates HB 1918 and is identical to SB 941.

Patron - Abbitt

SB941 Uniform Statewide Building Code; statute of limitations. Harmonizes the statute of limitations for criminal

prosecutions under the Uniform Statewide Building Code at one year. Currently, the Uniform Statewide Building Code provides that such prosecutions shall be commenced within two years while § 19.2-8 provides that such prosecutions must be commenced within one year. This bill is identical to HB 2168.

Patron - Miller, J.C.

SB985 Virginia Housing Development Authority Act; terms and conditions of purchases from and sales to mortgage lenders of mortgage loans. Removes requirement that a lender reinvest sales proceeds and make certification of prudent investment in the case of single family loans that when made by the lender will be purchased by a housing development authority. The bill has an emergency clause. This bill is identical to HB 1887.

Patron - Locke

SB1455 Virginia Amusement Device Act; amusement device or structure. Excludes snow tubing parks and rides, ski terrain parks, ski slopes and ski trails from the definition of amusement device or structure under the Virginia Amusement Device Act.

Patron - Hanger

Failed

HB1578 Fair Housing Law; unlawful discriminatory practice, affordable housing. Specifies that localities shall not discriminate by failing to grant an application for land use or the permitting of a development, which is to be used either wholly or in part as affordable housing, solely on that basis. This bill is recommended by the Virginia Housing Commission.

Patron - Dance

HB1918 Uniform Statewide Building Code; limitation on prosecutions for violation. Changes the time within which a prosecution for violations of the Uniform Statewide Building Code must be commenced from two years to one year. As a result there is no longer a conflict between the Building Code and the statute of limitations on prosecutions (§ 19.2-8). The bill also provides that the prosecution shall commence within one year of discovery by the building official and not the owner. For prosecutions relating to the maintenance code, the bill clarifies that any such prosecutions must be commenced within one year of the discovery of the offense by the building official. This bill was incorporated into HB 2168.

Patron - Merricks

HB2045 Housing; definition of blighted property. Expands the definition of blighted property to include any residential structure (i) for which a building permit was not obtained or the building permit has been revoked or has expired in accordance with the Uniform Statewide Building Code and (ii) which endangers the public's health, safety, or welfare.

Patron - Ebbin

HB2070 Uniform Statewide Building Code; regulations of the Board of Housing and Community Development. Requires the Board of Housing and Community Development to adopt regulations establishing standards requiring existing buildings or facilities to have at least one accessible route connecting accessible parking and accessible passenger loading zones to an accessible entrance of such building or facility. The bill provides that such standards (i) shall apply regardless of the date of construction of the parking lot, loading zone, or building or facility and (ii) may include

reasonable exemptions from such requirements as deemed appropriate by the Board.

Patron - Plum

HB2084 Department of Housing and Community Development; rapid re-housing pilot project. Requires the Department of Housing and Community Development to establish a three-year rapid re-housing pilot project and to report its findings and recommendations to the Governor and the Housing Commission.

Patron - Herring

HB2091 Uniform Statewide Building Code; air conditioning in certain residential buildings. Designates May 1 as the date when cooling must be supplied in dwelling units, rooming units, or dormitory or guest rooms that are leased and include provision for cooling.

Patron - Herring

HB2273 Additional powers of local building officials; unlicensed contractors. Provides that a locality may, by ordinance, authorize the building department to designate certain building officials as sworn investigators, who shall have the authority to issue summonses for violations of the statutes and regulations of the Board for Contractors governing unlicensed activity by contractors. In addition, the bill vests all designated building officials with the authority to (i) administer oaths or affirmations for the purpose of receiving complaints and conducting investigations of violations of Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1 or any regulation of the Board for Contractors relating to unlicensed activity by contractors; (ii) obtain, serve and execute any warrant, paper or process issued by any court or magistrate; and (iii) request and receive criminal history information. The bill requires that all designated building officials receive the training required by the Department of Criminal Justice Services for law-enforcement personnel before exercising such powers.

Patron - Keam

SB830 Virginia Fair Housing Law; unlawful discriminatory practice, affordable housing. Specifies that localities shall not discriminate by failing to grant an application for land use or the permitting of a development, which is to be used either wholly or in part as affordable housing, solely on that basis. This bill is recommended by the Virginia Housing Commission.

Patron - Locke

SB1254 Uniform Statewide Building Code; building permit fees; incentives for energy-efficient buildings. Authorizes a locality to reduce permit fees levied for construction, rehabilitation, renovation, or improvement of a building by up to 10 percent of the amount otherwise charged if the building is an energy-efficient building.

Patron - Vogel

SB1261 Virginia Fair Housing Law; concurrence of the Office of the Attorney General. Requires the receipt of the concurrence of the Office of the Attorney General before the Fair Housing Board may make a determination of reasonable cause to believe a discriminatory housing practice has occurred. Receipt of the concurrence of the Office of the Attorney General is also required before the Fair Housing Board may issue a charge of an alleged discriminatory housing practice. Currently, consultation with the Office of the Attorney General is required for the Fair Housing Board to act.

Patron - Vogel

SB1342 Uniform Statewide Building Code; buildings used by fraternal organizations. Provides that buildings

used by fraternal organizations shall be classified as residential structures for the purposes of complying with the Building Code, provided such structures are used only by the members of the fraternal organizations and their guests, are not open to the general public, and contain no bedrooms or accommodations for overnight lodging. The bill defines fraternal organization. The bill also includes window replacements among the list of items for which a statement of the existence of asbestos will suffice instead of an asbestos inspection.

Patron - Norment

SB1479 Department of Housing and Community Development; rapid re-housing pilot project. Requires the Department of Housing and Community Development to establish a three-year rapid re-housing pilot project and to report its findings and recommendations to the Governor and the Housing Commission.

Patron - Whipple

Insurance

Passed

HB1458 Life insurance; retained asset accounts. Requires insurance companies licensed in the Commonwealth that offer retained asset accounts for death benefits to provide the beneficiary, at the time a claim is made, with written information describing the settlement options available under the policy. If the insurer settles benefits through a retained asset account, the insurer shall provide the beneficiary with a supplemental contract that clearly discloses the rights of the beneficiary and the obligations of the insurer under the supplemental contract. The insurer is also required to make certain disclosures regarding retained asset accounts. SB 1388 is identical.

Patron - Marshall, R.G.

HB1504 Insurance companies; investments in derivative transactions; exercising qualified financial contracts upon insolvency or delinquency. Establishes conditions under which domestic insurers may engage in transactions involving derivative instruments, including options, warrants, caps, floors, collars, swaps, forwards, and futures. Derivative instruments may be used to engage in hedging transactions and replication transactions provided insurers establish written guidelines for their use and procedures to determine that their transactions comply with such guidelines. The guidelines shall be submitted to the State Corporation Commission (SCC) for prior approval. The SCC may adopt rules and regulations for derivative transactions including financial solvency standards, valuation standards, and reporting requirements. An insurer engaged in hedging transactions shall demonstrate to the SCC the ongoing effectiveness of the derivative transaction or combination of the transactions through cash flow testing or other analyses. Limits are established on the percentage of assets that may be used in hedging transactions. An insurer's replication transactions are required to comply with limitations on investments by the insurer, and the aggregate statement value of all assets being replicated is limited to 10 percent of the insurer's admitted assets. The measure also provides rules regarding a person's ability to exercise a contractual right to terminate obligations under a netting agreement or qualified financial contract with an insurer because of the insurer's insolvency, financial condition, or default or the commencement of a delinquency proceeding against the insurer. A receiver may not avoid a transfer arising under or in connection with a netting agreement or qualified

financial contract that is made before the commencement of a delinquency proceeding unless the transfer was made with actual intent to hinder, delay, or defraud the insurer, a receiver, or creditors. If a receiver disaffirms or repudiates a netting agreement or qualified financial contract within a reasonable period after the commencement of a delinquency proceeding, the claim of a counterparty against the estate arising from the disaffirmance or repudiation shall be allowed or disallowed as if the claim arose before the filing of the petition for liquidation or rehabilitation. The measure also provides that the prohibition on investments by domestic insurers in securities that will subject the insurer to any assessment does not include ordinary contractual payments or the transfer of collateral or margin made under derivative instruments. The measure includes an enactment clause that allows insurers currently investing in derivative instruments to continue doing so after the effective date of this act provided they submit guidelines to the SCC for review by April 1, 2011.

Patron - Ware, R.L.

HB1538 Health insurance; multiple employer welfare arrangements. Exempts multiple employer welfare arrangements (MEWAs) that are comprised only of banks together with their plan-sponsoring organization, and their respective employees, from the provisions of the Commonwealth's insurance laws. Currently, such an exemption applies to MEWAs comprised of banks and their employees. The term "plan-sponsoring organization" is defined as an association that sponsors a MEWA comprised only of banks and that, among other things, has been in existence for at least five years and was not formed for the purpose of obtaining insurance.

Patron - Merricks

HB1586 Insurance; large commercial risks. Makes professional liability insurance policies eligible for the exemptions that currently exist for most types of policies written for large commercial risks. Currently, professional liability insurance and workers' compensation insurance are the only lines of insurance excluded from the provision that exempts insurance of large commercial risks from requirements that policy forms and rates be filed with, and approved by, the State Corporation Commission. The measure also eliminates the requirement that insurers issuing policies under the exemption for large commercial risks report annually to the State Corporation Commission on the number of exempted policyholders and the criteria establishing the exemption. SB 1015 is identical.

Patron - Kilgore

HB1928 Health insurance; independent external reviews. Revises the process for independent external reviews of a health carrier's adverse decision regarding covered health care benefits. The measure (i) eliminates the minimum eligibility threshold, (ii) eliminates the \$50 filing fee, and (iii) expands situations for which an independent external review may be requested to include covered persons of all licensed health carriers. Currently, only persons covered by managed care health insurance programs may request an independent external review. Under this measure, insurers are required to incur the full cost of every review; currently, the Commonwealth incurs the cost of any review that does not result in denied services being covered. The measure tracks the Uniform Health Carrier External Review Model Act prepared by the National Association of Insurance Commissioners. The federal Patient Protection and Affordable Care Act requires states to adopt such an external review program by July 1, 2011. The measure also requires health carriers to establish an internal appeals process. The utilization review standards are revised to apply to adverse determinations, which are defined as determinations by a managed care health insurance plan that a request for benefit does not meet the plan's requirements or is determined to be experi-

mental or investigational, thereby resulting in a denial, reduction, or termination of the requested benefit. The length of time the utilization review entity is required to maintain records is increased from five to six years. The measure expires July 1, 2014.

Patron - Marshall, D.W.

HB1958 Health insurance; market reforms. Confirms inconsistent and conflicting requirements of Virginia's health insurance laws to corresponding provisions of the federal Patient Protection and Affordable Care Act that became effective on September 23, 2010. The provisions of the federal act that are implemented by these amendments include (i) requirements that employers offering dependent coverage provide coverage for dependents of employees until they reach age 26; (ii) limits on the ability of insurers to impose annual and lifetime dollar limits on essential benefits; (iii) limits on rescission of health insurance policies except in cases of fraud or misrepresentation; (iv) requirements that nongrandfathered plans cover preventive services without out-of-pocket cost-sharing for the insured; (v) requirements that nongrandfathered plans permit covered persons to designate any participating primary health care professional who is available to accept the covered person and prohibits such plans from requiring authorization or referral for obstetrical or gynecological care by in-network health care professionals specializing in obstetrics or gynecology; (vi) prohibitions on nongrandfathered plans imposing preexisting condition exclusions for enrollees who are under 19 years of age; and (vii) prohibitions on nongrandfathered plans charging higher cost-sharing for emergency services that are obtained out of a plan's network or from requiring preauthorization for emergency services. The measure expires July 1, 2014.

Patron - Rust

HB1985 Underinsured motorist insurance coverage. Provides that a liability insurer's written offer to pay the limits of its policy may be made contingent upon waiver of subrogation. These provisions clarify legislation enacted in the 2010 Session that permits a liability insurer to be relieved of the costs of defending the owner or operator in a claim to the extent the costs are incurred after the liability insurer makes an irrevocable written offer to pay the limits of its policy. This measure further states that these provisions, including the liability insurer's irrevocable offer and the underinsured insurer's liability for defense costs, do not apply if a jury verdict is returned for an amount equal to or less than the total liability coverage available for payment or a ruling dismissing the complaint, including the plaintiff's voluntary nonsuit.

Patron - Kilgore

HB2170 Virginia Birth-Related Neurological Injury Compensation Program; parties' expenses. Prohibits the Workers' Compensation Commission from awarding attorney fees incurred in opposing a claimant's admission to the Birth-Related Neurological Injury Compensation Program. The measure also prohibits the award of attorney fees and expenses incurred by any physician, hospital, or nurse midwife that is a party to a proceeding regarding admission to the Program, or their medical malpractice carrier, in a proceeding involving a birth-related neurological injury claim. The prohibitions on paying expenses do not apply to certain photocopying costs or compensation of the Office of the Attorney General.

Patron - Phillips

HB2286 Surplus lines insurance. Eliminates the requirement that a surplus lines broker be licensed in Virginia unless the broker is selling, soliciting, or negotiating contracts of insurance for insureds whose home state is Virginia. The

measure also establishes uniform eligibility requirements for the approval of nonadmitted, or unlicensed, insurers in Virginia and clarifies that surplus lines premium taxes will be collected for risks whose home state is Virginia. The amendments implement provisions of the federal Nonadmitted and Reinsurance Reform Act of 2010.

Patron - Sickles

HB2434 Health benefits exchange; intent to develop. States that it is the intent of the General Assembly that the Commonwealth create and operate its own health benefits exchange or exchanges that meet the relevant requirements of the federal Affordable Care Act. The Governor and the State Corporation Commission's Bureau of Insurance are requested to work with the General Assembly, relevant experts, and stakeholders generally to provide recommendations for consideration by the 2012 Session of the General Assembly regarding the structure and governance of the Virginia Exchange. The recommendations are due by October 1, 2011. The measure will expire on July 1, 2014.

Patron - Kilgore

HB2467 Health insurance; mandated coverage for autism spectrum disorder. Requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the diagnosis of autism spectrum disorder (ASD) and treatment for ASD in individuals from age two to six, subject to an annual maximum benefit of \$35,000 of coverage for applied behavior analysis. This requirement does not apply to individual or small group policies, contracts, or plans. The mandate will also apply to the state employees' health insurance plan and to the local choice health program. This measure will not apply to an insurer, corporation, or health maintenance organization, or to government employee programs, if the costs associated with coverage exceed one percent of premiums charged over the experience period. This bill incorporates HB 2512 and is identical to SB 1062.

Patron - Greason

HB2480 Portable electronics insurance. Establishes a procedure for vendors of portable electronics to sell insurance that provides coverage for the repair or replacement of such devices. The vendor will be required to hold a limited lines property and casualty insurance agent license to sell or offer coverage under such policies. The vendor's employees and authorized representatives are not subject to licensure as producers if, among other requirements, the vendor is licensed, maintains a training program, and does not compensate its employees or authorized representatives based primarily on the number of customers purchasing coverage. The measure provides for the issuance of a license to an applicant whose home state does not issue a producer license with a similar line of authority. The State Corporation Commission is authorized to promulgate rules and regulations.

Patron - Marshall, D.W.

SB916 Virginia Life, Accident and Sickness Insurance Guaranty Association; advertisements. Requires that the Virginia Life, Accident and Sickness Insurance Guaranty Association's summary document be posted on the Association's website.

Patron - McDougle

SB1015 Insurance; large commercial risks. Makes professional liability insurance policies eligible for the exemptions that currently exist for most types of policies written for large commercial risks. Currently, professional liability insurance and workers' compensation insurance are the only lines of insurance excluded from the provision that exempts insurance of large commercial risks from requirements that policy forms

and rates be filed with, and approved by, the State Corporation Commission. The measure also eliminates the requirement that insurers issuing policies under the exemption for large commercial risks report annually to the State Corporation Commission on the number of exempted policyholders and the criteria establishing the exemption. HB 1586 is identical.

Patron - Puckett

SB1062 Health insurance; mandated coverage for autism spectrum disorder. Requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the diagnosis of autism spectrum disorder (ASD) and treatment for ASD in individuals from age two to six, subject to an annual maximum benefit of \$35,000 of coverage for applied behavior analysis. This requirement does not apply to individual or small group policies, contracts, or plans. The mandate will also apply to the state employees' health insurance plan and to the local choice health program. This measure will not apply to an insurer, corporation, or health maintenance organization, or to government employee programs, if the costs associated with coverage exceed one percent of premiums charged over the experience period. This bill is identical to HB 2467.

Patron - Howell

SB1124 Administration of gross premium tax on insurance companies. Transfers the administration of the gross premiums on certain insurance companies from the State Corporation Commission to the Department of Taxation. Surplus lines brokers that fail to file required reports are subject to fines and penalties. Provisions regarding the tax on surplus lines insurance policies are effective July 1, 2011. Other provisions shall become effective for the taxable year on or after January 1, 2013.

Patron - Stosch

SB1388 Life insurance; retained asset accounts. Requires insurance companies licensed in the Commonwealth that offer retained asset accounts for death benefits to provide the beneficiary, at the time a claim is made, with written information describing the settlement options available under the policy. If the insurer settles benefits through a retained asset account, the insurer shall provide the beneficiary with a supplemental contract that clearly discloses the rights of the beneficiary and the obligations of the insurer under the supplemental contract. The insurer is also required to make certain disclosures regarding retained asset accounts. HB 1458 is identical.

Patron - Barker

SB1390 Life insurance; specified disease coverage or limited benefit health coverage. Provides that "life insurance" includes additional benefits providing specified disease coverage or limited benefit health coverage if these coverages comply with certain minimum standards established by the State Corporation Commission for individual accident and health insurance policies.

Patron - Howell

SB1482 Virginia Life, Accident and Sickness Insurance Guaranty Association; surplus funds. Establishes a procedure for the Virginia Life, Accident and Sickness Insurance Guaranty Association to dispose of surplus funds on hand with respect to the insolvency of an insurer. This measure requires the Association to use such surplus funds to reimburse member insurers for assessment costs not otherwise amortized and offset and then to pay the remaining surplus to the State Corporation Commission for deposit to the general fund. A member insurer that contends that it is entitled to any portion of the surplus refunded to the Commonwealth may present evi-

dence of such entitlement to the Commission. If the Commission determines that the member insurer is entitled to a portion of the surplus, the State Treasurer is directed to pay such amount to the member insurer. These provisions replace existing requirements that the Association's board refund to member insurers the amount by which the assets of the account exceed the amount necessary to carry out the Association's obligations by an equitable method established in the plan of operation in proportion to the contribution of each insurer to that account.

Patron - Wagner

Failed

HB1919 Assessment for the Virginia Defective Drywall Correction and Restoration Assistance Fund. Directs the State Corporation Commission to collect from each licensed insurer writing fire, homeowners, and the property portion of commercial multi-peril insurance an assessment in an amount equal to six-tenths of one percent of the direct gross premium income for such insurance during the preceding calendar year. The moneys collected from the assessment are to be used to provide revenue for the Virginia Defective Drywall Correction and Restoration Assistance Fund. The provision expires July 1, 2016.

Patron - Abbott

HB2147 Health benefits exchanges; abortion coverage not permitted. Prohibits any qualified health insurance plan that is sold or offered for sale through a health benefits exchange established or operating in the Commonwealth pursuant to federal health care reform legislation from providing coverage for abortions.

Patron - Cline

HB2267 Preneed funeral contracts; final expenses insurance. Requires an insurer issuing a life insurance policy, certificate, or annuity contract in which the face amount is primarily based on the actual or estimated cost of funeral goods or services, but is not linked to a preneed funeral contract, to utilize a bank, savings institution, or trust company located in the Commonwealth as trustee if the insurer holds the policy in a fiduciary capacity on behalf of the insured or places the policy in trust. Such a policy shall provide either that its face value will be adjusted annually by a factor equal to the Consumer Price Index or that it will have a death benefit at least equal to the premiums paid plus minimum interest or dividends. To meet this requirement, for the first 15 years interest or dividends shall be compounded annually at a rate of at least five percent, and thereafter at the legal rate of interest. The same provisions regarding the minimum interest or dividends are made applicable to life insurance policies or annuity contracts used to fund preneed funeral contracts. Under both types of insurance, the rate chosen shall be disclosed in the policy at the time the policy is issued. Money received pursuant to a preneed funeral contract that is not funded by a life insurance or annuity contract shall be deposited in a special account in a bank, savings institution, or trust company that is located in the Commonwealth. Such an institution is located in the Commonwealth if it has a main office or branch office in the Commonwealth where deposits are accepted, checks are paid, and money is lent.

Patron - Morgan

HB2274 Claims-made liability insurance policies. Prohibits an insurer from denying coverage under a claims-made liability insurance policy for a claim based on the insured's failure to notify the insurer that a claim might be made under the policy, unless (i) the insured's failure to notify

the insurer of the potential claim prejudices the insurer or (ii) the insured understood that the claim would be made under the policy.

Patron - Keam

HB2397 Representation of insured persons by staff counsel for insurance carrier. Provides that a licensed attorney who is a full-time employee of an insurance company shall not represent a person insured by the company as counsel of record in (i) an action brought by a third party against such person alleging a claim covered by the terms of an insurance policy issued by the company or (ii) the prosecution of a subrogation claim for property damage pursuant to the terms of an insurance policy issued by the company. However, the foregoing prohibitions shall not apply if such action is defended, or such subrogation claim is prosecuted, solely in the name of the company and the company assumes or is subrogated to the complete legal liability and pecuniary interest of the claim.

Patron - Joannou

HB2436 Health benefits exchanges; abortion coverage. Provides that any qualified health benefits plan offered through an exchange shall be neither required to provide nor prohibited from providing insurance coverage for abortion services.

Patron - Herring

HB2506 Health benefits plans offered by foreign health insurers. Authorizes foreign health insurers to sell in Virginia any group and individual health benefits plans that the foreign insurers are authorized to offer in their domiciliary state. A foreign health insurer offering a health benefits plan is required to comply with Virginia provisions regarding unfair trade practices, capital and surplus requirements, payment of taxes and assessments, and obtaining authorization to transact business in the Commonwealth. In addition, the minimum benefits provided under such a health benefits plan shall satisfy any actuarial value standards established under Virginia or federal law.

Patron - Hope

HB2529 Life insurance; required disclosure. Requires an insurer to provide written notice to the owner of a life insurance policy if (i) an individual insured is age 60 or older or is known to be terminally ill or chronically ill and (ii) the individual requests the surrender of the policy, the individual requests an accelerated death benefit, the insurer sends a notice of lapse of the policy, or the State Corporation Commission otherwise requires the sending of the notice. The notice is required to include information regarding alternatives to the lapse or surrender of the life insurance policy.

Patron - Lewis

SB879 Pharmacy freedom of choice. Conforms elements of Virginia's pharmacy freedom of choice law to North Carolina's pharmacy of choice law. The measure prohibits a health benefit plan from (i) prohibiting or limiting any resident who is eligible for reimbursement for pharmacy services under a health benefit plan from selecting the pharmacy of his choice to furnish such benefits when the pharmacy has agreed to participate in the health benefit plan according to the terms offered by the insurer; (ii) denying a pharmacy the opportunity to participate as a contract provider under a health benefit plan if the pharmacy agrees to provide pharmacy services that meet the terms and requirements of the insurer; (iii) imposing a copayment, fee, or condition that is not equally imposed upon all individuals in the same benefit category, class, or copayment level or a monetary advantage or penalty under a health benefit plan that would affect or influence a beneficiary's choice of pharmacy; (iv) reducing allowable reimbursement for phar-

macy services to a beneficiary because the beneficiary selects a pharmacy of his choice; or (v) requiring a beneficiary to purchase pharmacy services exclusively through a mail-order pharmacy. A pharmacist who waives, discounts, rebates, or distorts a copayment or a beneficiary's coinsurance portion of a prescription drug coverage or reimbursement, or who fails to provide its pharmacy services to all enrollees on the same terms, is subject to license revocation or suspension by the Board of Pharmacy. Discriminatory offering of rebates and marketing incentives are prohibited. A provision stating that the State Corporation Commission has no jurisdiction to adjudicate controversies arising out of the section is deleted. Insurers violating this measure are subject to civil penalties, license revocation or suspension, and injunctive relief. A violation creates a civil cause of action for damages or injunctive relief in favor of any person or pharmacy aggrieved by the violation. The Commissioner of Insurance is prohibited from approving any health benefit plan providing pharmaceutical services that does not conform to this section. A provision of a health benefit plan that is contrary to this measure is void.

Patron - Reynolds

SB917 Virginia Life, Accident and Sickness Insurance Guaranty Association. Increases the maximum amount of coverage provided by the Virginia Life, Accident and Sickness Insurance Guaranty Association for life insurance death benefits from \$300,000 to \$500,000. The measure also increases the maximum amount that the Association may become obligated to cover with respect to (i) the net cash surrender and net cash withdrawal values for life insurance policies from \$100,000 to \$200,000 and (ii) the present value of annuity benefits, including net cash surrender and net cash withdrawal values, from \$250,000 to \$500,000.

Patron - McDougle

SB1033 Continuing care retirement community board of directors; resident representation. Requires that no less than 20 percent of the members of the board of directors of a corporation providing continuing care at a facility shall be residents of the facility elected to serve as resident representatives by the residents of the facility. This bill provides that resident representatives shall have the same voting rights as other members of the board and that a corporation may comply with the requirement by increasing the number of directors on the board or by replacing sitting directors with resident representatives as their terms expire or vacancies arise.

Patron - Barker

SB1202 Health benefits exchanges; abortion coverage not permitted. Prohibits any qualified health insurance plan that is sold or offered for sale through a health benefits exchange established or operating in the Commonwealth pursuant to federal health care reform legislation from providing coverage for abortions. The prohibition does not apply to an abortion performed (i) when the life of the mother is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself, or (ii) when the pregnancy is the result of an alleged act of rape or incest.

Patron - Obenshain

SB1291 Continuing care retirement community board of directors; resident representation. Requires that no less than 20 percent of the members of the board of directors of a corporation providing continuing care at a facility shall be residents of the facility elected to serve as resident representatives by the residents of the facility. This bill provides that resident representatives shall have the same voting rights as other members of the board. Existing providers may comply with the requirement by increasing the number of directors on the

board, by replacing sitting directors with resident representatives as their terms expire or vacancies arise, or both, by July 1, 2013.

Patron - McWaters

FSB1319 Insurance companies; investments in derivative transactions; exercising qualified financial contracts upon insolvency or delinquency. Establishes conditions under which domestic insurers may engage in transactions involving derivative instruments, including options, warrants, caps, floors, collars, swaps, forwards, and futures. Derivative instruments may be used to engage in hedging transactions and replication transactions provided insurers establish written guidelines for their use and procedures to determine that their transactions comply with such guidelines. The guidelines shall be submitted to the State Corporation Commission (SCC) for prior approval. The SCC may adopt rules and regulations for derivative transactions including financial solvency standards, valuation standards, and reporting requirements. An insurer engaged in hedging transactions shall demonstrate to the SCC the ongoing effectiveness of the derivative transaction or combination of the transactions through cash flow testing or other analyses. Limits are established on the percentage of assets that may be used in hedging transactions. An insurer's replication transactions are required to comply with limitations on investments by the insurer, and the aggregate statement value of all assets being replicated is limited to 10 percent of the insurer's admitted assets. The measure also provides rules regarding a person's ability to exercise a contractual right to terminate obligations under a netting agreement or qualified financial contract with an insurer because of the insurer's insolvency, financial condition, or default or the commencement of a delinquency proceeding against the insurer. A receiver may not avoid a transfer arising under or in connection with a netting agreement or qualified financial contract that is made before the commencement of a delinquency proceeding unless the transfer was made with actual intent to hinder, delay, or defraud the insurer, a receiver, or creditors. If a receiver disaffirms or repudiates a netting agreement or qualified financial contract within a reasonable period after the commencement of a delinquency proceeding, the claim of a counterparty against the estate arising from the disaffirmance or repudiation shall be allowed or disallowed as if the claim arose before the filing of the petition for liquidation or rehabilitation. The measure also provides that the prohibition on investments by domestic insurers in securities that will subject the insurer to any assessment does not include ordinary contractual payments or the transfer of collateral or margin made under derivative instruments. The measure includes an enactment clause that allows insurers currently investing in derivative instruments to continue doing so after the effective date of this act provided they submit guidelines to the SCC for review by April 1, 2011.

Patron - Newman

FSB1366 Health benefits exchange; intent to develop. States that it is the intent of the General Assembly that the Commonwealth create and operate its own health benefits exchange or exchanges that meet the relevant requirements of the federal Affordable Care Act. The Governor and the State Corporation Commission's Bureau of Insurance are requested to work with the General Assembly, relevant experts, and stakeholders generally to provide recommendations for consideration by the 2012 Session of the General Assembly regarding the structure and governance of the Virginia Exchange. The recommendations are due by October 1, 2011. The measure will expire on July 1, 2014.

Patron - Saslaw

FSB1377 Claims-made liability insurance policies. Prohibits an insurer from denying coverage under a claims-made liability insurance policy for a claim based on the insured's failure to notify the insurer that a claim might be made under the policy, unless (i) the insured's failure to notify the insurer of the potential claim prejudices the insurer or (ii) the insured understood that the claim would be made under the policy.

Patron - McEachin

FSB1430 Motor vehicle insurance; premiums based on credit information. Prohibits insurers from setting rates for motor vehicle insurance on the basis of a person's credit history or credit score.

Patron - Obenshain

Juvenile Justice

Passed

PSB954 Juvenile work programs. Adds additional members to the committee that reviews agreements with a public or private entity for the operation of a work program for juveniles committed to the Department of Juvenile Justice. In addition, the bill requires the committee to develop and submit to the Department a plan for the establishment of a network of businesses willing to employ juveniles released from the Department's commitment. The provisions of this act shall become effective on July 1, 2012.

Patron - Miller, Y.B.

Labor and Employment

Failed

FHB1727 Virginia Fair Employment Act; E-Verify Program. Requires public contractors, employers with 15 or more employees within the Commonwealth, and localities to enroll in the E-Verify Program by December 1, 2011, and to use the Program for each newly hired employee who is to perform work within the Commonwealth. Employers and contractors that fail to do so are subject to suspension or revocation of certain licenses and invalidation of public contracts. Licenses will be reinstated when an employer or contractor enrolls in the Program or, if already enrolled but not using the Program, prepares and implements a compliance plan.

Patron - Carrico

FHB1895 Document verification for employment of illegal immigrants; penalty. Makes it a Class 1 misdemeanor to falsely represent that an alien worker has documentation indicating that he is legally eligible for employment. The measure amends the existing prohibition on employing such aliens to provide that it is unlawful to continue employing such person who cannot provide the required documentation of eligibility. Each day of continued unlawful employment of each alien constitutes a separate civil offense punishable by a \$250 civil penalty. The Department of Labor and Industry is charged with investigating and enforcing these provisions. Payments to satisfy a civil penalty shall be paid into a special fund and used by the Department in carrying out its duties under this section.

Patron - Watts

HB1914 Virginia Employment Commission; E-Verify program. Requires the Virginia Employment Commission to use the E-Verify program for each individual the Virginia Employment Commission refers to an employer to perform work within the Commonwealth. The bill also defines the E-Verify program.

Patron - Miller, J.H.

HB2052 Right to vote by secret ballot on labor organization representation. Declares that in any procedure providing for the designation, selection, or authorization of a labor organization to represent employees, the right of an individual employee to vote by secret ballot is a fundamental right that shall be guaranteed from infringement.

Patron - Hugo

HB2393 Human trafficking hotline; posted notices. Provides that any person who owns a business that provides entertainment commonly called stripteasing or topless entertaining or entertainment that has employees who are not clad both above and below the waist and who fails to post the following notice in a clearly visible place on the premises thereof is guilty of a Class 1 misdemeanor: "IF YOU OR SOMEONE YOU KNOW IS BEING FORCED TO ENGAGE IN ANY ACTIVITY AND CANNOT LEAVE, WHETHER IT IS COMMERCIAL SEX, HOUSEWORK, OR ANY OTHER ACTIVITY, CALL THE NATIONAL HUMAN TRAFFICKING RESOURCE CENTER HOTLINE AT 1-888-3737-888 TO ACCESS HELP AND SERVICES."

Patron - Bulova

HB2430 Leave for employees. Requires employers that are subject to the federal Family and Medical Leave Act to allow employees to take leave under certain circumstances beyond the scope of the federal act's requirements. These additional circumstances are (i) providing care for law-enforcement officers and firefighters and covered service members who are injured or incurred a serious illness in the line of duty; and (ii) leave to arrange for or attend funeral or memorial services for a service member killed while engaged in active service or a law-enforcement officer or firefighter who is killed in the line of duty. Employers are required to restore employees taking leave to the position held when the leave commenced or an equivalent position and to maintain coverage for the employee under a group health insurance plan. Employers that violate these requirements are subject to civil penalties and affected employees may bring a private cause of action for damages and equitable relief.

Patron - Filler-Corn

HB2509 Employer's recordkeeping duties; liability for unpaid wages. Requires employers to maintain and preserve payroll and other records for their employees, including his rate of pay, hours worked, and wages paid each pay period. If an employer fails to keep such records, an employee seeking wages or other moneys unlawfully withheld from him by his employer satisfies his burden of establishing that he is entitled to the moneys by proving that he performed work for which he was improperly compensated and produces sufficient evidence regarding the amount of his rate of pay and the extent of the work he performed to permit a reasonable inference regarding the amount owed to him. If the employee produces this evidence, the burden of proof shifts to the employer to come forward with evidence of the precise amount of work performed or to negate the reasonableness of the inference drawn from the employee's evidence.

Patron - Ebbin

SB789 Virginia Employment Commission; E-Verify program. Requires the Virginia Employment Commission to use the E-Verify program for each individual the Virginia Employment Commission refers to an employer to perform work within the Commonwealth. The bill also defines the E-Verify program.

Patron - Watkins

SB1125 Right to vote by secret ballot on labor organization representation. Declares that in any procedure providing for the designation, selection, or authorization of a labor organization to represent employees, the right of an individual employee to vote by secret ballot is a fundamental right that shall be guaranteed from infringement.

Patron - Stosch

Libraries

Passed

SB1297 State Law Library; responsibility for placement of certain law books. Removes the requirement for the Division of Purchases and Supply to ensure the placement of certain law books for the State Law Library.

Patron - Ruff

Military and Emergency Laws

Passed

HB1774 State of emergency; preparation for response. Authorizes the Governor to allocate a sum sufficient for preparation of the Virginia National Guard and the Virginia State Defense Force to respond to certain enumerated circumstances, regardless of whether or not an official state of emergency is declared. However, the response preparation is limited to 300 personnel and five days, unless a state of emergency is declared. The bill also makes technical amendments. This bill is identical to SB 891.

Patron - Sherwood

HB1852 Military laws of Virginia. Makes several amendments to the military laws of the Commonwealth. Many of the changes are technical, such as updating references to the Virginia State Guard and Virginia State Defense Force to the Virginia Defense Force and deleting obsolete references. The bill also makes amendments to the appointment of officers of the National Guard, nonjudicial punishment, and special courts-martial. The bill is identical to SB 1334.

Patron - Stolle

HB1994 Virginia National Guard; failure to report. Amends the section of the Code of Virginia addressing a member of the Virginia National Guard's failure to report for duty. Failure to report would be a Class 4 misdemeanor; the bill allows any officer of the missing soldier's or airman's unit to swear out a warrant. This bill is identical to SB 1128.

Patron - Janis

SB891 State of emergency; preparation for response. Authorizes the Governor to allocate a sum sufficient for preparation of the Virginia National Guard and the Virginia State Defense Force to respond to certain enumerated circumstances, regardless of whether or not an official state of emer-

gency is declared. However, the response preparation is limited to 300 personnel and five days, unless a state of emergency is declared. The bill also makes technical amendments. This bill is identical to HB 1774.

Patron - Wampler

SB1128 Virginia National Guard; failure to report. Amends the section of the Code of Virginia addressing a member of the Virginia National Guard's failure to report for duty. Failure to report would be a Class 4 misdemeanor; the bill allows any officer of the missing soldier's or airman's unit to swear out a warrant. This bill is identical to HB 1994.

Patron - Stosch

SB1334 Military laws of Virginia. Makes several amendments to the military laws of the Commonwealth. Many of the changes are technical, such as updating references to the Virginia State Guard and Virginia State Defense Force to the Virginia Defense Force and deleting obsolete references. The bill also makes amendments to the appointment of officers of the National Guard and special courts-martial. This bill is identical to HB 1852.

Patron - Herring

Failed

HB2345 Virginia National Guard; eligibility for service. States that eligibility for service in the Virginia National Guard shall adhere to laws and regulations adopted by the U.S. Department of Defense.

Patron - Morrissey

HB2474 Eligibility for service in the Virginia National Guard. Declares a person ineligible to serve in the Virginia National Guard if he would be ineligible to serve pursuant to 10 U.S.C. § 654 and any accompanying Department of Defense Regulations implementing and enforcing this provision, as the law and regulations were in effect on January 1, 2009.

Patron - Marshall, R.G.

Mines and Mining

Passed

HB2123 Coal surface mining operations; national pollutant discharge elimination system permits. Clarifies that the authority to issue pollutant discharge elimination system permits for coal surface mining operations has been delegated by the State Water Control Board to the Director of the Department of Mines, Minerals and Energy. The Director, by examining the available and relevant data, shall determine whether a discharge may cause or contribute to an instream excursion above the narrative or numeric criteria of a water quality standard. If a total maximum daily load ("TMDL") has been established for the receiving water body, it shall be considered in the reasonable potential determination. If the receiving water body does not have a TMDL established, the Director may consider biological monitoring, chemical monitoring, and whole effluent toxicity testing. The Director may require whole effluent toxicity testing if he determines that the discharge adversely affects the biological condition of the receiving water body. This bill is identical to SB 1025.

Patron - Poindexter

HB2471 Department of Mines, Minerals and Energy; Coal Mine Safety Act; penalty. Updates the Coal Mine Safety Act to reflect current federal law and industry standards. The changes include expanded safety and emergency response plans; circuitry, voltage, and grounding requirements; and a penalty for any person who provides false information during investigations by the Chief of the Division of Mines of the Department of Mines, Minerals and Energy. This bill is identical to SB 1310.

Patron - Poindexter

SB1025 Coal surface mining operations; national pollutant discharge elimination system permits. Clarifies that the authority to issue pollutant discharge elimination system permits for coal surface mining operations has been delegated by the State Water Control Board to the Director of the Department of Mines, Minerals and Energy. The Director, by examining the available and relevant data, shall determine whether a discharge may cause or contribute to an instream excursion above the narrative or numeric criteria of a water quality standard. If a total maximum daily load ("TMDL") has been established for the receiving water body, it shall be considered in the reasonable potential determination. If the receiving water body does not have a TMDL established, the Director may consider biological monitoring, chemical monitoring, and whole effluent toxicity testing. The Director may require whole effluent toxicity testing if he determines that the discharge adversely affects the biological condition of the receiving water body. This bill is identical to HB 2123.

Patron - Puckett

SB1310 Department of Mines, Minerals and Energy; Coal Mine Safety Act; penalty. Updates the Coal Mine Safety Act to reflect current federal law and industry standards. The changes include expanded safety and emergency response plans; circuitry, voltage, and grounding requirements; and a penalty for any person who provides false information during investigations by the Chief of the Division of Mines of the Department of Mines, Minerals and Energy. This bill is identical to HB 2471.

Patron - Puckett

Failed

HB1988 Property conveyances; mineral mining; ownership of underground void. Provides that, unless expressly excepted by the instrument creating an interest in a coal mineral estate, the owner or the lessee of coal retains the right to any coal remaining in place after the removal of surrounding coal, as well as the shell, container chamber, passage, space and void opened underground that was created by the removal of the coal. Such void opened underground may be used by the owner or lessee for any purpose in the furtherance of removal of coal. The bill will not affect contractual obligations entered into prior to July 1, 2011, or any determination of ownership rights in natural gas or coalbed methane.

Patron - Kilgore

HB2181 Coalbed methane gas; conflicting claims to ownership. Provides that, in order to establish a conflicting claim to the ownership of coalbed methane gas, a claimant who is not the surface owner must submit the document by which the interest in coalbed methane gas was severed from the surface estate and identify with specificity the writing that conveys such interest. Pursuant to statutory and case law, the Gas and Oil Board may not find a conflicting claim to the ownership to coalbed methane gas pursuant if the claimant fails to show a severance of mineral interests other than coal. Affirmative determinations by the Board to find a conflicting claim to

the ownership of coalbed methane gas and to place the royalties attributable to such claims into an escrow account shall be considered a case decision under the Administrative Process Act. Upon the request of a claimant, the Board or a hearing officer appointed by the Board shall also review any pooling order entered prior to July 1, 2011, to ensure that previous claims have met the same threshold requirements. This bill is identical to SB 1398.

Patron - Phillips

SB1398 Coalbed methane gas; conflicting claims to ownership. Provides that, in order to establish a conflicting claim to the ownership of coalbed methane gas, a claimant who is not the surface owner must submit the document by which the interest in coalbed methane gas was severed from the surface estate and identify with specificity the writing that conveys such interest. Pursuant to statutory and case law, the Gas and Oil Board may not find a conflicting claim to the ownership to coalbed methane gas pursuant if the claimant fails to show a severance of mineral interests other than coal. Affirmative determinations by the Board to find a conflicting claim to the ownership of coalbed methane gas and to place the royalties attributable to such claims into an escrow account shall be considered a case decision under the Administrative Process Act. Upon the request of a claimant, the Board or a hearing officer appointed by the Board shall also review any pooling order entered prior to July 1, 2011, to ensure that previous claims have met the same threshold requirements. This bill is identical to HB 2181.

Patron - Puckett

Motor Vehicles

Passed

HB1412 Vehicles damaged by water. Increases threshold for reporting water damage from \$1,000 to \$3,500 and requires insurance companies to report payment of such a claim to the Department of Motor Vehicles. This bill incorporates HB 1924 and is identical to SB 1416.

Patron - Hugo

HB1418 Special license plates. Authorizes the issuance of special license plates (i) bearing the legend: "DONT TREAD ON ME," (ii) bearing the national motto: "In God We Trust," (iii) for members and supporters of the Friends of the Blue Ridge Parkway, Inc., and (iv) for supporters of the James River Park System. This bill incorporates HB 1408, HB 1502, and HB 2414.

Patron - O'Bannon

HB1426 Taxicabs; markings and roof signs. Requires taxicabs to have markings and roof signs identifying them as operating as taxicabs or performing taxicab services.

Patron - Oder

HB1454 Special license plates with expired authorizations. Repeals references to special license plates whose authorizations have expired.

Patron - Landes

HB1551 Regulation of parking by certain counties and towns. Grants to Hanover County the same powers to regulate vehicular parking presently granted to the Counties of

Arlington, Fairfax, Stafford, and Prince William and the Towns of Clifton, Herndon, and Vienna.

Patron - Cox, J.A.

HB1558 Overweight farm machinery and agricultural multipurpose drying units. Prohibits the operation of overweight farm machinery or agricultural multipurpose drying units on any Interstate Highway System component when the axle and gross weights are over certain amounts.

Patron - Scott, E.T.

HB1603 Special license plates; bicentennial of the American War of 1812. Authorizes the issuance of special license plates marking the bicentennial of the American War of 1812. In addition to the prescribed cost of state license plates, these plates will be subject to a one-time surcharge of \$15; \$5 of this \$15 will be paid to the Virginia Bicentennial of the American War of 1812 Commission to support its operation and programs in Virginia. Minimum order requirements, etc., established by § 46.2-725 will not apply to these plates. Authorization for the special license plates expires on July 1, 2015, the date on which the Commission shall expire. This bill is a recommendation of the Virginia Commission on the Bicentennial of the War of 1812.

Patron - Peace

HB1651 Licenses, permits, and special identification cards issued only to U.S. citizens. Requires the Department of Motor Vehicles to cancel any license, permit, or special identification card it has issued to an individual if it is notified by a federal government agency that the individual is not a citizen of the United States or is not legally present in the United States.

Patron - Cosgrove

HB1692 Authority to change speed limits. Allows the City of Virginia Beach to set variable speed limits on highways within its jurisdiction to be effective under conditions such as darkness, traffic conditions, atmospheric conditions, weather emergencies, and like conditions that may affect driving safety.

Patron - Stolle

HB1694 Driver's license; suspension for failure to pay child support. Increases from \$500 to \$600 the minimum child support payment that a person must make pursuant to an agreement with the Department of Social Services in order to renew or reinstate the person's driver's license. The bill also provides that if a person fails to comply with such an agreement, the person's driver's license shall not be renewed or reinstated until the child support delinquency is paid in full or the person enters a subsequent agreement and makes a minimum payment of \$1,200. If a person fails to comply with a subsequent agreement, the minimum child support payment is raised to \$1,800 in order to renew or reinstate a driver's license.

Patron - Athey

HB1696 Motor vehicle dealers and manufacturers. Places limitations and conditions on the relationship between motor vehicle dealers and manufacturers. This bill is the same as SB 1191.

Patron - Athey

HB1726 Bridge vertical clearance; signage. Clarifies that the Commissioner's responsibility for posting restricted vertical clearances applies only to bridges on roads under the Commissioner's jurisdiction. Localities are responsible for placing signs for restricted vertical clearances on roads maintained by the locality.

Patron - Carrico

HB1782 Maximum speed limit on nonsurface treated highways for certain counties. Adds Page County to the list of counties where the unposted maximum speed limit on nonsurface treated highways is 35 miles per hour.

Patron - Gilbert

HB1791 Driver's license reinstatement fees. Provides for additional fees for reinstatement of driver's licenses of persons with multiple current driver's license suspensions or revocations. This bill is the same as SB 1020.

Patron - Tata

HB1799 Special license plates; fleet vehicles of businesses. Provides for the issuance of special license plates for fleet vehicles of business entities. The bill provides that these plates have their own fee structure and criteria for issuance.

Patron - Brink

HB1835 Notices from DMV; fee for exchange of license plates. Establishes certain practices relating to government efficiency, including allowing driver's license expiration notices, etc., to be sent by first-class mail or email and eliminating requirements to send notices of suspension or revocation and mandatory license clinic attendance by certified mail. The bill also imposes a \$5 service charge on transactions performed at DMV Customer Service Centers if such transactions could have been completed by telephone, by mail, or electronically. The bill also creates a procedure and fee options for an exchange of license plates and imposes a minimum fee for the exchange. This bill is the same as SB 1003.

Patron - O'Bannon

HB1838 Motor vehicle dealers; bonding requirements; limitations on recoveries from Motor Vehicle Transaction Recovery Fund (MVTRF). Clarifies that a claimant may not collect more than a total of \$20,000 between the bond and the Motor Vehicle Transaction Recovery Fund (MVTRF). Only dealers in business less than three years carry a bond. The bill also modifies the method by which funds may be used from the MVTRF to pay for the administration of the Fund.

Patron - Garrett

HB1903 Print-on-demand program; temporary transport license plates to dealers and vehicle owners. Provides that the Department of Motor Vehicles may develop and implement procedures and requirements necessary for the delivery of temporary transport license plates to dealers and the issuance of temporary transport license plates by dealers to vehicle owners, using print-on-demand technology.

Patron - Hugo

HB1904 License plates; unladen vehicles. Provides that license plates for persons delivering unladen vehicles may also be issued to any business engaged in automobile auctions and can only be used if either the origin or destination of the vehicle being delivered is within the Commonwealth. In addition to the pickup and delivery of a vehicle, use of these license plates shall be limited to driving on the highway in order to test the installation, service, or repairs of vehicle equipment at a distance of not more than five miles from the place of business.

Patron - Hugo

HB1911 Video-monitoring system; school bus violations. Authorizes localities to adopt ordinances to allow local school divisions to install and operate video-monitoring systems on school buses in order to detect drivers passing stopped school buses. This bill is identical to SB 946.

Patron - Miller, J.H.

HB1945 Regulation of motor carriers by DMV; commercial driver's licenses. Revises statutes relating to motor carriers, including requiring DMV to simply notify localities of the issuance of overweight and oversize permits and eliminating the requirement for for-hire contract passenger carriers and irregular-route common carriers to prove public convenience and necessity when applying for a license. The bill also updates Virginia law on commercial driver's licenses to comply with federal requirements. This bill is the same as SB 1281.

Patron - Cox, J.A.

HB1962 Toll violation notice. Sets out the procedures for issuance of toll violation notices.

Patron - Rust

HB1972 Golf carts and utility vehicles. Authorizes limited over-the-road operation of golf carts and utility vehicles by Department of Conservation and Recreation employees, provided the speed limit on the highway is no more than 35 mph.

Patron - Robinson

HB1981 Traffic lights. Allows motorcycle and moped drivers and bicycle riders, in certain situations, to proceed through intersections controlled by traffic lights showing steady red signals. This bill incorporates HB 1991.

Patron - Greason

HB2011 Motor Vehicle Dealer Board. Allows the Commissioner of Agriculture and Consumer Services to designate someone to serve in his place on the Motor Vehicle Dealer Board. The bill also requires motor vehicle dealers, T&M vehicle dealers, trailer dealers, and motorcycle dealers to have Internet connections and email addresses and sets fees for reprinting licenses, certificates, and registrations and for reinstating licenses, certificates, and registrations that have been suspended. Further, it requires dealers to keep records of safety inspections performed on vehicles sold at retail and to retain completed original buyer's orders for five years instead of the present four years.

Patron - Carrico

HB2022 Overweight vehicle fees. Provides that the Commissioner of the Department of Motor Vehicles, in consultation with the Commonwealth Transportation Commissioner and the Executive Director of the Virginia Port Authority, shall develop a comprehensive, tiered schedule of fees for overweight vehicles, taking into consideration the Virginia Department of Transportation's research on the cost impact of damage to Virginia's highways from overweight vehicles, the administrative feasibility of such fee structure, and the impact of such fee structure on the Commonwealth's economic competitiveness. Such fee structure shall be presented to the Joint Commission on Transportation Accountability by December 15, 2011.

Patron - May

HB2026 Commercial vehicles; persons required to register with the Sex Offender and Crimes Against Minors Registry. Prohibits persons for whom registration with the Sex Offender and Crimes Against Minors Registry is required from driving school buses and from being issued commercial driver's licenses and instruction permits to drive school buses. This bill incorporates HB 1733.

Patron - May

HB2028 Vehicle registration; federal and state safety requirements. Allows DMV to deny, suspend, or

revoke vehicle registration as a result of a motor carrier's failure to comply with federal or state safety requirements.

Patron - May

HB2043 Reckless driving; failing to stop at a school bus. Provides that a person driving a motor vehicle shall stop his vehicle when approaching, from any direction, any school bus that is stopped on any highway, private road, or school driveway for the purpose of taking on or discharging children, etc., and remain stopped until all the persons are clear of the highway, private road, or school driveway and the bus is put in motion and that failure to do so is reckless driving. This bill incorporates HB 1469. This bill is identical to SB 769.

Patron - Anderson

HB2051 Size and weight compliance agents; citations for overweight vehicles. Allows the Commissioner of the Department of Motor Vehicles to appoint staff as "size and weight compliance agents" to enforce certain vehicle size limits. The bill outlines procedures for issuance of citations and enforcement of certain vehicle size limits by size and weight compliance agents. This bill is the same as SB 1266.

Patron - Carrico

HB2128 Special license plates; minimum number of prepaid orders. Increases from 350 to 450 the minimum number of prepaid applications DMV must receive before issuing standard special license plates. The increase does not apply to special license plates issued or authorized on or before July 1, 2011.

Patron - Scott, E.T.

HB2163 Abandoned motor vehicle; definition. Removes from the definition of "abandoned motor vehicle" a motor vehicle, trailer, or semitrailer that (i) has remained unclaimed in a garage for more than 10 days or (ii) has remained unclaimed in a self-storage unit. The bill has technical amendments and an emergency clause.

Patron - Abbitt

HB2372 Flashing amber warning lights on certain vehicles. Allows certain state vehicles performing environmental functions to be equipped with flashing amber warning lights. The lights are not to be lit while the vehicle is in motion.

Patron - Edmunds

HB2374 Moped; definition. Sets out in the definitions for Title 46.2 what is already set out in § 46.2-914: that a moped shall be considered a motorcycle when operated at speeds in excess of 35 miles per hour.

Patron - Robinson

HB2391 Disposition of driver's licenses upon revocation or suspension. Provides that the court shall not order the physical surrender of a driver's license for any revocation or suspension of a privilege to drive in Virginia of a person who does not have a Virginia driver's license but has a valid driver's license from another jurisdiction.

Patron - Albo

HB2413 All-terrain vehicles in Tazewell County. Allows over-the-road operation of ATVs at certain locations in Tazewell County, subject to the approval of the County Board of Supervisors.

Patron - Crockett-Stark

HB2420 Televisions in motor vehicles. Prohibits the use of a television receiver in a motor vehicle when moving images are visible to the driver while the vehicle is in motion.

Patron - Villanueva

HB2429 Golf cart and utility vehicle use on highways. Fixes a punctuation error to clarify exceptions for use of golf carts and utility vehicles.

Patron - Habeeb

HB2457 Abandoned and salvage vehicles; licenses; penalty. Removes from the definition of "abandoned motor vehicle" a motor vehicle, trailer, or semitrailer that (i) has remained unclaimed in a garage for more than 10 days or (ii) has remained unclaimed in a self-storage unit. The bill provides that any licensee who utilizes machinery to crush a vehicle must apply for a permit if such crushing occurs at a location not specified on the license. The bill also allows law-enforcement officials to examine salvage vehicles that have been repaired or rebuilt for highway use and updates penalties for any violations by licensees.

Patron - Abbitt

HB2458 Demolished or dismantled motor vehicles; licensee requirements. Sets out procedures by which licensees and scrap metal processors may demolish or dismantle certain motor vehicles. The provisions of the bill become effective on October 1, 2011.

Patron - Abbitt

HB2461 Maximum weight limits for certain trucks. Extends "sunset" on increased weight limits applicable to trucks hauling gravel and certain other cargoes in coal-producing counties to July 1, 2012.

Patron - Carrico

HB2485 Reckless driving on parking lots. Expands the list of places where a person can be found guilty of reckless driving to include governmental property open to the public.

Patron - Miller, J.H.

SB761 Special license plates; centennial of Fort Belvoir. Authorizes the issuance of special license plates celebrating the centennial of Fort Belvoir.

Patron - Puller

SB762 Emergency vehicles proceeding past red lights. Provides that emergency vehicles proceeding past any steady or flashing red signals, traffic lights, stop signs, or other devices indicating moving traffic shall stop, must flash emergency lights and either (i) sound a siren, exhaust whistle, or air horn designed to give automatically intermittent signals or (ii) yield right-of-way or, if required for safety, bring the vehicle to a complete stop before proceeding with due regard to the safety of persons and property.

Patron - Puller

SB769 Reckless driving; failing to stop at a school bus. Provides that a person driving a motor vehicle shall stop his vehicle when approaching, from any direction, any school bus that is stopped on any highway, private road, or school driveway for the purpose of taking on or discharging children, etc., and remain stopped until all the persons are clear of the highway, private road, or school driveway and the bus is put in motion and that failure to do so is reckless driving. This bill incorporates SB 1248. This bill is identical to HB 2043.

Patron - Marsden

SB792 Airport shuttle service. Provides for the same treatment of carriers in Henrico County as for those in the City of Norfolk for the purpose of improving airport shuttle service.

Patron - Watkins

SB811 Special license plates; "In God We Trust." Authorizes the issuance of special license plates bearing the national motto: "In God We Trust."
Patron - Obenshain

SB871 Golf carts. Clarifies existing law pertaining to crossing of highways by golf carts and utility vehicles.
Patron - Stuart

SB946 Video-monitoring system; school bus violations. Authorizes localities to adopt ordinances to allow local school divisions to install and operate video-monitoring systems on school buses in order to detect drivers passing stopped school buses. This bill is identical to HB 1911.
Patron - Howell

SB1003 Notices from DMV; fee for exchange of license plates. Establishes certain practices relating to government efficiency, including allowing driver's license expiration notices, etc., to be sent by first-class mail or email and eliminating requirements to send notices of suspension or revocation and mandatory license clinic attendance by certified mail. The bill also imposes a \$5 service charge on transactions performed at DMV Customer Service Centers if such transactions could have been completed by telephone, by mail, or electronically. The bill also creates a procedure and fee options for an exchange of license plates and imposes a minimum fee for the exchange. This bill is identical to HB 1835.
Patron - Watkins

SB1013 Special license plates; Purple Heart recipients; fees. Eliminates the fee for issuance or renewal of Purple Heart license plates, provided that only one set of plates can be issued free for any one applicant.
Patron - Puckett

SB1020 Driver's license reinstatement fees. Provides for additional fees for reinstatement of driver's licenses of persons with multiple current driver's license suspensions or revocations. This bill is identical to HB 1791.
Patron - Puckett

SB1144 Examination of driver's license holders thought to be incompetent. Allows DMV-required examinations of driver's license holders thought to be incompetent to be performed by licensed physician assistants.
Patron - Quayle

SB1191 Motor vehicle dealers and manufacturers. Places limitations and conditions on the relationship between motor vehicle dealers and manufacturers. This bill is identical to HB 1696.
Patron - Norment

SB1266 Size and weight compliance agents; citations for overweight vehicles. Allows the Commissioner of the Department of Motor Vehicles to appoint staff as "size and weight compliance agents" to enforce certain vehicle size limits. The bill outlines procedures for issuance of citations and enforcement of certain vehicle size limits by size and weight compliance agents. This bill is identical to HB 2051.
Patron - Smith

SB1281 Regulation of motor carriers by DMV; commercial driver's licenses. Revises statutes relating to motor carriers, including requiring DMV to simply notify localities of the issuance of overweight and oversize permits and eliminating the requirement for for-hire contract passenger carriers and irregular-route common carriers to prove public

convenience and necessity when applying for a license. The bill also updates Virginia law on commercial driver's licenses to comply with federal requirements. This bill is identical to HB 1945.

Patron - McWaters

SB1331 Speed limits. Allows municipalities that maintain their own roads to increase or decrease speed limits on highways over which they have jurisdiction following appropriate traffic engineering investigation.
Patron - Herring

SB1389 Release of driver information by Department of Motor Vehicles. Authorizes DMV to release to the Virginia Council of the Girls Scouts of the USA driver information about volunteers with the Council.
Patron - Miller, Y.B.

SB1416 Vehicles damaged by water. Increases threshold for reporting water damage from \$1,000 to \$3,500 and requires insurance companies to report payment of such a claim to the Department of Motor Vehicles. This bill is identical to HB 1412.
Patron - Newman

SB1437 Motor vehicle dealers and manufacturers. Provides that in every case of a hearing before the Commissioner authorized based on a request or petition of a motor vehicle dealer, the manufacturer, factory branch, distributor, or distributor branch shall have the burden of proving by a preponderance of the evidence that the manufacturer, factory branch, distributor, or distributor branch has good cause to take the action or actions for which the dealer has filed the petition for a hearing or that such actions are reasonable if required under the relevant provision.
Patron - McDougle

Failed

HB1404 Use of handheld personal communications devices; penalty. Prohibits any use of a handheld personal communications device while operating a motor vehicle, bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped on the highways in the Commonwealth and makes such use a primary offense.
Patron - Howell, A.T.

HB1408 Special license plates; "In God We Trust." Authorizes the issuance of special license plates bearing the national motto: "In God We Trust." This bill was incorporated in HB 1418.
Patron - Bell, Richard P.

HB1424 Wireless telecommunications devices in motor vehicles. Extends prohibition on the use of wireless telecommunications devices in motor vehicles to talking on such device only when the device is configured for hands-free operation and is being used in the hands-free mode.
Patron - Dance

HB1469 Reckless driving; failing to stop at a school bus. Provides that a driver is guilty of reckless driving who fails to stop, when approaching from any direction, at any school bus which is stopped for the purpose of taking on or discharging children, etc., and to remain stopped until all the persons are clear and the bus is put in motion. The current law omits the word "at" in the now corrected phrase "at any school

bus" and, thus, gives the sentence, and the law, its intended meaning. This bill was incorporated into HB 2043.

Patron - Surovell

HB1472 Special license plates for certain disabled veterans; fees. Provides that a vehicle need not display special license plates issued to certain veterans in order for such veteran to receive the discount on registration and annual fees so long as such veteran qualifies to receive that plate.

Patron - Cole

HB1482 Driver's license; birth registration cards. Requires that the Department of Motor Vehicles accept birth registration cards issued by the Commonwealth as proof of legal presence on applications for driver's licenses or special identification cards.

Patron - Cleaveland

HB1489 Texting while driving. Repeals the "secondary enforcement" provisions of the statute prohibiting texting, etc., while driving.

Patron - Spruill

HB1502 Special license plates; supporters of the Friends of the Blue Ridge Parkway, Inc. Authorizes the issuance of revenue-sharing special license plates to members and supporters of the Friends of the Blue Ridge Parkway, Inc. The annual surcharge for these plates would be \$25, instead of the standard \$10 for most other nonrevenue-sharing special license plates. For each set of plates issued (after the first 1,000 sets), \$15 would go to the Friends of the Blue Ridge Parkway, Inc., to support its operation and programs in Virginia. This bill was incorporated into HB 1418.

Patron - Putney

HB1515 Traffic lights; enforcement. Provides that, in addition to observing the violation directly, a law-enforcement officer may detain or arrest the driver of a motor vehicle violating a traffic light signal if the officer observes the violation through the use of a red light activation terminal approved by the Virginia State Police Superintendent.

Patron - Orrock

HB1520 Driver's licenses, etc. Provides that presentation of a birth certificate or other verifiable document issued by a state agency is sufficient to prove U.S. citizenship when applying to DMV for a driver's license, permit, or special identification card.

Patron - Orrock

HB1546 Use of handheld personal communications devices in motor vehicles; penalty. Makes texting while driving a primary offense.

Patron - Kory

HB1564 Lien of keeper of garage; storage charges. Provides that if the lienor does not retrieve the vehicle within seven business days after being notified by certified mail, the keeper of garage may charge the lienor with all applicable storage charges.

Patron - Miller, P.J.

HB1618 Mopeds. Allows any city by ordinance to prohibit the operation of mopeds on highways with posted speed limits of 45 miles per hour or more.

Patron - Ward

HB1630 Cell phone use while driving prohibited. Prohibits operation of a motor vehicle while using a cell phone or other wireless telecommunications device, other than a citi-

zens band radio, in any manner. The offense would be a secondary offense punishable as a Class 3 misdemeanor when the operator of the motor vehicle is charged with any other moving violation.

Patron - Watts

HB1637 Possession of open container of alcohol in a motor vehicle; penalty. Provides that no person shall possess an alcoholic beverage in the passenger area of a motor vehicle upon a public highway of the Commonwealth in other than the manufacturer's unopened, original container. The bill punishes violators with a civil penalty of \$25.

Patron - Purkey

HB1677 Parking in spaces reserved for persons with disabilities. Increases the maximum fine from \$500 to \$750.

Patron - Englin

HB1683 Following too closely; passing other vehicles. Adds bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, and mopeds to the list of vehicles that the driver of a motor vehicle shall not follow more closely than is reasonable. In addition, the bill increases passing distance for passing bicycles from two to three feet.

Patron - Toscano

HB1728 Vehicle window tinting films. Increases the allowed tinting of front side windows so as to reduce permitted light transmittance from the present minimum of 50 percent to a minimum of 35 percent.

Patron - Carrico

HB1733 Commercial vehicles; persons required to register with the Sex Offender and Crimes Against Minors Registry. Prohibits persons for whom registration with the Sex Offender and Crimes Against Minors Registry is required from (1) driving school buses and passenger-carrying commercial vehicles and (2) being issued commercial driver's licenses and instruction permits to drive school buses and passenger-carrying commercial vehicles. This bill was incorporated into HB 2026.

Patron - Carrico

HB1740 Designation of special safety corridors for vehicles transporting explosives or inflammable gas or liquid. Allows the governing body of any county or city to designate any portion of the primary or secondary road system as a special safety corridor if the number of vehicles transporting explosives or inflammable gas or liquid averages more than 200 vehicles per day and the corridor is located near a school. Applicable fines for certain violations within the established special safety corridor shall be doubled.

Patron - Bulova

HB1764 Mopeds. Requires moped riders and passengers to wear helmets.

Patron - Crockett-Stark

HB1816 Special license plates; supporters of The Arc of Virginia. Authorizes the issuance of revenue-sharing special license plates bearing the legend A LIFE LIKE YOURS to members and supporters of The Arc of Virginia. The annual surcharge for these plates would be \$25 instead of the standard \$10 for most other nonrevenue-sharing special license plates. For each set of plates issued (after the first 1,000 sets), \$15 would go to The Arc of Virginia, to support its operation and programs in Virginia.

Patron - Hope

HB1821 Special license plates; American Legion. Provides for the issuance of special license plates for veterans who are members of the American Legion.

Patron - Ware, R.L.

HB1827 Overweight permits for haulers of farm animal feed. Provides for issuance of overweight permits for operation of certain vehicles used for hauling farm animal feed.

Patron - Scott, E.T.

HB1850 Riding on motorcycles. Prohibits children under the age of eight from riding on motorcycles.

Patron - Stolle

HB1873 Converted vehicles. Creates a definition for vehicles converted from gas to electric power and provides that such vehicles, when accompanied by certain documents, need not be examined by the Department of Motor Vehicles.

Patron - Toscano

HB1879 Designation of school zones in unincorporated planned residential communities. Provides for the designation and enforcement of school zones within unincorporated planned residential communities with the costs borne entirely by the communities in which they are located.

Patron - Filler-Corn

HB1924 Water-damaged vehicles. Requires that insurance companies report to DMV when they pay claims of \$3,500 or more for water damage to a vehicle. This bill was incorporated into HB 1412.

Patron - Abbott

HB1946 Commercial vehicles on interstate highways. Prohibits driving of commercial vehicles on the left-most lanes of interstate highways except where (i) the posted speed limit is less than 65 miles per hour or (ii) the average annual daily traffic exceeds 10,000 vehicles per lane per day.

Patron - Cox, J.A.

HB1956 Regulation of trespassing vehicles; localities. Provides that, when a local governing body regulates towing by ordinance, such ordinance shall not limit the ability to remove a trespassing vehicle from one locality and store or release it in another as long as the stored or released location is within five miles of the actual tow.

Patron - Rust

HB1959 Administrative impoundment of motor vehicle. Adds certain driving on suspended or revoked license offenses to list of instances when a motor vehicle must be impounded.

Patron - Rust

HB1970 "Move over" law. Provides that if changing lanes would be unreasonable or unsafe when approaching a stationary emergency vehicle, the driver must slow the vehicle by at least 10 mph below the posted speed limit and operate the vehicle at that reduced speed until the stationary vehicle is passed.

Patron - Robinson

HB1991 Traffic lights. Allows motorcycle and moped drivers and bicycle riders, in certain situations, to proceed through intersections controlled by traffic lights showing steady red signals. This bill was incorporated into HB 1981.

Patron - Janis

HB1993 Reckless driving offenses. Provides that any person who operates a motor vehicle in violation of § 46.2-833 (running a red light) is guilty of reckless driving.

Patron - Janis

HB2029 Vehicle emissions inspection program. Provides for an on-road clean screen program, allowing a motor vehicle owner to certify compliance with emissions standards by means of on-road remote sensing.

Patron - May

HB2054 Special license plates; Smith Mountain Lake. Authorizes the issuance of special license plates celebrating Smith Mountain Lake.

Patron - Poindexter

HB2135 Expiration and renewal of registration. Provides an option for the permanent registration of motor vehicles.

Patron - Barlow

HB2136 Motor vehicle safety belts. Makes nonuse of motor vehicle safety belts a primary offense.

Patron - Barlow

HB2194 Following too closely; passing other vehicles. Adds bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, and mopeds to the list of vehicles that the driver of a motor vehicle shall not follow more closely than is reasonable. In addition, the bill increases passing distance for passing bicycles from two to three feet.

Patron - Ebbin

HB2245 Special license plates; IN REMEMBRANCE, APRIL 16, 2007. Authorizes the issuance of revenue-sharing special license plates bearing the legend IN REMEMBRANCE, APRIL 16, 2007. The annual surcharge for these plates would be \$25 instead of the standard \$10 for most other nonrevenue-sharing special license plates. For each set of plates issued (after the first 1,000 sets) \$15 will go to the VTV Family Outreach Foundation, to support its operation and programs in Virginia.

Patron - Torian

HB2307 Texting while driving; highway work zones. Provides that the fines imposed for texting while driving shall be doubled if the offense is committed within a highway work zone.

Patron - Sickles

HB2322 Speeding; reckless driving. Raises the threshold for per se reckless driving for speeding from 80 miles per hour to 90 miles per hour, though the threshold of 20 miles per hour or more in excess of the applicable speed limit remains unchanged. The bill also imposes a fine on speeding of \$50 per mile-per-hour in excess of 80 miles per hour. The fine for speeding at speeds of 80 miles per hour or less remains at \$6 per mile-per-hour in excess of the applicable speed limit.

Patron - Carrico

HB2349 Maximum speed limits. Provides that the maximum speed limit shall be 60 miles per hour where indicated by lawfully placed signs, erected subsequent to a traffic engineering study and analysis of available and appropriate accident and law-enforcement data, on primary highways where they are nonlimited access, multilane, divided highways.

Patron - Morrissey

HB2350 Exceeding speed limit; reckless driving. Removes driving in excess of 80 mph regardless of the applicable speed limit as an instance of reckless driving.

Patron - Morrissey

HB2399 Snow and ice on vehicles. Requires operators of motor vehicles to remove accumulated snow and ice from their vehicles.

Patron - Ward

HB2403 Authority to use certain streets and highways; oversize and overweight permits. Provides that the Secretary of Transportation, in consultation with the Commonwealth Transportation Board, will have the authority to limit control for oversize and overweight permitting purposes for certain roads to the Commissioner of the Department of Motor Vehicles. The bill sets out considerations when determining routes to be controlled for permitting purposes.

Patron - Cox, J.A.

HB2414 Special license plates; supporters of the James River Park System. Authorizes the issuance of revenue-sharing special license plates to supporters of the James River Park System. The annual surcharge for these plates would be \$25, instead of the standard \$10 for most other non-revenue-sharing special license plates. For each set of plates issued (after the first 1,000 sets), \$15 will go to the Friends of James River Park to support its operation and programs in Virginia. This bill was incorporated into HB 1418.

Patron - McQuinn

HB2466 Virginia Biased-Based Profiling and Traffic Statistics Reporting Act. Requires state and local police officers to record certain data regarding motor vehicle stops, and report this information to the Department of State Police. The Department of State Police is required to develop a state-wide database to analyze the data to determine the existence and prevalence of biased-based profiling in the Commonwealth. The Superintendent of State Police is required to report annually on the findings of the analysis to the Governor, the General Assembly, and the Attorney General. The provisions of the act are set to expire on July 1, 2015.

Patron - Englin

HB2497 Board of Towing and Recovery Operators. Abolishes the Board of Towing and Recovery Operators.

Patron - Barlow

HB2528 Department of Motor Vehicles; vision screening. Provides that Department of Motor Vehicles shall waive its vision screening conducted in Customer Service Centers at the time of application for a driver's license or learner's permit when the applicant (i) presents a certificate that verifies that the vision test conducted at a public school shows that he meets the visual acuity and field of vision requirements, and (ii) the vision test conducted by the school has been certified by a qualified organization.

Patron - Garrett

SB760 Suspension of operator's license for failure to pay child support. Provides that the Department of Motor Vehicles shall not renew a driver's license or terminate a license suspension imposed because of nonpayment of child support until it has received from the Department of Social Services a certification that the person has (i) paid the delinquency in full or (ii) reached an agreement with the Department of Social Services to satisfy the delinquency within a period not to exceed 10 years and at least one payment, representing at least five percent of the total delinquency or \$500,

whichever is less, has been made pursuant to the agreement. Current law requires either (i) full payment of the delinquency or (ii) a payment of at least five percent of the total delinquency or \$500, whichever is greater.

Patron - Puller

SB768 Designation of school zones in certain residential communities. Provides for the designation and enforcement of school zones within common interest communities with the costs borne entirely by the communities in which they are located.

Patron - Marsden

SB776 DMV offices and agencies; agreements. Provides that in any county, city, or town that does not have either a branch office or an automated agency, the Commissioner shall, upon request of any commissioner of the revenue, treasurer, or local governing body, jointly or separately, enter into an agreement with such commissioner of the revenue, treasurer, or local governing body, to act as an agent of the Commissioner and maintain a branch office. This bill incorporates SB 1225.

Patron - Marsh

SB804 Special license plates; IN REMEMBRANCE, APRIL 16, 2007. Authorizes the issuance of revenue-sharing special license plates bearing the legend IN REMEMBRANCE, APRIL 16, 2007. The annual surcharge for these plates would be \$25 instead of the standard \$10 for most other nonrevenue-sharing special license plates. For each set of plates issued (after the first 1,000 sets) \$15 will go to the VTV Family Outreach Foundation, to support its operation and programs in Virginia.

Patron - Marsden

SB807 Commercial vehicles; persons required to register with the Sex Offender and Crimes Against Minors Registry. Prohibits persons for whom registration with the Sex Offender and Crimes Against Minors Registry is required from (1) driving school buses and passenger-carrying commercial vehicles and (2) being issued commercial driver's licenses and instruction permits to drive school buses and passenger-carrying commercial vehicles.

Patron - Obenshain

SB835 Disabled parking; contents of permanent windshield placards. Requires that permanent windshield placards used in connection with disabled parking display a symbol indicating the sex of the person to whom the placard was issued.

Patron - Petersen

SB858 Right turns by vehicles facing left green arrow signals. Allows vehicles facing left green arrow signals to treat such signals as yield right-of-way signs for the purposes of making right turns.

Patron - Wagner

SB905 Reckless cycling. Prohibits operating a bicycle in willful or wanton disregard of the safety of persons or property. No demerit points are to be assigned for violations.

Patron - Deeds

SB928 Following too closely; passing other vehicles. Adds bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, and mopeds to the list of vehicles that the driver of a motor vehicle shall not follow more closely than is reasonable. In addition, the bill increases passing distance for passing bicycles from two to three feet.

Patron - McDougale

FSB993 Motor vehicle emissions; testing procedures. Removes the requirement that BAR-90 and ASM 50-15 are the only authorized motor vehicle emissions testing equipment and allows the use of any computer software programs and emissions testing procedures necessary to comply with the applicable provisions of the Clean Air Act.

Patron - Stuart

FSB1002 Vehicle emissions inspection program. Provides for an on-road clean screen program, allowing a motor vehicle owner to certify compliance with emissions standards by means of on-road remote sensing.

Patron - Watkins

FSB1018 Causing the death of another while engaging in a vehicle race; penalty. Raises the penalty for causing the death of another person while engaging in a vehicle race to a mandatory minimum 20 years. The current penalty is a term of confinement of not less than one nor more than 20 years, one year of which is a mandatory minimum term of confinement. The racing must be done in a manner so gross, wanton and culpable as to show a reckless disregard for human life.

Patron - Puckett

FSB1042 Texting while driving. Repeals the "secondary enforcement" provisions of the statute prohibiting texting, etc., while driving.

Patron - Barker

FSB1047 Provisional driver's license holders. Makes cell phone use while driving by a provisional driver's license holder a primary offense.

Patron - Barker

FSB1075 Administrative suspension of license. Changes the period of administrative license suspension upon arrest for a DUI from seven to 60 days and, for a second or subsequent offense, from 60 days until the time of trial.

Patron - Barker

FSB1154 Special license plate fee; charitable donation. Requires the Department of Motor Vehicles, with the assistance of the Department of Taxation, to identify those special license plates for which a portion of the fee benefits a charitable organization and qualifies as a charitable donation. The list of qualified license plates must be made available on the Department of Motor Vehicle's website and in its office. The Department of Motor Vehicles must also provide a receipt for the registration or renewal of a registration for a special license plate indicating the amount of the fee that will be credited to the charitable organization. This will allow the person registering the license plate to claim a charitable tax deduction.

Patron - Quayle

FSB1157 Citations for vehicle equipment violations. Provides for a simplified procedure for processing simple vehicle equipment violations punishable as traffic infractions. If the defects are remedied within 24 hours, the case is dismissed.

Patron - Quayle

FSB1179 Regulation of trespassing vehicles; localities. Provides that, when a local governing body regulates towing by ordinance, such ordinance shall permit the towing company to tow the vehicle at least 10 miles from the origination of the tow.

Patron - Marsden

FSB1225 DMV offices and agencies; agreements; compensation. Provides that in any county, city, or town that

does not have either a branch office or an automated agency, the Commissioner shall, upon request of any commissioner of the revenue, treasurer, or local governing body, jointly or separately, enter into an agreement with such commissioner of the revenue, treasurer, or local governing body, to act as an agent of the Commissioner and maintain a branch office. The bill also increases the compensation fixed for each nonautomated agency for the purpose of maintaining adequate annual service from 3.5 to 4.5 percent of the first \$500,000 of gross collections made by the agency and increases the current two percent on gross collections between \$500,000 and \$1 million and one percent on gross collections over \$1 million to five percent on all gross collections in excess of \$500,000 during each fiscal year. This bill was incorporated into SB 776.

Patron - Petersen

FSB1234 One-way roadways and highways; bicycle operation. Allows the governing body of City of Charlottesville to permit the operation of bicycles in either direction of traffic on one-way roadways and highways.

Patron - Deeds

FSB1248 Passing a stopped school bus. Rewrites the Code section that punishes passing a school bus as reckless driving to correct an error in legal construction and to further clarify the language. The bill contains an emergency clause. This bill has been incorporated into SB 769.

Patron - Vogel

FSB1293 Disabled parking placards. Provides that placards will be valid for no more than five years and that renewals must be accompanied by the same certification of the applicant's disability as the original.

Patron - Miller, J.C.

FSB1351 Wireless telecommunications devices in motor vehicles. Extends prohibition on use of wireless telecommunications devices in motor vehicles to initiating or answering a call on such device, unless the device is configured for hands-free operation and is being used in the hands-free mode. The bill also provides for graduated penalties for violations.

Patron - Norment

FSB1372 Motor Vehicle Transaction Recovery Fund. Increases from \$20,000 to \$50,000 (i) the maximum claim of one judgment creditor against the Motor Vehicle Transaction Recovery Fund based on an unpaid final judgment arising out of loss or damage for certain claims and (ii) the maximum recovery on bonds.

Patron - Marsden

FSB1393 Vehicles transporting utility poles. Provides that vehicles transporting utility poles do not need over-length permits and do not need escort vehicles.

Patron - McDougle

Notaries and Out-of-State Commissioners

Passed

PHB1670 Conflict of interests for notaries. Expands what conduct constitutes a conflict of interest for a notary to include the performance of any notarial act with respect to any document, writing, or electronic document where the notary is

a signatory or is named in the document to be notarized. A notary who acts in violation of this bill's provision is guilty of official misconduct.

Patron - Brink

HB2318 Electronic notaries. Allows, in the case of an electronic notarization, a notary to notarize a document when the signer is not in the notary's presence if satisfactory evidence of the identity is established. Furthermore, the bill allows satisfactory evidence to be based on video or audio conference technology that permits the notary to communicate with and identify the principal at the time of the notarial act. This bill is identical to SB 827.

Patron - Byron

SB827 Electronic notaries. Allows, in the case of an electronic notarization, a notary to notarize a document when the signer is not in the notary's presence if satisfactory evidence of the identity is established. Furthermore, the bill allows satisfactory evidence to be based on video or audio conference technology that permits the notary to communicate with and identify the principal at the time of the notarial act. This bill is identical to HB 2318.

Patron - Edwards

Pensions, Benefits, and Retirement

Passed

HB1794 Virginia Retirement System; collection of overpayments. Authorizes the Virginia Retirement System to collect overpayment of retirement benefits from the retiree's employer under certain conditions.

Patron - Tata

HB1795 Virginia Retirement System; employee who becomes member on or after July 1, 2010. Amends certain provisions of the Workforce Transition Act and retirement plans administered by the Virginia Retirement System to recognize the difference in benefits accorded a person who becomes a Virginia Retirement System member before July 1, 2010, and on or after July 1, 2010.

Patron - Tata

HB1796 Plans administered by the Virginia Retirement System; technical changes. Makes certain technical changes to the administration of various Virginia Retirement System plans, including (i) permitting multiple deductions for purchase of prior service and for the purchase of partial months; (ii) clarifying the extent of coverage for the voluntary long-term care insurance programs previously administered by the Department of Human Resources Management; (iii) clarifying the retirement options of persons receiving disability benefits under the Virginia Sickness and Disability Program; (iv) clarifying the eligibility for the health insurance credit as it relates to participants in the defined contribution plan for certain employees of public school divisions; and (v) clarifying the eligibility for participants in the defined contribution plan for certain political appointees to participate in the retiree health benefits program.

Patron - Tata

HB1797 Long-term care insurance provided by the Commonwealth. Clarifies that only employees participating in the Virginia Sickness and Disability Program are to ben-

efit from long-term care insurance paid for by the Commonwealth for state employees. The bill also provides that the long-term care insurance program is to include provisions under which a person may purchase continuing coverage if he ceases to participate in the Virginia Sickness and Disability Program.

Patron - Tata

HB2095 Virginia Retirement System; loss of benefits for certain felony convictions. Provides that a member of any of the retirement programs administered by the Virginia Retirement System forfeits his retirement benefits if it is determined that he has been convicted of a felony that arose out of misconduct in any position covered under the retirement programs administered by the Virginia Retirement System.

Patron - Jones

HB2096 Virginia Retirement System; constitutional officers. Permits any constitutional officer who has 20 or more years of creditable service, and whose office is abolished, to retire with unreduced benefits (i) at the age of 60 if the officer is first elected to office after July 1, 2010, and (ii) at the age of 50 for all others.

Patron - Jones

SB902 Retired judges; appearing as counsel. Permits retired justices or judges to appear as counsel in cases in courts of the Commonwealth if (i) the retired justice or judge has been retired for at least two years and is not authorized for temporary recall by the Chief Justice of the Supreme Court, (ii) the retired justice or judge is appearing as counsel, pro bono, for an indigent person in a civil matter, (iii) such civil matter is assigned or referred to the retired justice or judge by a non-profit legal aid program organized under the auspices of the Virginia State Bar, and (iv) the retired justice or judge is not an employee, officer, or board member of such nonprofit legal aid program.

Patron - Deeds

Failed

HB1497 Judicial retirement; mandatory retirement. Adjusts the mandatory retirement age under judicial retirement to age 73. Currently, judges are required to retire at age 70.

Patron - Herring

HB1594 Virginia Law Officers' Retirement System. Adds attorneys for the Commonwealth and their assistants as members of the Virginia Law Officers' Retirement System.

Patron - Iaquinto

HB1655 Virginia Retirement System; early retirement for certain employees. Removes the option for state employees hired on or after July 1, 2010, who are covered under the main defined benefit plan, (i.e., excluding the separate plans for law-enforcement employees and judges), to retire if they are less than 65 years old. Under current law such employees can retire at the age of 60 with at least five years of service, with reduced benefits, or, in certain instances when the sum of their age and years of service is equal to or greater than 90, with unreduced benefits.

Patron - Purkey

HB1657 Virginia Retirement System. Requires that the Virginia Retirement System (i) adjust annually its calculation of pension fund liabilities and obligations by the rate of interest on 10-year U.S. Treasury notes and (ii) assume a rate

of return on its investments no greater than the rate of interest on such notes. The bill shall expire whenever the funding level for the Virginia Retirement System is at least 90 percent of actuarial attested premium obligations and liabilities for three consecutive years.

Patron - Purkey

HB1745 Virginia Retirement System; purchase of additional prior service credit by school division superintendents. Provides that the reduction in the number of years of certain prior creditable service purchased by a school division superintendent that occurs if the superintendent does not remain in his position for at least the number of years purchased does not apply if the superintendent's termination is due to death, disability, or involuntary separation.

Patron - Ingram

HB1784 Local defined contribution retirement plan. Permits any locality or school board to establish a defined contribution retirement plan in lieu of any other retirement plan, for employees hired after such plan is established.

Patron - Tata

HB1890 Judicial retirement; mandatory retirement. Adjusts the mandatory retirement age under judicial retirement to age 73. Currently, judges are required to retire at age 70. This bill is a recommendation of the Judicial Council.

Patron - Hope

HB2102 Virginia Retirement System; benefits for local law enforcement, correctional, and emergency response employees in certain localities. Permits any locality that is exempt from providing all of the special statutory retirement benefits to local law enforcement, correctional, and emergency response employees because the locality's annual retirement allowance for such employees exceeds the statutory amount, to provide all of the other statutory benefits except the statutory annual retirement allowance (i) to all employees eligible for such benefits or (ii) only to eligible employees hired on or after July 1, 2010. The additional costs of providing the benefits would be borne by the locality making the election.

Patron - Bulova

HB2104 Virginia Retirement System; retirement age for certain employees. Exempts people who are hired after July 1, 2010, as firefighters, emergency medical technicians, or law-enforcement officers from the higher retirement age and service requirements for employees hired on or after July 1, 2010.

Patron - Bulova

HB2144 Virginia Retirement System; health insurance credits for certain employees. Increases the monthly health insurance credits for retired constitutional officers, employees of constitutional officers, general registrars, employees of general registrars, and local social service employees, from \$1.50 for each year of creditable service to \$4 for each year of creditable service.

Patron - Johnson

HB2152 Virginia Retirement System; purchase of prior service credit by certain retirees. Permits a retiree to purchase one additional year of prior service credit as a law-enforcement officer with a locality that does not have a retirement plan administered by the Virginia Retirement System.

Patron - Cline

HB2207 State employees; sick leave and family and personal leave. Removes the statutory formulas for calculating sick leave and family and personal leave for state

employees. The Department of Human Resource Management would establish the formulas for calculating state employee leave by policy.

Patron - Comstock

HB2410 Virginia Retirement System; optional defined contribution retirement program for state and local employees. Creates an optional defined contribution retirement program and other related benefits for state and local employees beginning January 1, 2012. This bill incorporates HB 2465.

Patron - Putney

HB2465 Virginia Retirement System; defined contribution retirement program for state and local employees. Creates a defined contribution retirement program for state and local employees hired on or after January 1, 2012, in place of the current defined benefit plan. Employees hired prior to January 1, 2012, may elect to become members of the defined contribution plan in lieu of the current defined benefit plan. This bill was incorporated into HB 2410.

Patron - Jones

SB805 Health insurance credits for retired school division employees. Provides that the health insurance credit currently being provided to retired teachers would also be provided to all retired employees of the local school division at the option of the local school division and as a cost borne by the local government.

Patron - Marsden

SB848 Virginia Retirement System; benefits for local law enforcement, correctional, and emergency response employees in certain localities. Permits any locality that is exempt from providing all of the special statutory retirement benefits to local law enforcement, correctional, and emergency response employees because the locality's annual retirement allowance for such employees exceeds the statutory amount, to provide all of the other statutory benefits except the statutory annual retirement allowance (i) to all employees eligible for such benefits or (ii) only to eligible employees hired on or after July 1, 2010. The additional costs of providing the benefits would be borne by the locality making the election.

Patron - Petersen

SB861 Local defined contribution retirement plan. Permits any locality or school board to establish a defined contribution retirement plan in lieu of any other retirement plan for employees hired after such plan is established.

Patron - Wagner

SB1008 Virginia Retirement System; defined contribution plan; member contributions. Creates an optional defined contribution retirement plan for state employees. The Commonwealth would contribute to the defined contribution account of each employee as follows: (i) the Commonwealth would contribute two percent of the employee's salary with no contribution required of the employee; (ii) if the employee contributes to his defined contribution account, the Commonwealth would match the employee's contributions at a rate of 100 percent up to the first five percent of the employee's salary, which would be in addition to the Commonwealth's contribution under clause (i); and (iii) if the employee contributes more than five percent of his salary, the Commonwealth would match the employee's contributions at a rate of 50 percent for the employee's contributions that are in excess of five percent of his salary but not in excess of eight percent of the employee's salary, which would be in addition to the Commonwealth's contributions under clauses (i) and (ii). The bill allows political subdivisions that participate in the Virginia Retirement System to participate in the Virginia Retirement System.

ment System to establish a substantially similar defined contribution plan. The bill also requires all state employees who participate in the Virginia Retirement System to contribute five percent of their salary to their defined benefit retirement accounts. Employees not already contributing five percent of their salary would be required to contribute an additional one percent of their salary beginning on each July 1st of 2011, 2012, 2013, 2014, and 2015. Local employers would retain the option of paying member retirement contributions on behalf of their employees participating in the Virginia Retirement System. The provisions of the bill requiring state employees to contribute five percent of their salary are conditioned upon state employees receiving at least a one percent salary increase on July 1, 2011. The bill expresses the intent of the General Assembly that state employees would receive at least an additional one percent salary increase beginning on each July 1st of 2012, 2013, 2014, and 2015.

Patron - Watkins

FSB1022 Virginia Retirement System; creditable compensation of teachers. Provides that the creditable compensation of teachers for retirement purposes under the Virginia Retirement System shall include all compensation payable to teachers by their public school boards, including compensation that is not pursuant to a contract for teaching.

Patron - Puckett

FSB1046 Virginia Retirement System; retirees hired as school board security personnel. Provides that a person retired under the Law-Enforcement Officers' Retirement System, the State Police Officers' Retirement System, or the Virginia Law Officers' Retirement System may be hired as a local school board security officer or security person without interruption of his retirement allowance under the following conditions: (i) the person has attained age 50 and has been retired for at least one full calendar year (or such longer period as established by the Board of the Virginia Retirement System) prior to commencing employment; (ii) the person has not retired pursuant to an early retirement incentive; (iii) the person did not voluntarily resign or voluntarily retire under the Workforce Transition Act of 1995; and (iv) the hiring school division pays to the Virginia Retirement System, during the person's employment as a local school board security officer or security person, the employer share of the retirement funding contribution that would otherwise be due if the person were a covered employee.

Patron - Barker

FSB1066 Judicial retirement; mandatory retirement. Adjusts the mandatory retirement age under judicial retirement to age 73. Currently, judges are required to retire at age 70. This bill is a recommendation of the Judicial Council.

Patron - Edwards

FSB1115 Virginia Retirement System; optional defined contribution retirement program for state and local employees. Creates an optional defined contribution retirement program for state and local employees beginning January 1, 2012.

Patron - Watkins

FSB1155 Virginia Law Officers' Retirement System. Provides that the supplemental allowance currently paid to members upon retirement until age 65 would instead be paid until Social Security Retirement Age. The provisions of the bill are made conditional upon an appropriation of general funds effectuating the provisions of the bill.

Patron - Quayle

FSB1233 Virginia Law Officers' Retirement System; membership. Adds conservation officers of the Department of Conservation and Recreation as members of the Virginia Law Officers' Retirement System. Conservation Officers would accrue retirement benefits under the Virginia Law Officers' Retirement System only for creditable service on or after July 1, 2011.

Patron - Deeds

FSB1305 Virginia Sickness and Disability Program; open-enrollment period. Opens enrollment into the Virginia Sickness and Disability Program between October 1, 2011, and January 1, 2012, for eligible employees not currently participating in the program. Any employee electing to participate in the program would convert his sick leave balances to (i) additional retirement service credit on the basis of one month of service for each 173 hours of sick leave or (ii) disability credits on the basis of one hour of disability credit for each hour of sick leave. Disability credits would be used to continue periods for which the employee would receive income replacement at 100 percent of creditable compensation for a disability. An election to participate in the program must be in writing and is irrevocable.

Patron - Ruff

FSB1383 Virginia Retirement System; retirees hired as law-enforcement officers of certain towns. Provides that a person retired under the Local Enforcement Officers' Retirement System, the State Police Officers' Retirement System, or the Virginia Law Officers' Retirement System may be hired by a town with a population of less than 10,000 as its Chief Law-Enforcement Officer without interruption of his retirement allowance under the following conditions: (i) the person has attained age 50 and has been retired for at least one full calendar year (or such longer period as established by the Board of the Virginia Retirement System) prior to commencing employment; (ii) the person has not retired pursuant to an early retirement incentive; (iii) the person did not voluntarily resign or voluntarily retire under the Workforce Transition Act of 1995; and (iv) the hiring town pays to the Virginia Retirement System, during the person's employment, the employer share of the retirement funding contribution that would otherwise be due if the person were a covered employee.

Patron - Colgan

Persons with Disabilities

Passed

P HB1839 Statewide Independent Living Fund. Eliminates the Statewide Independent Living Fund, eliminates obsolete language regarding the process by which the Department of Rehabilitative Services provides personal care assistance to persons with significant disabilities, and eliminates obsolete language related to the Department of Rehabilitative Services' role in efforts to eliminate environmental barriers affecting persons with disabilities. This bill is identical to SB 1148.

Patron - Garrett

SB1148 Statewide Independent Living Fund. Eliminates the Statewide Independent Living Fund, eliminates obsolete language regarding the process by which the Department of Rehabilitative Services provides personal care assistance to persons with significant disabilities, and eliminates obsolete language related to the Department of Rehabilitative Services'

role in efforts to eliminate environmental barriers affecting persons with disabilities. This bill is identical to HB 1839.

Patron - Quayle

Failed

HB2014 Disability Commission; study of continued access to assistive technology for students. Directs the Disability Commission to establish a work group to study continued access to assistive technology devices customized for students throughout the education process and upon graduation from or aging out of secondary education.

Patron - Pogge

HB2265 Local disability services boards. Clarifies the role of local disability services boards.

Patron - Morgan

Police (State)

Passed

HB1717 Insurance fraud. Clarifies that the definition of "insurer" includes self-insured private and public employers for the purposes of the Department of State Police's investigation of insurance fraud, including who is entitled to protection from immunity for furnishing information to State Police as part of its investigation. The bill states that it is declarative of existing law.

Patron - Merricks

HB1948 Virginia Fusion Intelligence Center; review of databases. Changes the requirement that data in the Virginia Fusion Intelligence Center databases be reviewed every year to a requirement that it be reviewed every three years. Information that is determined to not be related to terrorist activity shall be removed from the database. This bill is identical to SB 1259.

Patron - Villanueva

SB870 Blue Alert Program. Provides for the establishment of a Blue Alert Program to be administered by the Department of State Police when a suspect for a crime involving the death or serious injury of a law-enforcement officer has not been apprehended and is a serious threat to the public or when a law-enforcement officer is missing while in the line of duty under suspicious circumstances.

Patron - Stuart

SB1259 Virginia Fusion Intelligence Center; review of databases. Changes the requirement that data in the Virginia Fusion Intelligence Center databases be reviewed every year to a requirement that it be reviewed every three years. Information that is determined to not be related to terrorist activity shall be removed from the database. This bill is identical to HB 1948.

Patron - Vogel

Failed

HB1511 Department of State Police; establishment of cold case searchable database. Provides that the Superintendent of State Police may establish and maintain a cold case searchable database including unsolved homicide, missing person, and unidentified person cases. The searchable database may include interactive elements consisting of (i) the type of

case, (ii) the location of where the crime was committed, (iii) the law-enforcement agency name, and (iv) the year the crime occurred.

Patron - Scott, J.M.

HB1934 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 incorporates HB 1420.

Patron - Miller, J.H.

HB1953 Virginia Fusion Intelligence Center. Allows the Virginia Fusion Intelligence Center to receive and integrate criminal-related intelligence information, not just terrorist-related intelligence, to assist in preventing and deterring criminal activity generally.

Patron - Villanueva

HB2212 State Police vehicular pursuit database. Provides that the Department of State Police shall develop and maintain a Law-Enforcement Pursuit Database compiling incident reports of vehicular pursuits occurring statewide. The database is to be made available to the Governor and General Assembly upon request and to any other entity so directed by the Governor or General Assembly. The bill requires law-enforcement agencies with law-enforcement duties to submit vehicular pursuit incident reports for each calendar year to the State Police annually on March 1, beginning March 1, 2013. The bill also defines "vehicular pursuit" to mean an active attempt by a law-enforcement officer in an authorized emergency vehicle to apprehend a fleeing suspect who is actively attempting to elude the law-enforcement officer.

Patron - McQuinn

SB918 Virginia Fusion Intelligence Center. Allows the Virginia Fusion Intelligence Center to receive and integrate criminal-related intelligence information, not just terrorist-related intelligence, to assist in preventing and deterring criminal activity generally.

Patron - McDougle

Prisons and Other Methods of Correction

Passed

HB1613 Local prisoner programs; workforces in certain cemeteries. Allows workforces to assist with maintaining privately owned, abandoned cemeteries.

Patron - Ward

HB1688 Corrections facilities. Requires the Department of Corrections to offer to test an inmate who does not have a record of a positive test result for infection with human immunodeficiency virus within 60 days of his scheduled discharge. Prior to administering the test, the Department shall inform the inmate of the purpose of the test. An inmate may decline being tested. This bill incorporates HB 1662 and is identical to SB 1258.

Patron - Dance

HB2040 **Corrections; use of inmate labor.** Authorizes the use of inmate labor at rest areas along the Interstate Highway System.

Patron - Anderson

HB2219 **Local correctional facilities; jailers; revocation of good conduct credits.** Requires the jailer to have a written policy for the revocation of good time credit.

Patron - Stolle

HB2225 **Department of Corrections; inmate trust accounts.** Requires the Department of Corrections to establish for each inmate a personal trust account consisting of 10 percent of any funds received by an inmate from any source until the account has a balance of \$1,000. Funds in an inmate's personal trust account shall be paid to the inmate upon parole or final discharge. SB 923 is identical.

Patron - Wright

HB2435 **DOC; elimination of agency mandates.** Directs the Department of Corrections to eliminate mandates related to contract inmate classification reporting requirements imposed on localities.

Patron - Habeeb

SB923 **Department of Corrections; inmate trust accounts.** Requires the Department of Corrections to establish for each inmate a personal trust account consisting of 10 percent of any funds received by an inmate from any source until the account has a balance of \$1,000. Funds in an inmate's personal trust account shall be paid to the inmate upon parole or final discharge. HB 2225 is identical.

Patron - McDougle

SB1001 **Powers of the State Board of Corrections.** Repeals the Board's authority to (1) ensure the development of long-range programs and plans for corrections services provided at the state and local level; (2) review and comment on all applications for federal funds and all budget and appropriations requests for the Department of Corrections prior to submission to the Governor; and (3) monitor the activities of the Department and its effectiveness in implementing standards and goals of the Board. The bill also repeals the power of the Board to authorize the payment of medical expenses incurred by a prisoner after his release or discharge from the Department when such expenses are the result of an injury suffered by the prisoner while incarcerated and not caused by the misconduct of the prisoner.

Patron - Watkins

SB1109 **Corrections; use of inmate labor.** Authorizes the use of inmate labor at rest areas along the Interstate Highway System.

Patron - Hanger

SB1227 **Jails; electronic visitation and messaging.** Allows sheriffs and jail superintendents who operate correctional facilities to charge a fee for the use of an electronic visitation system or electronic messaging system. The fee may not exceed the actual costs of establishing and operating the system and the proceeds are to be used only to offset those costs.

Patron - Howell

SB1258 **Corrections facilities.** Requires the Department of Corrections to offer to test an inmate who does not have a record of a positive test result for infection with human immunodeficiency virus within 60 days of his scheduled discharge. Prior to administering the test, the Department shall

inform the inmate of the purpose of the test. An inmate may decline being tested. This bill is identical to HB 1688.

Patron - Vogel

SB1287 **Jails; localities' responsibility to pay jail expenses.** Provides that a sheriff or jail superintendent may seek payment from the local governing body of the city or county, the regional jail authority, or other body responsible for fiscal management of a regional jail for the cost of food, clothing, and medicines for inmates, and the local governing body of the county or city, the regional jail authority, or other body responsible for fiscal management of a regional jail shall be responsible for the payment of such costs.

Patron - McWaters

Failed

HB1488 **Restraint of certain prisoners.** Prohibits a state, regional, local, or juvenile correctional facility from using restraints on any prisoner who is pregnant during labor, transport to a medical facility, delivery, or postpartum recovery unless the warden, superintendent, or jailor finds there is a compelling reason to believe that the prisoner poses serious harm to herself or others, is a flight risk, or cannot be reasonably restrained by other means. Such facility shall use the least restrictive restraints necessary on any inmate in the second or third trimester of pregnancy.

Patron - Hope

HB1533 **Parole; eligibility for certain inmates otherwise ineligible.** Provides that in the case of a person who is ineligible for parole for a combination of three or more offenses involving murder, rape, or robbery, the Parole Board shall consider a petition for reconsideration of ineligibility for parole if the person (i) was convicted only of robbery, (ii) did not injure or attempt to injure any person, (iii) did not have assistance of counsel in preparing a petition for review of ineligibility previously considered on the merits under this provision, (iv) has been continuously confined for at least 15 years, and (v) has a record of good conduct during confinement. The bill contains technical amendments.

Patron - Howell, A.T.

HB1562 **Good conduct credits; home electronic incarceration.** Requires misdemeanants assigned to home electronic incarceration, unless serving a mandatory minimum sentence, to earn good conduct credit at the rate of one day for each day served if they are participating in work release employment or an educational or other rehabilitative program or due to a medical condition.

Patron - Miller, P.J.

HB1662 **Mandatory testing of prisoners for HIV.** Requires the Department of Corrections to test all prisoners received by the Department for human immunodeficiency virus upon arrival and prior to release, and authorizes the Department to test for human immunodeficiency virus at other times as the Department deems necessary. This bill was incorporated into HB 1688.

Patron - Alexander

HB2092 **Death sentence; execution dates.** Removes some of the circumstances in which circuit courts are required to set execution dates before state and federal review of an inmate's death sentence is complete. The federal Antiterrorism and Effective Death Penalty Act of 1996 has revised the remedies available to the convicted person and imposes a one-year

statute of limitations for filing petitions for federal review of state convictions and sentences.

Patron - Herring

HB2298 Marijuana possession by prisoner. Reduces the penalty for possession of marijuana by a prisoner from a Class 5 felony to a Class 6 felony, the same punishment as is currently imposed for possession of a firearm or a knife by a prisoner or for setting off an explosive device in a prison.

Patron - Englin

HB2491 Virginia Correctional Enterprises mandatory procurement; exception. Eliminates the mandatory purchase by state agencies of furniture manufactured by Virginia Correctional Enterprises.

Patron - Landes

SB796 Rehabilitative programming; earned sentence credits. Allows prisoners to earn 10 additional sentence credits for each 30 days of incarceration for participation in programs aimed at earning a GED, college credit, or a certification through an accredited vocational training program or other accredited continuing education program, or interventional rehabilitation programs including mental health and sex offender treatment.

Patron - Locke

SB989 Reports made by sheriffs and jail superintendents. Adds local community services boards and behavioral health authorities to the list of persons and entities that receive written reports made by jail superintendents and sheriffs of local jails showing the number and identity of, and other information about, jailed prisoners and juveniles.

Patron - Puller

SB1316 Rate at which sentence credits may be earned. Allows a maximum of seven and one-half sentence credits, as opposed to the current four and one-half, for each 30 days served.

Patron - McEachin

SB1402 Law-enforcement officer; definition. Expands the definition of law-enforcement officer under the Law Enforcement Officers Procedural Guarantee Act to include a uniformed corrections employee of the Department of Corrections, regardless of the officer's authority to make arrests.

Patron - McEachin

SB1421 Local correctional facilities; collection of fees and costs. Allows sheriffs and jail superintendents to enter into installment payment agreements with prisoners for the payment, after release, of costs and fees owed for the prisoner's keep. The bill also allows the enforcement of such payment agreements through driver's license suspension. The bill allows the sheriffs and jail superintendents to use private attorneys and collection agencies to collect fees and costs due them.

Patron - Quayle

SB1444 Prison printing shops. Provides that state institutions of higher education may, but are not required to, purchase the products of print shops in state correctional facilities.

Patron - Miller, J.C.

Professions and Occupations

Passed

HB1492 Water well systems providers; definition. Clarifies that a water well systems provider is qualified to install, remove or repair geothermal water well systems to the point of connection to the ground source heat pump. This bill is identical to SB 766.

Patron - Cox, M.K.

HB1535 Licensure or certification by the Board of Medicine or Board of Nursing; consideration of military training and experience. Provides that the Boards of Medicine and Nursing shall consider and may accept relevant practical experience and didactic and clinical components of education and training completed by an applicant for licensure as a respiratory care practitioner, occupational therapist, radiologist assistant, radiologic technologist, radiologic technologist, limited, registered nurse, and practical nurse and for certification as a nurse aide as evidence of satisfaction of the educational requirements for licensure or certification, as appropriate.

Patron - Merricks

HB1659 Funeral services; prerequisites for cremation. Allows a sheriff to make visual identification of a body prior to cremation if no next-of-kin or other named representative is available upon court order.

Patron - Alexander

HB1734 Board for Professional Soil Scientists and Wetland Professionals; licensed professional soil scientists. Requires professional soil scientists to be licensed by the Board for Professional Soil Scientists and Wetland Professionals effective July 1, 2013. Currently, professional soil scientists are subject to voluntary certification. The bill sets out the requirements for licensure and continuing education and grandfatheres soil scientists under certain conditions. The bill contains technical amendments and is identical to SB 1265.

Patron - Carrico

HB1768 Mold remediation; exemption from licensure; mold in dwelling units. Clarifies that a tenant, after a temporary relocation for mold remediation, is still responsible for payment of rent for the remainder of the term of the rental agreement following the remediation. The bill provides that the affected Code sections do not entitle the tenant to a termination of a tenancy where the landlord has remediated a mold condition in accordance with professional standards set in law.

Patron - Shuler

HB1819 Department of Professional and Occupational Regulation; registration of athlete agents; penalty. Creates a registration requirement for athlete agents administered by the Director of the Department of Professional and Occupational Regulation, sets out the requirements for registration and conduct of athlete agents, and provides for administrative, civil, and criminal penalties. The bill has a delayed effective date of January 1, 2012.

Patron - Ware, R.L.

HB1862 Professions and occupations; expiration of certain documents issued to spouses of citizens of Virginia serving in the armed forces of the United States. Provides an extension of the expiration of certain licenses, certifications, registrations or other documents held by the

spouse of a member of the armed forces of the United States when the spouse accompanies the citizen for a period of service outside of the country. This bill is identical to SB 1361.

Patron - Cosgrove

HB1907 Real Estate Board; licensure and practice of real estate. Requires the Real Estate Board to approve a continuing education program of at least three hours on the changes in the law made by this bill as a prerequisite for renewal or reinstatement of a broker or salesperson license. The bill further limits the liability of real estate licensees in their real estate dealings. The bill (i) defines the terms for property management agreements and brokerage agreements, and sets out required provisions in such agreements; (ii) revises the dual representation provisions for real estate licensees and provides standard disclosure forms to be used in connection therewith; (iii) allows all required documents and records to be maintained by real estate licensees to be kept in electronic form; and (iv) revises the required disclosures under the Virginia Residential Property Disclosure Act and requires certain disclosures to be made on the Virginia Real Estate Board's website. The bill contains technical amendments and contains a delayed effective date for certain provisions contained in the bill.

Patron - Miller, J.H.

HB1968 Physician assistants; when signature accepted. Provides that whenever any law or regulation requires a signature, certification, stamp, verification, affidavit, or endorsement by a physician, it shall be deemed to include a signature, certification, stamp, verification, affidavit, or endorsement by a physician assistant.

Patron - Robinson

HB1974 Department of Professional and Occupational Regulation; architects and engineers; prerequisites for obtaining business license. Requires any architect or professional engineer applying for or renewing a business license in any locality to furnish prior to the issuance or renewal of the business license either (i) satisfactory proof that he is duly licensed or (ii) a written statement, supported by an affidavit, that he is not subject to licensure as an architect or engineer. The bill also prohibits any locality from issuing or renewing a business license unless the architect or professional engineer has furnished his license number or evidence of being exempt from licensure.

Patron - Robinson

HB2018 Cemetery Board; exemptions; resale of interment right. Establishes requirements for the resale of interment rights in a cemetery located in the state. Any resale conducted in compliance with the requirements set out by the bill shall be exempt from regulation by the Cemetery Board. In addition the bill provides that any resale of an interment right in a regulated cemetery that was conducted prior to July 1, 2011, shall not be considered to have violated Chapter 23.1 of Title 54.1.

Patron - Alexander

HB2037 Social work; title protection. Provides that it shall be unlawful for any person not licensed by the Board of Social Work to use the title "Social Worker" in writing or in advertising in connection with his practice unless he simultaneously uses the clarifying initials signifying a degree in social work. The bill provides exceptions for federally required and defined social workers in nursing homes and hospices and has a delayed effective date of July 1, 2013.

Patron - Peace

HB2193 Podiatry; expands definition. Expands the definition of podiatry to include the diagnosis and treatment of lower extremity ulcers, provided that the treatment of severe lower extremity ulcers proximal to the foot and ankle only be performed by appropriately trained, credentialed podiatrists in an approved hospitals or ambulatory surgery center at which the podiatrist has privileges. This bill is identical to SB 1396 (Lucas).

Patron - Ebbin

HB2216 Laboratory results; authority to receive directly. Allows a laboratory, with authorization from patient, to provide a copy of the report of the results directly to the insurance carrier, health maintenance organization, or self-insured plan that provides health insurance or similar coverage to the patient. This bill is identical to SB 1116.

Patron - Stolle

HB2218 Health care providers; third-party reimbursement programs. Clarifies that physicians shall not be required to participate in any public or private third-party reimbursement program as a condition of licensure.

Patron - Stolle

HB2220 Pharmacies; continuous quality improvement program. Requires pharmacies to implement a continuous quality improvement program to provide for a systematic, ongoing process of analysis of dispensing errors that uses findings to formulate an appropriate response and to develop or improve pharmacy systems and workflow processes designed to prevent or reduce future errors. This bill requires the Board of Pharmacy to work cooperatively with pharmacists representing all areas of pharmacy practice in implementing the requirements of this act.

Patron - Rust

HB2229 Health professionals; competency assessments. Changes the requirement for assessing physicians who have had three medical malpractice judgments or claims in a 10-year period so that it only affects actively practicing physicians. The bill also changes the amount required to trigger the assessment from \$10,000 to \$75,000 and allows the Board of Medicine to post the number of assessments done on its website, rather than through a report to the General Assembly.

Patron - O'Bannon

HB2253 Health professions; reciprocity exemption from licensing. Provides an exemption for the requirement that health professionals be licensed for a practitioner who is in good standing with the applicable regulatory agency in another state and who is treating a patient who is being transported to or from Virginia for care. This bill is identical to SB 828.

Patron - Nutter

HB2256 Schedule II drugs; identification required in filling prescriptions. Specifies that certain duties imposed upon a pharmacist in the delivery of Schedule II drugs may be undertaken by the agent of the pharmacist. The bill also provides that if the person seeking to take delivery of a drug listed on Schedule II pursuant to a prescription is not the patient for whom the drug is prescribed and the person is not known to the pharmacist or his agent, the pharmacist or his agent shall either make a photocopy or electronic copy of the person's identification or record the full name and address of the person. The bill also reduces the period of time for which the pharmacist must maintain records of the names and addresses or copies of the proof of identification of persons taking delivery of Schedule II drugs when they are not the person for whom the drug is pre-

scribed from one year to one month. This bill is identical to SB 1150.

Patron - Nutter

HB2464 Drug Control Act; Schedule II. Conforms Schedule II of the Drug Control Act to the federal drug classification schedule.

Patron - Nutter

SB766 Water well systems providers; definition. Clarifies that a water well systems provider is qualified to install, remove or repair geothermal water well systems to the point of connection to the ground source heat pump. This bill is identical to HB 1492.

Patron - Northam

SB809 Attorney liability to client. Removes language from statute authorizing attorney malpractice actions that provides that damages not exceeding 15%, in lieu of interest, may be awarded against the attorney. This bill is a recommendation of the Boyd-Graves Conference.

Patron - Obenshain

SB828 Health professions; reciprocity exemption from licensing. Provides an exemption for the requirement that health professionals be licensed for a practitioner who is in good standing with the applicable regulatory agency in another state and is in Virginia temporarily in order to transport a patient to a neighboring state for care. This bill is identical to HB 2253.

Patron - Edwards

SB983 Department of Professional and Occupational Regulation; common interest communities; powers of certain regulatory boards and programs. Extends the expiration deadline for provisional common interest community manager licenses from June 30, 2011, to June 30, 2012. The bill also (i) amends bonding requirements for associations whose residents are exempt from licensure by the Common Interest Community (CIC) Board to conform to the Condominium and Property Owners Association Acts, (ii) provides for the payment of court-appointed receivers from the Common Interest Community Management Recovery Fund, and (iii) clarifies the CIC Board's authority to promulgate regulations. In addition, the bill clarifies Virginia Real Estate Time-Share Act and Condominium Act provisions governing the irrevocable appointment for service of process to apply only to nonresidents and corrects an erroneous reference contained in the Condominium Act. The bill has an emergency clause and incorporates SB 1244.

Patron - Whipple

SB1014 Dental hygienists; extension of educational and preventive care protocol. Extends for one year the protocol allowing dental hygienists to provide educational and preventive dental care in the Lenowisco, Cumberland Plateau, and Southside Health Districts, which are designated as Virginia Dental Health Professional Shortage Areas by the Department of Health. The bill also delays the report required until January 1, 2012.

Patron - Puckett

SB1078 Local government run child care; administration of certain medicines. Allows the employees of a child day program regulated by a local government to administer medication to a child if such employee (i) has satisfactorily completed a training program for this purpose approved by the Board of Nursing and taught by a registered nurse, licensed practical nurse, doctor of medicine or osteopathic medicine, or pharmacist; (ii) has obtained written authorization from a par-

ent or guardian; (iii) administers drugs only to the child identified on the prescription label in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; and (iv) administers only those drugs that were dispensed from a pharmacy and maintained in the original, labeled container that would normally be administered by a parent or guardian to the child.

Patron - Barker

SB1093 Administration of assisted living facilities. Provides that in cases in which a licensed assisted living facility administrator dies, resigns, is discharged, or becomes unable to perform his duties, an assisted living facility may continue to operate for up to 150 days with an acting administrator who has applied to an approved administrator-in-training program or has completed such program and is awaiting licensure, or for up to 90 days with an acting administrator who has not applied for licensure. The bill allows for a single 30-day extension for facilities operating with an acting administrator who has applied for licensure, completed the administrator-in-training program, and is awaiting the results of the national examination, and provides that no assisted living facility shall operate under the supervision of an acting administrator for more than one time during any two-year period unless authorized to do so by the Department of Social Services.

Patron - Hanger

SB1096 Pharmacies; access to Prescription Monitoring Program. Provides that the Board of Pharmacy shall include in its regulations a requirement that nothing shall prevent a pharmacist who is eligible to receive information from the Prescription Monitoring Program from requesting and receiving such information. However, no pharmacy shall be required to maintain Internet access to the Prescription Monitoring Program.

Patron - Hanger

SB1116 Laboratory results; authority to receive directly. Allows a laboratory, with authorization from patient, to provide a copy of the report of the results directly to the insurance carrier, health maintenance organization, or self-insured plan that provides health insurance or similar coverage to the patient. This bill is identical to HB 2216.

Patron - Northam

SB1146 Dentists; sedation and anesthesia permits. Requires dentists, with certain exceptions, who use sedation or anesthesia in a dental office to obtain either a conscious/moderate sedation permit or a deep sedation/general anesthesia permit issued by the Board of Dentistry. Also requires the Board of Dentistry to promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.

Patron - Quayle

SB1147 Health professions; social security numbers for investigations. Allows the investigative personnel of the Department of Health Professions to request and receive social security numbers from practitioners or federal employee identification numbers from facilities.

Patron - Quayle

SB1150 Schedule II drugs; identification required in filling prescriptions. Specifies that certain duties imposed upon a pharmacist in the delivery of Schedule II drugs may be undertaken by the agent of the pharmacist. The bill also provides that if the person seeking to take delivery of a drug listed on Schedule II pursuant to a prescription is not the patient for whom the drug is prescribed and the person is not known to the pharmacist or his agent, the pharmacist or his agent shall either

make a photocopy or electronic copy of the person's identification or record the full name and address of the person. The bill also reduces the period of time for which the pharmacist must maintain records of the names and addresses or copies of the proof of identification of persons taking delivery of Schedule II drugs when they are not the person for whom the drug is prescribed from one year to one month. This bill is identical to HB 2256.

Patron - Quayle

SB1182 Board of Bar Examiners; exam application. Expands the methods of submitting an application to take the bar exam to include third party commercial carriers in addition to mailing using the U.S.P.S.

Patron - Norment

SB1245 Registered nurses; provisional licensure. Allows the Board of Nursing to issue a provisional license to an applicant for licensure as a registered nurse who has met the educational and examination requirements for licensure, in order to allow the applicant to obtain clinical experience. A person practicing under a provisional license shall only practice under the supervision of a licensed registered nurse, in accordance with regulations established by the Board.

Patron - Vogel

SB1265 Board for Professional Soil Scientists and Wetland Professionals; licensed professional soil scientists. Requires professional soil scientists to be licensed by the Board for Professional Soil Scientists and Wetland Professionals effective July 1, 2013. Currently, professional soil scientists are subject to voluntary certification. The bill sets out the requirements for licensure and continuing education and grandfathered soil scientists under certain conditions. The bill contains technical amendments. This bill is identical to HB 1734.

Patron - Vogel

SB1361 Professions and occupations; expiration of certain documents issued to spouses of citizens of Virginia serving in the armed forces of the United States. Provides an extension of the expiration of certain licenses, certifications, registrations or other documents held by the spouse of a member of the armed forces of the United States when the spouse accompanies the citizen for a period of service outside of the country. This bill is identical to HB 1862.

Patron - Stosch

SB1375 Board for Contractors; regulation of building analysts. Provides for the licensure of residential building energy analysts by the Board for Contractors. The bill defines residential building energy analysis.

Patron - Wagner

SB1396 Podiatry; expands definition. Expands the definition of podiatry to include the diagnosis and treatment of lower extremity ulcers, provided that the treatment of severe lower extremity ulcers proximal to the foot and ankle only be performed by appropriately trained, credentialed podiatrists in certain approved hospitals or ambulatory surgery centers. This bill is identical to HB 2193.

Patron - Lucas

Failed

HB1405 Revocation of law license; petition for reinstatement of law license; members of the General Assembly. Requires the Chief Justice of the Supreme Court to appoint only retired judges to hear cases involving the revoca-

tion of the law license of a member of the General Assembly or his firm. The bill further requires the justices of the Supreme Court to recuse themselves from consideration of any petition for reinstatement of the law license of a member of the General Assembly. Such petition shall instead be acted upon by seven retired justices or judges of the Supreme Court or the Court of Appeals.

Patron - Loupassi

HB1510 Pawnbrokers and Precious Metals Dealers; records required to be maintained; electronic reports. Requires pawnbrokers and precious metals dealers to take a photograph or digital image of (i) the person pawning or pledging or selling an article, precious metal or gem taken at the time of the transaction and (ii) the article, precious metal or gem pawned or pledged or sold. The bill also requires the pawnbrokers and precious metals dealers to submit a daily report containing information on transactions to law-enforcement officials by electronic means. Currently, for pawnbrokers the requirement to submit electronic reports is a local option and precious metals dealers are required to mail or deliver the report within 24 hours of the transaction. This bill incorporates HB 1709.

Patron - Scott, J.M.

HB1528 Precious metals dealers; daily reports. Requires every dealer to prepare a daily report containing certain information and to file such report by noon of the following day with the chief of police or other law-enforcement officer of the county, city or town where his business is conducted designated by the local attorney for the Commonwealth to receive it. The bill allows a dealer to compile and maintain the daily report in an electronic format and, if so maintained, to file the required daily report electronically with the appropriate law-enforcement officer through use of a disk, electronic transmission, or any other electronic means of reporting approved by the law-enforcement officer. Any local governing body may, by ordinance, require a dealer to maintain and file a daily report electronically through the use of a disk, electronic transmission, or any other electronic means of reporting approved by the law-enforcement officer. The bill allows a dealer to charge a service fee per transaction for making the daily electronic reports to the appropriate law-enforcement officers and for creating and maintaining the electronic records. Such fee shall not exceed five percent of the amount paid by the dealer for an item or \$3, whichever is less. The bill requires the Superintendent of State Police to adopt regulations for the uniform reporting of information required by this section. The bill also contains technical amendments.

Patron - Bell, Richard P.

HB1559 Audiologists; sale of hearing aids. Exempts audiologists with a doctoral degree in audiology licensed to practice in Virginia from the examination requirement for issuance of a license to engage in the practice of fitting or dealing in hearing aids.

Patron - Scott, E.T.

HB1571 Professions; lawyers; client accounts. Repeals the provision prohibiting the Supreme Court from adopting a disciplinary rule requiring that lawyers deposit client funds in an interest-bearing account.

Patron - Cleaveland

HB1627 Common Interest Community Board; annual payment by common interest communities. Changes the minimum amount payable annually by common interest communities to the Common Interest Community Board from the lesser of \$1,000 or five hundredths of one percent (0.05%)

to the lesser of \$3,000 or three hundredths of one percent (0.03%).

Patron - Watts

HB1642 Dental school faculty; licensure. Provides that the Board of Dentistry may issue a faculty license to a faculty member of an accredited dental program who is (i) a graduate of a dental school or college or dental department of a college or university, is licensed to practice dentistry in another state and has never been licensed in Virginia, or (ii) a graduate of a dental school or college or dental department of a college or university, has completed an advanced dental education program, and has never been licensed in Virginia. This bill also provides that faculty licenses issued by the Board and temporary licenses issued by the Board for persons enrolled in advanced dental education programs, serving as dental interns or residents, or post-doctoral certificate or degree candidates shall be for patient care activities associated with the educational program and that take place within facilities owned or operated by or affiliated with the dental school or program.

Patron - O'Bannon

HB1709 Pawnbrokers and precious metals dealers; records required to be maintained. Requires pawnbrokers and precious metals dealers to take a photograph or digital image of (i) the person pawning or pledging or selling an article, precious metal or gem at the time of the transaction; (ii) the identification used by the person in the transaction; and (iii) the article, precious metal or gem pawned or pledged or sold. The bill provides for pawnbrokers to retain a pawned or pledged item and for precious metal dealers to retain precious metals or gems purchased for 60 days. Currently pawnbrokers are required to retain an item for 45 days and precious metal dealers for 10 days. This bill was incorporated into HB 1510.

Patron - Merricks

HB1762 Inclusion of substance in controlled substances Schedule I. Adds 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT), a hallucinogenic substance found in psychoactive toads and plants, to the list of controlled substances in Schedule I.

Patron - Crockett-Stark

HB1803 Board for Contractors; regulation of home energy auditors. Provides for the certification of home energy auditors by the Board for Contractors. The bill defines home energy audits and includes one licensed home energy auditor to be appointed to the Board for Contractors.

Patron - Surovell

HB1961 Board of Pharmacy; recusal requirement. Requires the Board of Pharmacy to promulgate regulations including the criteria for recusal of individual Board members from participation in any disciplinary proceeding involving a pharmacy, pharmacist or pharmacy technician with whom the Board member works, or by whom the member is employed.

Patron - Rust

HB1966 Pharmacists; voluntary reporting. Allows anyone to report to the Board of Pharmacy any information on a pharmacist, pharmacy intern, or pharmacy technician who may have substance abuse or mental health issues that render him a danger to himself or others.

Patron - Rust

HB2005 Firearms shows; dissemination of information about firearms laws. Requires the Virginia Department of State Police to develop materials concerning federal and state firearms laws and to make such materials available on its website. A firearms show promoter shall prominently dis-

play these materials at the entrance to the firearms show, and anyone selling or transferring firearms at a fixed location at the show must also make the materials available.

Patron - LeMunyon

HB2068 Health Care Decisions Act; medically inappropriate treatment. Clarifies that for the purpose of determining when a physician may refuse to provide medically or ethically inappropriate treatment, medical treatment shall not be deemed medically or ethically inappropriate on the basis of a view (i) that values extending the life of a younger, nondisabled, non-terminally ill individual more than extending the life of an elderly, disabled, or terminally ill individual; or (ii) different from that of the patient, or the individual authorized to act on the patient's behalf, on the tradeoff between extending the length of the patient's life and the risk of disability.

Patron - Bell, Robert B.

HB2083 Prescription requirements; treatment of sexually transmitted disease. Allows a Department of Health practitioner to prescribe antibiotic therapy to the sexual partner of a patient diagnosed with a sexually transmitted disease without the physical examination normally required. This bill also requires the Commissioner of Health to convene a workgroup consisting of Department of Health staff and private practitioners to evaluate services provided by the Department of Health pursuant to this act, and to make appropriate recommendations for the use of expedited partner therapy in Virginia. The Commissioner shall report to the Secretary of Health and Human Resources concerning his findings and recommendations by July 1, 2012. The bill also has a sunset date of July 1, 2013.

Patron - Herring

HB2097 Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects; required insurance for certain licensees. Provides that the Board shall, by regulation, require each architect or professional engineer to maintain an errors and omissions policy that is acceptable to the Board and to provide a certification or attestation that such policy is in effect as a prerequisite to license issuance or renewal.

Patron - Jones

HB2169 Continuing education for prescribers; substance abuse, addiction, and related pain management and prescribing practices. Requires the Board of Dentistry, Board of Medicine, and Board of Optometry to require continuing education on the topics of substance abuse, addiction, and related pain management and prescribing practices for licensed practitioners who are authorized to prescribe controlled substances.

Patron - Phillips

HB2195 Devocalization of cats and dogs; penalty. Requires veterinarians to keep records of devocalization procedures and provides that any person, including a licensed veterinarian, who performs a surgical devocalization on a cat or dog when such procedure is not necessary to treat or relieve an illness, disease, or injury or to correct a congenital abnormality that is causing or may cause the animal physical pain or harm is guilty of a Class 6 felony.

Patron - Hope

HB2252 Prescription Monitoring Program; report required for certain prescriptions. Requires prescribers to request a report from the Prescription Monitoring Program if (i) the prescription is for a controlled substance listed in Schedule II, III, or IV of the Drug Control Act (§ 54.1-3400 et seq.); (ii) the prescriber has reasonable belief that the patient may be seeking the controlled substance, in whole or in part, for any

reason other than for the treatment of an existing medical condition and (a) the patient is a new patient of the prescriber's or (b) the patient has not received a prescription for a controlled substance from the prescriber in the past 12 months.

Patron - Nutter

HB2260 Board for Contractors; well water systems provider license; exception. Provides an exception to the licensing provisions relating to well water systems providers for any licensed plumbing tradesman performing normal maintenance and repair of water wells, water well pumps, and other equipment associated with the repair of water wells and water well systems, provided such tradesman has been continuously licensed as a plumbing tradesman under this article for at least three years, has not been the subject of any disciplinary proceeding by the Board, and has not engaged in any act that would constitute grounds for disciplinary action by the Board.

Patron - Morgan

HB2306 Board of Health Professions; membership. Adds two representatives of the health care service delivery system appointed by the Governor to the Board of Health Professions.

Patron - Sickles

HB2487 Naturopaths; license required. Requires the Board of Medicine to license and regulate naturopaths. The bill defines a naturopath as an individual, other than a doctor of medicine, osteopathy, chiropractic, or podiatry, who may diagnose, treat, and help prevent diseases using a system of practice that is based on the natural healing capacity of individuals, using physiological, psychological, or physical methods, and who may also use natural medicines, prescriptions, legend drugs, foods, herbs, or other natural remedies, including light and air.

Patron - Kilgore

SB817 Professions; lawyers; client accounts. Repeals the provision prohibiting the Supreme Court from adopting a disciplinary rule requiring that lawyers deposit client funds in an interest-bearing account.

Patron - McEachin

SB878 Drug Control Act; pseudoephedrine. Adds pseudoephedrine to Schedule III of the Drug Control Act, which would prohibit it from being sold without a prescription.

Patron - Reynolds

SB1095 Prescribing Schedule II, Schedule III, or Schedule IV controlled substances. Requires any prescriber who prescribes a controlled substance included in Schedule II, Schedule III, or Schedule IV of the Drug Control Act to request and review information about that patient from the Prescription Monitoring Program, and to continue to do so at least annually for so long as the prescriber continues to prescribe the controlled substance to the patient.

Patron - Hanger

SB1097 Continuing education for prescribers; substance abuse, addiction, and related pain management and prescribing practices. Requires the Board of Dentistry, Board of Medicine, and Board of Optometry to require continuing education on the topics of substance abuse, addiction, and related pain management and prescribing practices for practitioners licensed by such Board who are authorized to prescribe controlled substances.

Patron - Hanger

SB1151 Health professions; licensure of surgical assistants. Requires surgical assistants to be licensed by the

Board of Medicine and creates an Advisory Board on Surgical Assistants to assist with such licensure and regulation. A surgical assistant is an individual other than a licensed physician assistant, podiatrist assistant, nurse practitioner, clinical nurse specialist, dental hygienist, or registered nurse who, under the direct supervision of a qualified surgeon, directly performs significant surgical tasks including manipulating tissues or organs, manipulating or inserting subcutaneous sutures, placing hemostatic agents, injecting local anesthetic, harvesting veins, and implanting devices.

Patron - Quayle

SB1244 Common Interest Community Board; common interest community manager; provisional licenses. Extends the expiration deadline for provisional common interest community manager licenses from June 30, 2011, to June 30, 2012. The bill includes an emergency clause. This bill was incorporated into SB 983.

Patron - Vogel

SB1311 Dental school faculty; licensure. Revises several provisions related to temporary licenses for dental school faculty who are not otherwise licensed to practice dentistry in the Commonwealth.

Patron - McEachin

SB1317 Prescription requirements; treatment of sexually transmitted disease. Allows a practitioner to prescribe antibiotic therapy to the sexual partner of a patient diagnosed with a sexually transmitted disease without the physical examination normally required.

Patron - McEachin

SB1341 Department of Professional and Occupational Regulation; Board for Contractors; regulation of locksmiths. Transfers the regulation of locksmiths and locksmith services from the Department of Criminal Justice Services to the State Board for Contractors.

Patron - Norment

SB1374 Social work; title protection. Provides that it shall be unlawful for any person not licensed by the Board of Social Work to use the title "Social Worker" in writing or in advertising in connection with his practice unless he simultaneously uses the clarifying initials signifying a degree in social work. The bill provides exceptions for federally required and defined social workers in nursing homes and hospices and has a delayed effective date of July 1, 2013.

Patron - Lucas

SB1419 Continuing education for prescribers; substance abuse, addiction, and related pain management and prescribing practices. Requires the Board of Dentistry, Board of Medicine, and Board of Optometry to require continuing education on the topics of substance abuse, addiction, and related pain management and prescribing practices for licensed practitioners who are authorized to prescribe controlled substances. The bill also requires the relevant Boards to seek to provide free online courses to fulfill this requirement.

Patron - Reynolds

SB1420 Controlled substances; mandatory reporting. Requires, rather than authorizes, prescribers of controlled substances to notify law enforcement when they have reason to suspect that a person has obtained or attempted to obtain a controlled substance or prescription for a controlled substance by fraud or deceit.

Patron - Reynolds

FSB1422 Practice of law. Provides that the practice of law shall not include (i) the design, creation, publication, distribution, display or sale of written materials, books, forms, computer software, or similar products, including publication, distribution, display, or sale by means of an Internet website, or (ii) the assembling of legal documents for use by consumers through an automated Internet website, if there is a clear and conspicuous notice to the consumer that the products or assembled documents are not a substitute for the advice of an attorney.

Patron - Quayle

FSB1449 Sale of certain products containing Bisphenol A prohibited. Prohibits the sale of child-care products containing Bisphenol A in the Commonwealth. A "child-care product" means a consumer product designed or intended primarily for children three years of age or younger.

Patron - Barker

FSB1463 Kinesiotherapists; licensure required. Requires the Board of Medicine to license and regulate kinesiotherapists.

Patron - Ticer

Property and Conveyances

Passed

PHB1610 Defective Chinese drywall; disclosure, assessed value, real estate tax exemption. Requires licensees engaged by sellers and buyers, and landlords who have actual knowledge of defective Chinese drywall in a dwelling unit, to disclose that information to the prospective tenant or buyer. If a tenant is not provided disclosure within 60 days of discovery of defective drywall he may terminate the lease. The bill also provides upon confirmation by a building official that defective Chinese drywall is present, that the commissioner or other assessing official may reassess the property accordingly. Local governments may also designate the property in a rehabilitation district for purposes of granting the owner a partial real estate tax exemption. This bill is a recommendation of the Housing Commission.

Patron - Oder

PHB1611 Landlord and tenant laws. The bill (i) provides that localities must have a uniform set of standards as provided in the Statewide Building Code for smoke detectors, and tenants must maintain smoke detectors, (ii) prohibits tenants from painting or altering a dwelling unit without the prior written approval of the landlord, and (iii) defines private process server. The bill also allows a landlord to take legal action against a relocated tenant for noncompliance during the relocation and, in cases involving a deceased tenant, authorizes the landlord to dispose of such tenant's property if not claimed by the person identified on the lease to be notified in the event of the death of a tenant after the 10-day notice to such person. Currently, such person has 30 days after the 10-day notice to remove the decedent's property before it may be disposed of by the landlord. The bill further provides that withholding tax from a Virginia source for a nonresident landlord is not required where the landlord owns no more than four dwelling units and removes the grandfather provision for a rental inspection district created by Fairfax City before January 1, 2009. Finally, the bill includes the following provisions that are subject to a reenactment clause: (a) authorization for service of process to be accomplished by a sheriff and for service to be

received and accepted electronically provided sufficient proof of delivery is retained, (b) increasing the fee which may be charged from \$12 to \$25, (c) allowing the sheriff to charge an additional \$10 for electronic service.

Patron - Oder

PHB1674 Common interest communities; definitions; fees for disclosure packets. Delays until July 2012 the time by which an employee of a common interest community manager must hold a certificate from the Common Interest Community Board. The bill, in cases where a receiver has been appointed, allows the receiver to recover the unpaid portion of any attorney fees, costs, and expenses from the Common Interest Community Management Recovery Fund, if there are sufficient funds in that Fund. The bill reduces from 90 to 45 days the time when the selling owner will be responsible for the fees for preparation of the disclosure packet when no settlement occurs on the unit or lot. The bill contains technical amendments.

Patron - Pogge

PHB1682 Subordinate mortgage. Increases to \$150,000 from \$50,000 the maximum amount of a subordinate mortgage that retains its subordinate status upon the refinancing of the primary mortgage. This bill incorporates HB 2061.

Patron - Toscano

PHB1741 Common interest communities; charges for access to association books and records. Provides that charges for access to association books and records may be imposed only in accordance with a cost schedule adopted by the board. The cost schedule shall (i) specify the charges for materials and labor, (ii) apply equally to all members in good standing, and (iii) be provided to such requesting member at the time the request is made. The bill has a delayed effective date of July 1, 2012.

Patron - Bulova

PHB2099 Real estate settlements; disclosures. Provides that the disclosure required by the seller under the Virginia Residential Property Disclosure Act may be provided by electronic means and overnight delivery using a commercial service or the U.S. Postal Service. Currently the disclosure must be made by either hand delivery or by United States mail. Regarding disclosures related to settlement service providers, the bill requires that a person making a referral to an affiliated settlement service provider where the person owns more than one percent of the affiliated service provider must disclose the percentage of the interest. Under the bill if the percentage is higher than 50 percent, the disclosure must state that the service provider is a subsidiary of the person making the referral.

Patron - Scott, J.M.

PHB2133 Land trusts; successor trustee. Provides that where a land trust has been created by the recordation of a deed of conveyance to a trustee, and the trustee named in the deed is unable to serve, the beneficiaries of the trust, by majority decision, shall name a successor trustee. If the beneficiaries cannot be identified, or cannot agree on a successor trustee, the circuit court where the deed was recorded shall name the successor trustee. The name and address of the successor trustee shall be recorded with the clerk.

Patron - Barlow

PHB2160 Implied warranties on new homes; notice of breach. Allows a vendee to give notice of a breach to the vendor by hand delivery.

Patron - Iaquinto

HB2162 Property transfer; Department of General Services; Mennel Milling Company. Authorizes the Department of General Services to convey certain real property to the Mennel Milling Company located in Roanoke County, Virginia. The property is in exchange for three parcels of land for use by the Virginia Department of Transportation for an area maintenance headquarters to serve the southwestern portion of Roanoke County. The bill includes an emergency clause. This bill is identical to SB 1211.

Patron - Cleaveland

HB2188 Common interest communities; payment of resale disclosure packet fees. Decreases from 90 to 45 days, where settlement does not occur, the time when a seller of a condominium unit or lot will be responsible for the payment of all allowable fees related to the preparation of the disclosure packet provided by the association. The bill provides that such assessment must be made by the association within one year after delivery of the disclosure packet.

Patron - Lewis

HB2209 Property transfer; Virginia Commonwealth University; City of Richmond. Authorizes the board of visitors of Virginia Commonwealth University to convey certain real property to the City of Richmond. Under the bill, the property must be used for the official Richmond Slave Trail located in the Richmond, Virginia, and that such use must commence within five years of the conveyance. If these conditions are not met, the property shall revert to the board of visitors of Virginia Commonwealth University. This bill is identical to SB 971.

Patron - McQuinn

HB2289 Common interest communities; rules violations; jurisdiction of general district courts. Provides that a court may order the owner of common interest community property who is in violation of such community's rules to abate or remedy the violation. The bill also provides that a general district court may enter default judgment against an owner on the association's sworn affidavit. The bill contains technical amendments. This bill is identical to SB 1327.

Patron - Sickles

HB2290 Virginia Property Owners' Association Act; notice to lot owners of pesticide use. Requires the association to post notice of all pesticide applications in or upon the common areas at least 48 hours prior to the application.

Patron - Sickles

HB2498 Property conveyance. Authorizes the Department of General Services, with the approval of the Governor, to convey certain property to Isle of Wight County.

Patron - Barlow

HB2507 Form of deeds. Provides that when a trust is the grantor or grantee of a deed, the deed shall contain the names of the trust's trustees serving at the time the deed was made.

Patron - Morgan

SB829 Tenants' assertion; rent escrow. Incorporates sections from the Virginia Residential Landlord Act into the Virginia Landlord Tenant Act to more clearly direct a tenant on procedure when the tenant asserts that adverse conditions exist on the leased premises: fire hazard, serious threat to the life, health or safety of occupants. Provides for rent to be placed in an escrow account before the judge determines the parties'

responsibilities. This bill is recommended by the Virginia Housing Commission.

Patron - Locke

SB921 Property conveyance. Authorizes the Virginia Marine Resources Commission to grant and convey a permanent easement and right-of-way across the bed of the Piankankank River and a permanent easement and right-of-way across the bed of the Narrows, including a portion of the Baylor Survey, to Virginia Electric and Power Company (Dominion Virginia Power), for the purpose of installing and operating a submarine electric distribution cable system. This is emergency legislation.

Patron - McDougle

SB931 Transfer fee covenants. Provides that a transfer fee covenant recorded in the Commonwealth on or after July 1, 2011, shall not run with the title to real property and is not binding on, or enforceable against, any subsequent owner, purchaser, or mortgagee of any interest in real property. The bill further provides that any lien purporting to secure the payment of a transfer fee under a transfer fee covenant recorded in the Commonwealth on or after July 1, 2011, is void and unenforceable.

Patron - McDougle

SB942 Defective Chinese drywall; disclosure, assessed value, real estate tax exemption. Requires licensees engaged by sellers and buyers, and landlords who have actual knowledge of defective Chinese drywall in a dwelling unit, to disclose that information to the prospective tenant or buyer. If a tenant is not provided disclosure within 60 days of discovery of defective drywall he may terminate the lease. The bill also provides upon confirmation by a building official that defective Chinese drywall is present, that the commissioner or other assessing official may reassess the property accordingly. Local governments may also place the property in a rehabilitation district for purposes of granting the owner a partial real estate tax exemption. This bill is a recommendation of the Housing Commission.

Patron - Miller, J.C.

SB971 Property transfer; Virginia Commonwealth University; City of Richmond. Authorizes the board of visitors of Virginia Commonwealth University to convey certain real property to the City of Richmond. Under the bill, the property must be used for the official Richmond Slave Trail located in the Richmond, Virginia, and that such use must commence within five years of the conveyance. If these conditions are not met, the property shall revert to the board of visitors of Virginia Commonwealth University. This bill is identical to HB 2209.

Patron - Marsh

SB1072 Inter vivos QTIP trusts. Provides that the donor spouse who establishes for his spouse a QTIP (qualified terminable interest property) trust, which effectively gives the donee spouse a life estate in the trust property, or an inter vivos power of appointment marital deduction trust shall not have the trust property included in the donor spouse's estate for estate tax purposes.

Patron - Edwards

SB1211 Property transfer; Department of General Services; Mennel Milling Company. Authorizes the Department of General Services to convey certain real property to the Mennel Milling Company located in Roanoke County, Virginia. The property is in exchange for three parcels of land for use by the Virginia Department of Transportation for an area maintenance headquarters to serve the southwestern portion of

Roanoke County. The bill includes an emergency clause. This bill is identical to HB 2162.

Patron - Smith

PSB1220 Virginia Residential Landlord Tenant Act; notice to tenant in event of foreclosure. Provides that if a landlord fails to notify the tenant of a notice of mortgage acceleration, or notice of foreclosure sale relative to the loan on the dwelling unit then the tenant has the right to terminate the rental agreement upon written notice to the landlord at least five business days prior to the effective date of termination. In addition, the bill requires a landlord to disclose in writing to any prospective tenant if he has received any notice of mortgage default, notice of mortgage acceleration, or notice of foreclosure sale relative to the loan on the dwelling unit.

Patron - Barker

PSB1323 Common interest communities; payment of resale disclosure packet fees. Decreases from 90 to 45 days, where settlement does not occur, the time when a seller of a condominium unit or lot will be responsible for the payment of all allowable fees related to the preparation of the disclosure packet provided by the association.

Patron - Marsden

PSB1327 Common interest communities; rules violations; jurisdiction of general district courts. Provides that a court may order the owner of common interest community property who is in violation of such community's rules to abate or remedy the violation. The bill also provides that a general district court may enter default judgment against an owner on the association's sworn affidavit. The bill contains technical amendments. This bill is identical to HB 2289.

Patron - Herring

Failed

FHB1499 Unlawful detainer, etc.; storage of tenant's property. Provides that when the personal property of a tenant is removed from a premises pursuant to an unlawful detainer, ejectment, or any other action, the property shall be placed in a storage area designated by the landlord. Currently, such property may be placed in such a storage area or in the public way.

Patron - Ware, O.

FHB1506 Foreclosure procedures; assignment of deed of trust. Provides that the trustee under any deed of trust or mortgage shall not proceed with any sale of the property unless the land records of the locality in which the property is located contain a duly recorded assignment to the person who asserts that he is the holder of the obligation. The trustee may proceed with the sale (i) upon the recordation of any assignments not recorded or, if an intervening assignment cannot be located, upon the receipt of an affidavit from the party secured that he is the party secured by the deed of trust, and (ii) upon the payment by the person who asserts that he is the holder of the obligation of any fees and taxes for recording the assignment. The bill also provides that a nominee of a grantee or mortgagee for a deed of trust or mortgage has no authority to request that the trustee proceed with any sale of the property conveyed to him by the deed of trust or mortgage. The bill also requires that the party secured by the deed of trust or mortgage provide notice of his intent to foreclose to the property owner at least 45 days before any proposed sale. The bill provides further that a person who (i) knowingly makes, used, or causes to be made or used any false or fraudulent record, document, or statement or (ii) knowingly swears or affirms falsely to any matter, in support of any foreclosure is liable for a civil penalty

of \$5,000, which shall be paid into the local treasury. The bill also creates a civil cause of action for such a violation in favor of the owner of the property foreclosed upon.

Patron - Marshall, R.G.

FHB1577 Duties of lien and secured creditors. Changes from 90 to 60 the number of days by which a secured creditor is required to submit for recording a satisfaction of a security instrument after the creditor receives full payment or performance of the secured obligation. The bill similarly changes from 90 to 60 the number of days by which a lien creditor is required, after full or partial payment or satisfaction has been made of a debt secured by a deed of trust, vendor's lien, or other lien, to provide a certificate of satisfaction to the settlement agent or deliver it to the clerk's office with the necessary fee for filing.

Patron - Dance

FHB1665 Mortgage foreclosures; notices and reinstatement right. Requires certain institutional lenders that are the beneficiary of a first priority deed of trust securing a loan on residential real property that is the primary residence of the grantor, within two days after characterizing the loan as being in default, accelerating the balance due on the loan, or otherwise instituting collection proceedings on the loan as a result of the grantor's failure to make any payment due on the loan, to send written notice to the grantor informing the grantor (i) that the beneficiary has taken such action with respect to the loan and (ii) of any programs or options that the beneficiary provides, conducts, or has knowledge of that may permit the grantor to avoid foreclosure of the deed of trust and a telephone number or Internet address through which the grantor may find contact information for counseling agencies approved by the U.S. Department of Housing and Urban Development. The measure prohibits the beneficiary of such a loan that is in default status from unreasonably refusing to provide information regarding the status of the loan or to reply to inquiries from the grantor regarding the status of the loan or programs or options that may permit the grantor to avoid foreclosure. The measure also gives the grantor a new right, exercisable at any time up to the date of the sale of the property, to cure the default, deaccelerate, and reinstate the loan by paying all sums that would have been due in the absence of default and performing any other obligation that the grantor would have been bound to perform in the absence of the default or acceleration. The grantor may exercise the right to cure a default as to a particular loan and reinstate that mortgage once every 18 months.

Patron - Alexander

FHB1765 Manufactured Home Lot Rental Act. Makes several changes to the Manufactured Home Lot Rental Act (Act) regarding obligations imposed on the landlord: (i) changes the requirement to provide a copy of the lease agreement from within seven days of the tenant's signing of the agreement to within seven days of both parties signing; (ii) removes the requirement that the landlord provide tenants with a copy of the Act at the time of contract and post on the premises of the park a copy of the Act and the Virginia Residential Landlord and Tenant Act; (iii) provides that the rental agreement, under certain conditions, may make the tenant responsible for garbage collection and removal; and (iv) reduces the automatic renewal period from one year to 60 days. The bill also clarifies the responsibility of the tenant for the conduct of guests, invitees, and other persons on the premises with the tenant's consent. In addition, the bill adds a nondiscrimination clause to the Act and removes language providing that the refusal or restriction of the sale or rental of a manufactured home based exclusively or predominantly on the age of the home is unreasonable.

Patron - Crockett-Stark

HB1894 Condominium Act; Property Owners' Association Act; foreclosure on lien for unpaid assessments; priority of certain liens. Provides that a property owners' or condominium association may conduct a foreclosure sale on a lien for unpaid assessments subject to the lien of a first trust. The bill also provides that such portion of the unpaid assessments due and owing the association for a period not to exceed three years that is attributable to providing the maintenance and upkeep of the common areas and such other areas of association responsibility expressly provided for in the declaration, including capital expenditures, shall be prior to all other liens and encumbrances. The bill contains technical amendments. This bill was incorporated into HB 2530.

Patron - Watts

HB1920 Recording assignment of deed of trust; prerequisite to sale. Provides that the trustee under a deed of trust or mortgage entered into on or after July 1, 2011, shall not proceed with any sale of property at the request of a person asserting that he is the holder of the obligation secured by the deed of trust or mortgage unless an instrument evidencing the assignment of the deed of trust or mortgage to such person is recorded in the land records of the locality where the property is located.

Patron - Abbott

HB1921 Sale by trustee; recordation of assignments. Provides that the trustee under any deed of trust or mortgage entered into on or after July 1, 2011, shall not proceed with any sale of the property unless the land records of the locality in which the property is located contain a duly recorded assignment to the person who asserts that he is the holder of the obligation. If the deed of trust or mortgage has been assigned more than once, the trustee shall not proceed with any sale unless each assignment has been duly recorded.

Patron - Abbott

HB2061 Subordinate mortgage. Increases to \$150,000 from \$50,000 the maximum amount of a subordinate mortgage that retains its subordinate status upon the refinancing of the primary mortgage. This bill has been incorporated into HB 1682.

Patron - Bell, Robert B.

HB2304 Common interest communities; suspension of certain owner rights for rules violations. Gives common interest community boards the authority, even in cases where the declaration does not expressly grant the authority to the boards, to (i) suspend a unit owner's right to use facilities or services, including utility services, provided directly through the association for nonpayment of assessments that are more than 60 days past due, to the extent that access to the unit through the common elements is not precluded and provided that such suspension shall not endanger the health, safety, or property of any owner, tenant, or occupant and (ii) assess charges against any owner for any violation of the declaration or of the rules or regulations promulgated pursuant thereto for which such owner or his family members, tenants, guests, or other invitees are responsible. The bill contains technical amendments.

Patron - Brink

HB2473 Foreclosure procedures; assignment of deed of trust. Provides that the trustee under any deed of trust or mortgage shall not proceed with any sale of the property unless the land records of the locality in which the property is located contain a duly recorded assignment to the person who asserts that he is the holder of the obligation. The trustee may proceed with the sale (i) upon the recordation of any assign-

ments not recorded or, if an intervening assignment cannot be located, upon the receipt of an affidavit from the party secured that he is the party secured by the deed of trust, and (ii) upon the payment by the person who asserts that he is the holder of the obligation of any fees and taxes for recording the assignment. The bill also provides that a nominee of a grantee or mortgagee for a deed of trust or mortgage has no authority to request that the trustee proceed with any sale of the property conveyed to him by the deed of trust or mortgage. The bill also requires that the party secured by the deed of trust or mortgage provide notice of his intent to foreclose to the property owner at least 45 days before any proposed sale. The bill provides further that a person who (i) knowingly makes, used, or causes to be made or used any false or fraudulent record, document, or statement or (ii) knowingly swears or affirms falsely to any matter, in support of any foreclosure is liable for a civil penalty of \$5,000, which shall be paid into the local treasury. The bill also creates a civil cause of action for such a violation in favor of the owner of the property foreclosed upon.

Patron - Marshall, R.G.

HB2530 Condominium Act; Property Owners' Association Act; lien for assessments; priority. Provides that such portion of the unpaid assessments due and owing the association for a period not to exceed three years that is attributable to providing the maintenance and upkeep of the common areas and such other areas of association responsibility expressly provided for in the declaration, including capital expenditures, shall be prior to all other liens and encumbrances except any real estate tax liens on the unit or lot. The bill contains technical amendments. This bill incorporates HB 1894.

Patron - Scott, J.M.

SB795 Foreclosure procedures. Makes various changes to procedures for foreclosure, including requiring additional documentation showing the right of the beneficiary to request foreclosure, altering the requirements for providing notice prior to a foreclosure sale, and imposing additional fiduciary duties on the trustee. The bill also provides that violating foreclosure provisions is a prohibited practice under the Virginia Consumer Protection Act.

Patron - McEachin

SB798 Judicial foreclosure. Provides that a court must order the sale of property subject to foreclosure for deeds of trust entered into on or after July 1, 2011. Property secured by deeds of trust entered into prior to July 1, 2011, may still be foreclosed upon using current non-judicial procedures.

Patron - McEachin

SB836 Notice of foreclosure. Provides that written notice of the intent to foreclose shall be sent to the present owner of the property at least 30 days before any proposed sale in execution of a deed of trust. The notice shall contain the name and contact information for (i) the party secured, (ii) the mortgage servicer, if any, and (iii) an agent of the party secured who is authorized to modify the terms of the loan. The failure to comply with the notice requirements gives a private cause of action to the property owner.

Patron - Petersen

SB837 Foreclosure; use of false records, documents, or statements. Provides that any person who knowingly makes, uses, or causes to be made or used a false or fraudulent record, document, or statement in support of any foreclosure upon property under Chapter 4 of Title 55 shall be liable to the injured party. Upon proof of such violation and damages arising therefrom, the injured party shall be entitled to appropriate equitable relief and to recover such compensatory damages as may be proven. If compensatory damages are awarded, a vic-

tim may also be awarded punitive damages. A person violating the provisions of this bill shall be liable for reasonable attorney fees and costs of a civil action.

Patron - Petersen

FSB838 Recordation of certificate of assignment of debt secured by deed of trust. Requires the assignee of a debt or other obligation that is secured by a deed of trust, mortgage, or vendor's lien on real estate to record a certificate of assignment in the clerk's office of the circuit court where the deed of trust, mortgage, or vendor's lien is recorded. Effective July 1, 2011, the recordation of a certificate of assignment will be necessary to transfer the benefit of the security provided by the deed of trust or mortgage.

Patron - Petersen

FSB1071 Irrevocable trusts; trustee's power to appoint assets into second trust. Authorizes the trustee of an irrevocable trust to appoint all or part of the principal or income of a trust into a second trust for the benefit of the beneficiaries of the original trust.

Patron - Edwards

FSB1080 Virginia Condominium Act; amendment of condominium instruments; limitation of future sales as smoke-free units. Authorizes the condominium instruments to be amended by agreement of two-thirds of the unit owners, or by a larger majority if the condominium instruments specify, to require that units conveyed or transferred after the effective date of amendment be smoke-free units.

Patron - Hanger

FSB1253 Virginia Property Owners' Association Act; control of association by declarant. Provides that a declaration may allow for declarant control of an association and its board of directors until three months after 80 percent of all lots that the declarant has reserved the right to develop in all phases of development have been conveyed to a person other than a declarant. The bill also provides that the declarant has the right to develop all additional lots in accordance with provisions in effect at the time of transfer of control and gives the declarant a seat on the board of the association until such time as all lots have been conveyed to a person other than a declarant. In addition, the bill prohibits, unless the declaration expressly provides otherwise, a declarant from amending the declaration to extend the period of declarant control including the power to appoint and remove some or all of the members of the board of directors or to exercise powers and responsibilities otherwise assigned to the board of directors or association unless the amendment is agreed to by 100 percent of the votes of the association.

Patron - Vogel

Public Service Companies

Passed

PHB1658 Public-Private Education Facilities and Infrastructure Act of 2002; legislative review of certain proposals initiated by private entities. Provides that any responsible public entity that is a state agency receiving a detailed proposal from a private entity for a qualifying transportation facility that is a port facility shall provide notice to the Public-Private Partnership Advisory Commission.

Patron - Purkey

PHB1686 Distributed solar generation demonstration programs. Directs the State Corporation Commission (SCC) to exercise its existing authority to consider for approval petitions filed by a utility to own and operate distributed solar generation facilities and to offer special tariffs to facilitate customer-owned distributed solar generation as alternatives to net energy metering. The SCC's approval of such programs shall follow notice to all affected parties and opportunity for hearing. After distributed solar generation installations cease to be part of a demonstration program, they shall continue to operate either as utility-owned facilities or as customer-owned installations pursuant to the terms of a tariff arrangement.

Patron - Toscano

PHB1912 Electric utility ratemaking procedures; recognition of Commonwealth Energy Policy. Directs the State Corporation Commission (SCC), when required to approve the construction of an electric utility facility, to consider the economic and job creation objectives of the Commonwealth Energy Policy. The SCC is also directed, when determining the reasonableness or prudence of a utility's use of renewable energy resources, to consider the extent to which the use of such resources furthers the objectives of the Commonwealth Energy Policy and whether the cost of such resources is likely to result in unreasonable increases in rates paid by consumers.

Patron - Miller, J.H.

PHB1983 Net energy metering program. Increases the maximum capacity of an electrical generation facility of a residential customer that qualifies for participation in a net energy metering program from 10 to 20 kilowatts. The measure also provides that a customer-generator whose generating facility has a capacity that exceeds 10 kilowatts shall pay a monthly standby charge. A supplier's methodology for assessing a standby charge is required to allow the supplier to recover only the portion of its infrastructure costs that are properly associated with serving the eligible customer-generators. The State Corporation Commission is directed to conduct a proceeding to determine the reasonableness of standby charges.

Patron - Kilgore

PHB2024 Electrical transmission lines; impact minimizations plans. Requires that applications to the State Corporation Commission for approval of an electrical transmission line of 138 kilovolts or more include a summary of the applicant's efforts to reasonably minimize adverse impacts on the scenic assets, historic districts, and environment of the area concerned.

Patron - May

PHB2027 Underground transmission lines; pilot program. Extends the scheduled expiration of the pilot program established in 2008 for the underground placement of certain electric transmission lines from July 1, 2012, to July 1, 2014. The due date for the State Corporation Commission's final report on the pilot program is postponed until December 1, 2014.

Patron - May

PHB2105 Public utilities; electric vehicle charging service. Excludes any person who is not a public service corporation and who provides electric vehicle charging service at retail from the meaning of the terms "public utility," "public service corporation," or "public service company." The ownership or operation of a facility at which electric vehicle charging service is sold, and the selling of electric vehicle charging service from that facility, does not render the person a public utility, public service corporation, or public service company

solely because of that sale, ownership, or operation. The provision of electric vehicle charging service by a person who is not a public utility shall not constitute the retail sale of electricity if the electricity furnished in connection with the provision of electric vehicle charging service is used solely for transportation purposes and the person providing the electric vehicle charging service has procured the furnished electricity from the public utility that is authorized by the State Corporation Commission to engage in the retail sale of electricity within the exclusive service territory in which the service is provided. Providing electric vehicle charging service is declared to be a permitted electric utility activity of a certificated electric utility. The Commission is barred from setting the rates, charges, and fees for the provision of retail electric vehicle charging service provided by nonutilities. The measure directs public utilities to evaluate options to develop and offer off-peak charging rates or other incentives to encourage owners of an electric vehicle to charge or recharge its battery during nonpeak times, when practical. Finally, the measure provides that the Commission is authorized to approve pilot programs conducted by public electric utilities. The pilot programs may offer special rates, contracts, or incentives to determine the feasibility of allowing time-differentiated rates that encourage users of electric motor vehicles to charge vehicles during nonpeak periods. An electric utility that participates in a pilot program will be entitled to recover annually the costs of its participation in such a program conducted on or after January 1, 2011.

Patron - Bulova

HB2125 Electric utilities; biennial rate cases.

Requires the State Corporation Commission to enter its final order in biennial rate review proceedings not more than eight months after the date of filing. Currently, such an order is required to be entered not more than nine months after the end of the investor-owned electric utility's test period under review. The measure has an emergency clause. SB 1472 is identical.

Patron - Poindexter

HB2159 Electric utility service terminations; customers with a serious medical condition.

Directs the State Corporation Commission to establish limitations on the authority of electric utilities to terminate electric service to the residence of a customer who has a serious medical condition or resides with a family member with a serious medical condition. The Commission is further directed to adopt regulations, by October 31, 2011, to implement the limitations. The regulations shall establish a cost recovery mechanism. SB 1165 is identical.

Patron - Iaquinto

HB2184 Telecommunications fees.

Limits liability for the wireless E-911 surcharge to wireless customers with devices capable of two-way interactive voice communication.

Patron - Janis

HB2237 Electric utility ratemaking incentives; coalbed methane gas.

Authorizes investor-owned electric utilities to earn an enhanced rate of return, equal to 150 basis points above the authorized rate of return, on their investments in generation facilities that are fired at least 50 percent by coalbed methane gas produced from Virginia wells. SB 1392 is identical.

Patron - Morefield

HB2367 Telecommunications services; regulation.

Eliminates certain requirements applicable to competitive telecommunications services. The requirement that competitive services be offered for sale under a filed tariff is eliminated. The State Corporation Commission shall permit, but may not mandate, the detariffing of any or all terms, conditions, or rates

for retail telephone service not found prior to January 1, 2011, to be a basic local exchange telephone service. After July 1, 2013, the Commission shall permit, but may not mandate, the detariffing of any or all terms, conditions, or rates for any or all retail telephone services. In addition, the measure (i) eliminates the facility-building requirement of telephone companies in instances where a person has service available from one or more alternative providers of wireline or terrestrial wireless communications service at prevailing market rates; (ii) permits an incumbent provider to meet its obligation to furnish reasonably adequate service and facilities through the use of any and all wireline or terrestrial wireless technology, subject to a requirement that when a telephone company restores service to an existing wireline customer, the company shall offer the option to furnish service using wireline facilities; (iii) provides that the Commission may conclude that competition can effectively ensure reasonably adequate retail services in competitive exchanges and may carry out its duty to ensure that a public utility is furnishing reasonably adequate retail service in its competitive exchanges by monitoring individual customer complaints and requiring appropriate responses to such complaints; (iv) amends the requirement of prior approval for the sale of all of the assets of a telephone company to provide that the Commission in such a proceeding shall consider only the financial, managerial, and technical resources to render local exchange telecommunications services of the person acquiring ownership or control; (v) eliminates requirements associated with telegraph service that is no longer offered in the Commonwealth; (vi) expands the definition of mail used for providing notice to customers to include electronic mail; (vii) provides that the prohibition on multiple rate increases within a 12-month period does not apply to competitive services; (viii) exempts telephone companies from provisions relating to energy and capital resource use conservation, standard units of products or service, and fuel purchases; (ix) eliminates provisions relating to the authority of the Commission to establish areas where a telephone company may provide mobile telephone service; (x) deletes obsolete provisions applicable to the extension of telephone facilities into rural areas and to the rates of telephone companies set by municipal ordinances; (xi) allows the detariffing of interexchange service; and (xii) provides that requirements that telephone companies file reports, other than reports relating to the special revenue tax, will expire on December 31 of each year unless the Commission extends the requirement after notice and an opportunity for a hearing. SB 1368 is identical.

Patron - Hugo

SB787 Wireless E-911 Services Board; name.

Changes the name of the Wireless E-911 Services Board to the E-911 Services Board.

Patron - Watkins

SB788 Wireless E-911 Fund; distributions. Amends the procedure by which the Wireless E-911 Services Board distributes funds in the Wireless E-911 Fund. The measure requires the Board to recalculate the distribution percentage for each public safety answering point annually before the start of each fiscal year based on the cost and call load data from one or more of the previous fiscal years. Currently, the Board calculates the distribution formula each October based on the data from the prior year.

Patron - Watkins

SB895 Donation of capital stock of turnpike or ferry corporations. Repeals Code provision allowing any turnpike or ferry corporation to donate and transfer its entire capital stock to the Commonwealth Transportation Board or to political subdivisions.

Patron - Miller, Y.B.

SB1123 Wireless E-911 surcharge. Requires that all E-911 surcharges collected from customers be remitted to the Department of Taxation rather than the Wireless E-911 Services Board. This was a recommendation of the Governor's Commission on Government Reform and Restructuring.

Patron - Stosch

SB1127 Public-Private Education Facilities and Infrastructure Act of 2002; review of proposals initiated by private entities. Provides that whenever a responsible public entity rejects a proposal initiated by a private entity that purports to develop specific cost savings, the public entity shall specify the basis for the rejection.

Patron - Stosch

SB1165 Electric utility service terminations; customers with a serious medical condition. Directs the State Corporation Commission to establish limitations on the authority of electric utilities to terminate electric service to the residence of a customer who has a serious medical condition or resides with a family member with a serious medical condition. The Commission is further directed to adopt regulations, by October 31, 2011, to implement the limitations. The regulations shall establish a cost recovery mechanism. HB 2159 is identical.

Patron - Reynolds

SB1368 Telecommunications services; regulation. Eliminates certain requirements applicable to competitive telecommunications services. The requirement that competitive services be offered for sale under a filed tariff is eliminated. The State Corporation Commission shall permit, but may not mandate, the detariffing of any or all terms, conditions, or rates for retail telephone service not found prior to January 1, 2011, to be a basic local exchange telephone service. After July 1, 2013, the Commission shall permit, but may not mandate, the detariffing of any or all terms, conditions, or rates for any or all retail telephone services. In addition, the measure (i) eliminates the facility-building requirement of telephone companies in instances where a person has service available from one or more alternative providers of wireline or terrestrial wireless communications service at prevailing market rates; (ii) permits an incumbent provider to meet its obligation to furnish reasonably adequate service and facilities through the use of any and all wireline or terrestrial wireless technology, subject to a requirement that when a telephone company restores service to an existing wireline customer, the company shall offer the option to furnish service using wireline facilities; (iii) provides that the Commission may conclude that competition can effectively ensure reasonably adequate retail services in competitive exchanges and may carry out its duty to ensure that a public utility is furnishing reasonably adequate retail service in its competitive exchanges by monitoring individual customer complaints and requiring appropriate responses to such complaints; (iv) amends the requirement of prior approval for the sale of all of the assets of a telephone company to provide that the Commission in such a proceeding shall consider only the financial, managerial, and technical resources to render local exchange telecommunications services of the person acquiring ownership or control; (v) eliminates requirements associated with telegraph service that is no longer offered in the Commonwealth; (vi) expands the definition of mail used for providing notice to customers to include electronic mail; (vii) provides that the prohibition on multiple rate increases within a 12-month period does not apply to competitive services; (viii) exempts telephone companies from provisions relating to energy and capital resource use conservation, standard units of products or service, and fuel purchases; (ix) eliminates provisions relating to the authority of the Commission to establish

areas where a telephone company may provide mobile telephone service; (x) deletes obsolete provisions applicable to the extension of telephone facilities into rural areas and to the rates of telephone companies set by municipal ordinances; (xi) allows the detariffing of interexchange service; and (xii) provides that requirements that telephone companies file reports, other than reports relating to the special revenue tax, will expire on December 31 of each year unless the Commission extends the requirement after notice and an opportunity for a hearing. HB 2367 is identical.

Patron - Saslaw

SB1392 Electric utility ratemaking incentives; coalbed methane gas. Authorizes investor-owned electric utilities to earn an enhanced rate of return, equal to 150 basis points above the authorized rate of return, on their investments in generation facilities that are fired at least 50 percent by coalbed methane gas produced from Virginia wells. HB 2237 is identical.

Patron - Puckett

SB1472 Electric utilities; biennial rate cases. Requires the State Corporation Commission to enter its final order in biennial rate review proceedings not more than eight months after the date of filing. Currently, such an order is required to be entered not more than nine months after the end of the investor-owned electric utility's test period under review. The measure has an emergency clause. HB 2125 is identical.

Patron - Stanley

Failed

HB1439 Pole attachments. Authorizes a telecommunications service provider or cable television system that is unable to arrive at a mutually agreeable contract with an electric cooperative for pole attachments to the electric cooperative's facilities to petition the State Corporation Commission to establish the rates, terms, and conditions for such a contract. The Commission's actions shall be consistent with the goal of promoting access to electric cooperative facilities by telecommunications service providers and cable television systems in order to promote broadband connections and deployment throughout the Commonwealth. The Commission shall utilize the principles established by the Federal Communications Commission in regulations and case law for pole attachments regulated pursuant to federal law in establishing such rates, terms, and conditions. A rate set by the Commission shall not exceed the highest rate for a similar attachment that is charged by an investor-owned electric utility that provides service in an area adjacent to the electric cooperative's service territory.

Patron - Janis

HB1539 Tolls on Dulles Toll Road and Dulles Greenway. Requires advance approval of any tolls for use of the Dulles Toll Road or Dulles Greenway by every local governing body of every county, city, and town through which the facility passes.

Patron - LeMunyon

HB1685 Agricultural net energy metering. Creates a category of eligible customer-generators under the net energy metering program for operators of agricultural net metering facilities. An agricultural net energy metering facility may be served by multiple meters located at separate but contiguous sites owned or controlled by the same entity. The facility may aggregate the electricity generation and consumption as measured at these meters for purposes of participating in the net energy metering program. The measure also revises the criteria for qualifying as an "eligible customer-generator" to provide

that a utility may elect a higher capacity for customer classes, rather than higher limits for a generating facility.

Patron - Toscano

HB1736 Electric utility rates; added returns. Eliminates provisions of the Virginia Electric Utility Regulation Act that authorize investor-owned electric utilities to earn added basis points and other performance incentives that would increase the utility's fair combined rate of return on common equity above the rate determined by the Commission in biennial rate review proceedings. Currently, such utilities are authorized to earn performance incentives and enhanced rates of return on common equity if they satisfy performance standards, make certain investments in generation facilities, and successfully participate in a renewable energy program.

Patron - Pollard

HB2107 Reduced electricity rates for low-income residential customers; tax credit. Requires investor-owned electric utilities to offer eligible residential customers a reduced rate for electric service during December through April of each year. The reduced rate is 20 percent less than the rate that would be applicable to the customer if the customer was ineligible for the special rate. To be eligible for the special rate, a customer must be receiving (i) supplemental security income, (ii) aid to families with dependent children, (iii) aid to families with dependent children-unemployed, or (iv) food stamps, if the food stamp recipients are 60 years of age or older. The State Corporation Commission is required to certify each utility's revenue deficiency resulting from the special reduced rates, and the utility will receive an income tax credit calculated at 1.45 percent of the revenue deficiency. The Department of Social Services is required to adopt regulations establishing procedures to inform persons about the availability of the special reduced rates, assist applicants for the special reduced rates in proving their eligibility therefor, and assist utilities in determining the eligibility of persons for such rates. The Commission and the Department are required to adopt temporary emergency regulations implementing the program by October 1, 2011.

Patron - Armstrong

HB2117 Electric utility regulation. Reinstates much of the system under which investor-owned electric utilities were regulated prior to 1999. The measure repeals the Virginia Electric Utility Regulation Act and reenacts provisions relating to State Corporation Commission (SCC) ratemaking, including provisions addressing the recovery of fuel and purchased power costs, that existed prior to the 2007 legislation that re-regulated most of Virginia's investor-owned electric utilities. Existing provisions of the Virginia Electric Utility Regulation Act pertaining to ratemaking for electric cooperatives, to net energy metering, to consumer education programs, and to interconnections by farms are relocated to other chapters in Title 56. Rate adjustment clauses approved by the SCC will remain in effect as set forth in an enactment clause.

Patron - Armstrong

HB2118 Electric utility regulation. Rebundles charges for the transmission, distribution, and generation services into the base rates of investor-owned electric utilities and revises the system enacted in 2007 by which rates of investor-owned electric utilities are to be set. The measure restores the State Corporation Commission's authority to set the utility's authorized rate of return on equity at a level that reflects the utility's risk, allows the utility to attract capital, and will be fair to ratepayers. Existing provisions of the Virginia Electric Utility Regulation Act that establish floors on a utility's rate of return based on returns reported by peer group utilities in other Southeastern states are repealed. Other provisions (i) eliminate

the ability of a utility to earn a margin on operating expenses for energy efficiency programs; (ii) limit the incentive for participation in the renewable energy portfolio program to an additional 50 basis points above the otherwise-available rate of return on new renewable energy generation facilities, in lieu of the existing provision that grants a participating utility a 50 basis point increase in its rate of return on all of its equity; (iii) authorize the Commission to increase the allowed return on equity for certain investments by up to 200 basis points for a period between 5 and 25 years based on the risk of the project, in lieu of the existing provision that establishes incentives with specific ranges and durations based on the type of project; (iv) require the Commission to consider all rate adjustment clause petitions in single annual proceedings in order to limit the number of rate increases; (v) provide that costs recoverable through rate adjustment clauses may be deferred and paid from earnings from other sources, in order to ensure that rates are not increased to recover such costs when the utility is overearning through its base rates; (vi) permit the Commission to extend the period for its review in cases by up to nine months, provided that the utility may place its proposed rate increase in effect subject to refund at the end of the original period; (vii) direct that a utility that has earned more than a fair rate of return in a biennium, after crediting the overage to deferred amounts under rate adjustment clauses, shall credit the overage to customers; (viii) eliminate a provision that limits the Commission's authority to lower a utility's rates to cases where the utility has earned more than 50 basis points above a fair rate of return for two consecutive biennia; and (ix) delete provisions requiring stand-alone determinations of income tax costs in ratemaking proceedings.

Patron - Armstrong

HB2270 Electric utility rate structures; advancing conservation and efficiency. Directs the State Corporation Commission to encourage investor-owned electric utilities to file tariffs with rate structures that reflect time of day and seasonal cost differentials. In proceedings that involve a new or amended retail rate structure, the Commission is directed to consider several factors, including the extent to which the rates are designed to align with the utility's marginal cost of providing service at different times of the day. In such rate structure proceedings, electric utilities may seek, and the Commission may approve, financial incentives for the implementation of creative rate options that would allow the utility and its customers to share the economic benefits of rate structures that lower the utility's fuel costs. The measure also directs the Commission to give the highest level of priority in its development of the electric energy consumer education program to efforts to increase consumer awareness and knowledge of electric rate structures and the overall cost of electricity.

Patron - Keam

HB2353 Renewable energy portfolio standard. Requires each investor-owned electric utility and distribution cooperative to participate in a renewable energy portfolio standard program commencing with calendar year 2013. Under the program, each utility is required to generate renewable energy or to purchase renewable energy certificates, or both, in amounts that start in 2013 at three percent of the total electric energy sold in the base year of 2007 and that increase to 20 percent of such amount in 2020 and thereafter. A portion of the renewable energy used to meet the percentage goals is required to be from distributed generation. Renewable energy generated in-state, or from a community-based project, is eligible for additional credit toward meeting the RPS Goals. Failure to meet the required percentages will result in the assessment of alternative compliance payments, which payments are to be paid into the newly created Virginia Sustainable Energy Fund. The measure provides that an investor-owned electric utility

that was authorized to receive a performance incentive as a consequence of its participation in the renewable portfolio standard program as it existed prior to the effective date of this act shall continue to receive the incentive until the utility's next biennial rate review proceeding.

Patron - Morrissey

HB2417 Electric cooperatives; attachments to utility poles by cable television systems; penalty. Provides that placing an unauthorized attachment to utility poles owned by an electric cooperative is a Class 1 misdemeanor. The measure also requires cable television systems to adhere to conditions and standards when attaching to an electric cooperative's poles. These conditions and standards include payment for unauthorized attachments, standards for overlappings, evidence of authority to occupy the right-of-way, and nondiscriminatory access to broadband services. In addition, a cable television system that violates safety and response provisions is subject to fines of up to \$10,000.

Patron - Landes

HB2446 Renewable energy portfolio standard program. Provides that an investor-owned electric utility will receive (i) double credit toward meeting the goals of the renewable energy portfolio standard program for energy from biomass or waste-to-energy; (ii) triple credit toward such goals for energy from sunlight; and (iii) quadruple credit toward such goals for energy from sunlight if the facility is located in Virginia and the majority of the products used to generate the energy are manufactured or assembled in the United States.

Patron - Cosgrove

HB2447 Renewable energy incentives. Creates incentives for the development of renewable energy facilities in the Commonwealth. The incentives include (i) clarifying the definition of renewable energy to include wood waste materials; (ii) establishing a preference in energy procurement for state facilities for the use of renewable energy; (iii) directing the establishment of goals for the increased use by state agencies of renewable energy that will seek to have 20 percent of the energy consumed at state facilities to be renewable energy by 2025; (iv) allowing the Department of General Services to contract for renewable energy on a negotiated basis without using a competitive procurement process; (v) establishing a program to be administered by the Virginia Resources Authority under which 70 percent of the amount of loans for the capital cost of a qualifying facility may be guaranteed; and (vi) expanding the existing permit-by-rule program for small renewable energy facilities to include all renewable energy facilities, regardless of size.

Patron - Cosgrove

HB2514 Electric utility regulation. Excludes any investor-owned electric utility that was as of July 1, 1999, not bound by a rate case settlement adopted by the State Corporation Commission (SCC) that extended in its application beyond January 1, 2002, from provisions of the Virginia Electric Utility Regulation Act that establish floors on a utility's rate of return based on returns reported by peer group utilities in other Southeastern states. Petitions by such investor-owned electric utilities for rate adjustment clauses are required to be consolidated into a single annual proceeding. Changes in the rates of such a utility resulting from biennial reviews and annual rate adjustment clause proceedings will be effective no later than May 1 each year. In rate adjustment clause proceedings involving such utilities, the SCC is required to ensure that rate riders do not provide revenues that allow the utility to earn in excess of the authorized rate of return. The SCC will also be allowed to adjust rate riders in the future based on earnings.

Patron - Merricks

SB741 Terminations of electric utility service; endangerment of customer's health. Requires an electric utility to postpone its termination of service of a residential customer for five days, or to reconnect service to such a customer within five days, if the customer notifies the utility that termination of electric service endangers the health of the customer or member of the customer's household. If the customer provides a physician's written certification within the five-day period describing how the termination of electric service, by curtailing the operation of electric-powered life-supporting equipment, would aggravate an existing medical condition or pose a danger to the customer or a member of the customer's household who is medically dependent on the equipment, the utility is required to refrain from terminating the customer's service for an additional period of at least 10 days, during which time the utility and customer may negotiate a deferred payment agreement if the customer demonstrates he can pay the outstanding balance but only in installments. The utility shall not terminate service on account of the outstanding balance as long as the customer complies with the deferred payment agreement and pays ongoing charges for electric service.

Patron - Reynolds

SB794 Electric utilities; integrated resource plans. Provides that an electric utility's integrated resource plan should take into consideration environmental impacts, externalities, and price stability. Externalities are defined as including the costs, benefits, and other effects on societal welfare, health, and the environment that result from the production of energy, delivery of energy, or reduction in the use of energy through efficiency improvements, and that are external to a transaction between the supplier of energy or efficiency improvements and the wholesale or retail customer of the energy.

Patron - McEachin

SB875 Renewable portfolio standards; forest products. Removes the requirement that utilities participating in a renewable portfolio standard (RPS) program collectively use no more than 1.5 million tons of forest products such as wood chips, bark, and sawdust each year towards meeting RPS goals.

Patron - Stuart

SB882 Electric utility regulation. Rebundles charges for the transmission, distribution, and generation services into the base rates of investor-owned electric utilities and revises the system enacted in 2007 by which rates of investor-owned electric utilities are to be set. The measure restores the State Corporation Commission's authority to set the utility's authorized rate of return on equity at a level that reflects the utility's risk, allows the utility to attract capital, and will be fair to rate-payers. Existing provisions of the Virginia Electric Utility Regulation Act that establish floors on a utility's rate of return based on returns reported by peer group utilities in other Southeastern states are repealed. Other provisions (i) eliminate the ability of a utility to earn a margin on operating expenses for energy efficiency programs; (ii) limit the incentive for participation in the renewable energy portfolio program to an additional 50 basis points above the otherwise-available rate of return on new renewable energy generation facilities, in lieu of the existing provision that grants a participating utility a 50 basis point increase in its rate of return on all of its equity; (iii) authorize the Commission to increase the allowed return on equity for certain investments by up to 200 basis points for a period between 5 and 25 years based on the risk of the project, in lieu of the existing provision that establishes incentives with specific ranges and durations based on the type of project; (iv) require the Commission to consider all rate adjustment clause petitions in single annual proceedings in order to limit the

number of rate increases; (v) provide that costs recoverable through rate adjustment clauses may be deferred and paid from earnings from other sources, in order to ensure that rates are not increased to recover such costs when the utility is overearning through its base rates; (vi) permit the Commission to extend the period for its review in cases by up to nine months, provided that the utility may place its proposed rate increase in effect subject to refund at the end of the original period; (vii) direct that a utility that has earned more than a fair rate of return in a biennium, after crediting the overage to deferred amounts under rate adjustment clauses, shall credit the overage to customers; (viii) eliminate a provision that limits the Commission's authority to lower a utility's rates to cases where the utility has earned more than 50 basis points above a fair rate of return for two consecutive biennia; and (ix) delete provisions requiring stand-alone determinations of income tax costs in ratemaking proceedings.

Patron - Reynolds

FSB883 Electric utility regulation. Reinstates much of the system under which investor-owned electric utilities were regulated prior to 1999. The measure repeals the Virginia Electric Utility Regulation Act and reenacts provisions relating to State Corporation Commission (SCC) ratemaking, including provisions addressing the recovery of fuel and purchased power costs, that existed prior to the 2007 legislation that re-regulated most of Virginia's investor-owned electric utilities. Existing provisions of the Virginia Electric Utility Regulation Act pertaining to ratemaking for electric cooperatives, to net energy metering, to consumer education programs, and to interconnections by farms are relocated to other chapters in Title 56. Rate adjustment clauses approved by the SCC will remain in effect as set forth in an enactment clause.

Patron - Reynolds

FSB890 Pole attachments. Authorizes a telecommunications service provider or cable television system that is unable to arrive at a mutually agreeable contract with an electric cooperative for pole attachments to the electric cooperative's facilities to petition the State Corporation Commission to establish the rates, terms, and conditions for such a contract. The Commission's actions shall be consistent with the goal of promoting access to electric cooperative facilities by telecommunications service providers and cable television systems in order to promote broadband connections and deployment throughout the Commonwealth. The Commission shall utilize the principles established by the Federal Communications Commission in regulations and case law for pole attachments regulated pursuant to federal law in establishing such rates, terms, and conditions. A rate set by the Commission shall not exceed the highest rate for a similar attachment that is charged by an investor-owned electric utility that provides service in an area adjacent to the electric cooperative's service territory.

Patron - Wampler

FSB907 Electric utilities; inclining block rate schedules. Requires the State Corporation Commission, in any proceeding in which an electric utility asks to modify an existing residential retail rate structure, or to offer a new residential retail rate structure, to consider the extent to which such proposed rates encourage conservation and the efficient use of electricity by incorporating inclining block rate schedules. Inclining block rates charge higher rates for consumption that exceeds a certain amount per billing period. The Commission is also required to consider in such proceedings (i) the extent to which the utility expands the desired effect of its inclining block rate schedule by incorporating three or more blocks and by incorporating elements that are currently fixed rate and (ii) the extent to which the utility incorporates consumer awareness of the new rate structure and helps customers make

informed choices and decisions with respect to efficiency investments. If requested by the utility, the Commission shall allow for the recovery of revenue reductions related to a decrease in energy consumption directly attributed to the new schedules. Finally, the measure directs the Commission to encourage investor-owned electric utilities to file a proposal to offer their residential customers a revenue neutral standard tariff under which rates reflect inclining block rate schedules that charge higher rates for consumption over a certain amount per billing period for the seven non-heating months of April through October and flat rates for the five heating months of November through March. The Commission is directed to publish, by January 1, 2012, guidelines that provide design standards for inclining block rates.

Patron - McEachin

FSB1011 Reduced electricity rates for low-income residential customers; tax credit. Requires investor-owned electric utilities to offer eligible residential customers a reduced rate for electric service during December through April of each year. The reduced rate is 20 percent less than the rate that would be applicable to the customer if the customer was ineligible for the special rate. To be eligible for the special rate, a customer must be receiving (i) supplemental security income, (ii) aid to families with dependent children, (iii) aid to families with dependent children-unemployed, or (iv) food stamps, if the food stamp recipients are 60 years of age or older. The State Corporation Commission is required to certify each utility's revenue deficiency resulting from the special reduced rates, and the utility will receive an income tax credit calculated at 1.45 percent of the revenue deficiency. The Department of Social Services is required to adopt regulations establishing procedures to inform persons about the availability of the special reduced rates, assist applicants for the special reduced rates in proving their eligibility therefor, and assist utilities in determining the eligibility of persons for such rates. The Commission and the Department are required to adopt temporary emergency regulations implementing the program by October 1, 2011.

Patron - Puckett

FSB1461 Universal broadband deployment. Establishes a process for the State Corporation Commission to certify priority rural broadband suppliers. Applicants for certification are required to identify the rural counties in which they commit to provide universal broadband service. Rural counties are counties with a population of less than 25,000 in which fewer than 90 percent of business locations or 50 percent of homes have access to broadband service. Rates of certificated priority rural broadband suppliers are subject to regulation by the Commission and other obligations imposed on public utilities.

Patron - Puckett

Religious and Charitable Matters; Cemeteries

Passed

PHB2177 Access to private cemeteries. Prevents a landowner from erecting a wall, fence or other structure or device that prevents ingress and egress to the cemetery or grave on the landlord's private property by persons authorized by law to have a right of ingress and egress, unless the wall,

fence or other structure or device has a gate or other means by which ingress and egress can be accomplished.

Patron - Phillips

SB1235 Charitable organizations; exemptions to reporting requirements. Abolishes the exemption from submitting annual registration statements that was extended to certain veterans' posts and organizations during the 2010 Session of the General Assembly.

Patron - Ticer

SB1483 Limitation of state and local government authority; certain charitable organizations. Places limits on the authority of state and local government entities over charitable organizations that are nonstock corporations granted tax-exempt status under § 509(a) of the Internal Revenue Code. Under the bill, government agencies are prohibited from (i) requiring disclosure of demographic information regarding employees, officers, directors, trustees, owners of the organization or recipients of money or in-kind contributions without the consent of such individuals or entities; (ii) requiring the membership of the governing body to include individuals based on demographic characteristics; and (iii) requiring the distribution of funds to an individual or entity based on the demographic characteristics of the individual or entity.

Patron - Vogel

Failed

HB1409 Prayer at public events. Provides that whenever an individual is requested to provide prayer, invocation, or benediction at a public event that is sanctioned by a governmental agency, such governmental agency shall have no authority to regulate how that individual refers to God in prayer or to prohibit the religious content of the individual's prayer, invocation, or benediction, provided such prayer, invocation, or benediction is not used to advance a particular religion or to disparage another faith or belief.

Patron - Bell, Richard P.

HB2441 Cemeteries; abandoned interment rights; notice. Requires a cemetery to publish a general notice of its intent to declare interment rights abandoned in a newspaper of general circulation in the county or city where the cemetery is located for four consecutive weeks when the cemetery has no information about the owner of interment rights. The bill spells out the requirements for declaring the interment abandoned.

Patron - Crockett-Stark

State Corporation Commission

Passed

SB1131 State Corporation Commission; conflicts of interest. Requires a member of the State Corporation Commission (SCC) or any subordinate or employee of the SCC to recuse himself from and not participate in any regulatory matter at the SCC in which an entity whose rates, services, or financial ability to meet its obligations to the public is subject to supervision or regulation by the SCC is a party if the entity employs a member of the immediate family of the SCC member, subordinate, or employee.

Patron - Stosch

Failed

HB2451 State Corporation Commission; discovery. Provides that staff of the State Corporation Commission shall be treated as a party for purposes of the Commission's rules governing discovery and hearing preparation procedures. The measure applies to matters that involve the Securities Act, the Retail Franchise Act, the Underground Utility Damage Prevention Act, or the taxation of public service corporations, or that are initiated by a rule to show cause. This provision does not permit discovery pertaining to settlement negotiations. This bill is identical to SB 1413.

Patron - Byron

SB1413 State Corporation Commission; discovery. Provides that staff of the State Corporation Commission shall be treated as a party for purposes of the Commission's rules governing discovery and hearing preparation procedures. The measure applies to matters that involve the Securities Act, the Retail Franchise Act, the Underground Utility Damage Prevention Act, or the taxation of public service corporations, or that are initiated by a rule to show cause. This provision does not permit discovery pertaining to settlement negotiations. This bill is identical to HB 2451.

Patron - Norment

Taxation

Passed

HB1425 Local taxes; collection. Reduces the period of nonpayment of taxes, from six months to three months, before private collection agents may be used to collect delinquent local taxes. The bill also removes the exclusion of real estate taxes from the local taxes that treasurers may refer to private collection agents for collection.

Patron - Albo

HB1437 Business, professional and occupational license tax; gross receipts or Virginia taxable income. Allows localities to decide whether to impose the BPOL tax on a business's gross receipts or its Virginia taxable income. The provisions of the bill would not apply to certain utility businesses.

Patron - Cole

HB1447 Income tax; research and development expenses tax credit. Allows income tax credits for individuals and businesses for qualified research and development expenses for taxable years beginning on or after January 1, 2011, but before January 1, 2016. The tax credit amounts are (i) 15% of the first \$167,000 in Virginia qualified research and development expenses, or (ii) 20% of the first \$175,000 of Virginia qualified research and development expenses if the research was conducted in conjunction with a Virginia public or private college and university. The Tax Department shall develop policies and procedures for the application process for the tax credits. There is a \$5 million cap on the total amount of credits allowed in any taxable year. Incorporates HB 2325.

Patron - Cline

HB1451 Combined transient occupancy and food and beverage tax. Permits Madison County to impose a combined transient occupancy and food and beverage tax, at a rate not to exceed four percent, on the total amount charged by a bed and breakfast when the charges for the occupancy of the

room or space and for the sale of food and beverages are assessed in the aggregate and not separately stated. The tax shall be levied only if a food and beverage tax has been approved in a referendum within the county.

Patron - Scott, E.T.

HB1452 Transient occupancy tax. Adds Madison County, Accomack County, Washington County, and Brunswick County to the list of counties that may impose a transient occupancy tax rate up to three percent in addition to the two percent rate available to all counties (a total maximum tax rate of five percent). All revenue from the additional three percent rate shall be used solely for travel and tourism. This bill incorporates HB 1467, HB 1634 and HB 1711.

Patron - Scott, E.T.

HB1470 Real property tax; membership of boards of equalization. Permits appointment of alternate members to boards of equalization to serve if a member is absent or abstains.

Patron - Greason

HB1524 Sales and use tax; collection by certain contractors. Provides that any person or entity primarily engaged in the business of furnishing and installing tangible personal property that provides electronic or physical security on real property for the use of a financial institution shall be deemed a retailer of such personal property and the sales and use tax for such property shall be collected from the contractor's customer rather than being paid by the contractor when he purchases the property. Such collection procedure shall also apply when the contractor installs the personal property on real property not for the use of a financial institution.

Patron - Landes

HB1526 Real property tax; appeal. Provides that information regarding the income and expenses of income-producing real property may be used in a complaint to a board of equalization, even though such information was not timely presented to the assessor, provided that the income and expense information is provided to the board of equalization no later than the appeal filing deadline of the board.

Patron - Greason

HB1532 Local tax administration; special commissioner to execute title to real estate. Lowers the threshold percentage of taxes and liens together on property from 50 percent to 35 percent of the assessed value of the parcel and, if only taxes, from 25 percent to 15 percent of the assessed value of the parcel in order to allow more properties to be conveyed to the cities of Hopewell, Newport News, Norfolk, Petersburg, and Richmond in lieu of a public sale at auction.

Patron - Howell, A.T.

HB1587 Local license taxes. Permits any county, city or town to provide relief from license taxes to any business locating in such county, city or town for the first time, for the first two years after such location.

Patron - Iaquinto

HB1588 Real property tax assessments; appeals. Specifies that the burden of proof is on a taxpayer, when he appeals the assessment of real property to a board of equalization or to a circuit court, to show by a preponderance of the evidence that the property in question is valued at more than fair-market value or the assessment is not uniform in its application. The bill includes requirements on assessors to provide certain notice and to furnish certain information in appeals of

assessments. The bill is applicable to tax years beginning on or after January 1, 2012.

Patron - Iaquinto

HB1645 Real property tax; exemption for disabled veterans. Codifies the constitutional amendment adopted by voters in November, 2010, that provides for a property tax exemption for veterans who have a 100 percent, service-related disability. The exemption would apply to the principal residence and the land, not exceeding one acre, upon which it is situated. However, if the locality exempts more than one acre under its tax relief program for the elderly, then the real estate tax exemption for the disabled veteran would apply to the principal residence and the same number of acres as are exempt under the tax relief program for the elderly. The constitutional amendment requires the General Assembly to enact the exemption in general law.

Patron - O'Bannon

HB1672 Real property tax; land use valuation. Adds James City County to those localities permitted to enact certain other provisions regarding the zoning classifications applicable to all localities in implementing land use valuation for real property taxes.

Patron - Pogge

HB1798 Motor vehicle rental tax. Removes the administration and collection of the motor vehicle rental tax from the Department of Motor Vehicles and transfers it to the Department of Taxation.

Patron - Brink

HB1820 Land preservation tax credits. Provides that the maximum amount of credits that may be issued in any calendar year by the Department of Taxation shall be \$100 million plus any previously issued credits that have been disallowed or invalidated by the Department. The bill also allows the Tax Commissioner to have a second appraisal conducted on property for which an application for the credit has been made if he provides written notice to the donor within 30 days of the application being filed, and requires that the Tax Commissioner make a final determination within 180 days of such notice. This bill incorporates HB 1445.

Patron - Ware, R.L.

HB1822 Local incentives for the design, development, or production of goods for national defense. Creates a separate classification of machinery and tools designed and used directly in manufacturing or processing materials, components, or equipment for national defense. Local governments would be authorized to tax such machinery and tools at a rate that is less than the rate generally applicable to machinery and tools. The bill also authorizes local governments to establish, by ordinance, local defense production zones including incentives and regulatory flexibility for the design, development, or production by a defense production business of materials, components, or equipment for national defense. The bill incorporates HB 2215.

Patron - Peace

HB1837 Income tax; farm wineries and vineyards tax credit. Creates an income tax credit for licensed farm wineries equal to 25 percent of the cost of certain winery equipment and materials for taxable years beginning on and after January 1, 2011. There is a \$250,000 cap on the total amount of credits allowed in a calendar year.

Patron - Garrett

HB1840 Individual income tax; long-term care insurance tax credit. Doubles the amount of the credit an indi-

vidual can take for long-term care insurance from 15 percent to 30 percent of the amount of the premium paid for such insurance, for taxable years beginning on and after January 1, 2012. The bill has a reenactment clause.

Patron - Garrett

HB1851 Real property tax; classification of certain historical buildings. Creates a separate class of property for real property tax rate purposes, consisting of buildings that are on the Virginia Landmarks Register that are maintained in proper condition, permitting localities to impose a lower tax rate than that imposed on other types of real property.

Patron - Stolle

HB1874 Commonwealth's tax code; conformity with federal law; emergency. Advances the conformity with the federal tax code from January 22, 2010, to December 31, 2010, and restores conformity to the qualified motor vehicle tax deduction. The bill also contains an emergency clause and ensures that the measure will override certain budget language.

Patron - Purkey

HB1899 Real property tax assessment; partial exemption for certain improvements. Clarifies that the partial exemption from the assessed value of real property subject to real property tax for improvements to rehabilitated, renovated, or replacement residential structures or for improvements in rehabilitation districts or redevelopment or conservation areas runs with the land and shall not be reduced during the period of exemption, unless the locality notifies the taxpayer at the time the exemption is approved that the amount may be reduced. The bill contains technical amendments. This bill is identical to SB 785.

Patron - Hugo

HB1941 Communications sales and use tax; Lancaster County. Changes the distribution formula for communications sales and use tax revenues so that Lancaster County receives an increased amount each month, based on the amount it would have received in 2006, if the locality had imposed the local consumer utility tax.

Patron - Pollard

HB1942 Sales tax and litter tax; agricultural produce. Exempts agricultural produce or eggs from the sales and use tax when sold in farmers markets and at roadside stands provided the individual's annual income from such sales does not exceed \$1,000. The bill also exempts agricultural produce or eggs from the litter tax when sold in farmers markets and at roadside stands provided the individual's annual income from such sales does not exceed \$1,000 and any container provided by the individual to hold purchased items has been previously used.

Patron - Pollard

HB1950 Livable home tax credit. Increases the maximum amount of credit that may be allowed from \$2,000 to \$5,000 and makes licensed contractors eligible to receive the credit. Incorporates HB 1753.

Patron - Villanueva

HB2019 Town and county treasurer reciprocal agreements. Allows the treasurer of any county and the treasurer of any town partially or totally within that county to enter into a reciprocal agreement granting each treasurer the authority to collect the other's local real and personal property taxes. The governing body of each locality must approve the agreement. Identical to SB 909.

Patron - May

HB2038 Local cigarette tax enforcement. Calls for the Tax Commissioner to convene a working group of interested parties to review policies with regard to how the local cigarette tax is enforced and administered.

Patron - Peace

HB2141 Tax; filing tax returns by overnight delivery service. Places filing of tax returns by overnight delivery service in the same category as filing by U.S. mail for timely filing purposes.

Patron - Johnson

HB2145 Tax documents admissible in court. Specifies that tax bulletins, guidelines, and other published tax documents are admissible in court. The bill includes technical amendments.

Patron - Cline

HB2155 Publication of information contained in local payment warrants. Authorizes local governments to publish aggregated information relating to warrants paid by the locality.

Patron - Cline

HB2183 Sales tax registration with local commissioners of the revenue. Allows dealers to register for sales tax purposes with the local commissioner of the revenue, if such commissioner elects to provide such service. Currently, dealers may register only with the Tax Commissioner. This bill incorporates HB 1676 and is identical to SB1226

Patron - Cline

HB2197 Income tax; telework expenses tax credit. Provides a tax credit to employers for expenses incurred in allowing employees to telework pursuant to a signed telework agreement for taxable years beginning on or after January 1, 2012, but before January 1, 2014. An employer would be eligible for a credit of up to \$1,200 per teleworking employee. The total credit amount any one employer may take for 2012 and 2013 is \$50,000. The aggregate amount of tax credits that will be issued is capped at \$1 million annually for taxable years 2012 and 2013.

Patron - Comstock

HB2221 Aircraft sales and use tax; exemptions. Creates an exemption from the aircraft sales and use tax for qualified companies that are headquartered in Virginia, make a minimum of a \$4 million capital investment in Virginia, create at least 50 new jobs in Virginia, and enter into a memorandum of agreement with the Virginia Economic Development Partnership. The exemption expires December 31, 2014. The bill also creates an exemption from the aircraft sales and use tax for aircraft that are purchased in Virginia, but are registered outside of the Commonwealth and removed from the Commonwealth within 60 days of purchase.

Patron - Oder

HB2231 Neighborhood Assistance Act income tax credit. Permits trusts to be eligible for the Neighborhood Assistance Act income tax credit.

Patron - Anderson

HB2244 Personal Property Tax Relief Act; transmission of certain information. Provides that the Department of Motor Vehicles shall include in the information furnished to commissioners of the revenue regarding vehicles qualifying for personal property tax relief whether the vehicle is held in a pri-

vate trust for nonbusiness purposes by an individual beneficiary.

Patron - Torian

HB2278 Real estate tax relief for the elderly and permanently and totally disabled. Authorizes local governments to establish annual income or financial worth limitations as a condition of eligibility for real property tax relief for the elderly and permanently and totally disabled. The bill implements the amendment to Article X, Section 6 (b) of the Constitution of Virginia that limits the General Assembly's ability to establish the limitations and allows the General Assembly to authorize local governments to establish the limitations. The bill contains an emergency clause. The bill incorporates HB 1866.

Patron - Keam

HB2285 Tourism zones; tax revenues for tourism projects. Entitles certain tourism projects to a percentage of the state and local sales tax revenues generated on the premise of the project, to be used towards debt service to bridge the gap between available debt and equity and the expected costs of the project. In order to qualify for the entitlement, the project must have at least 80 percent of the funding for the project in place. If a locality passes an ordinance adopting a tourism plan and identifies by ordinance a tourism project that meets a deficiency in the plan, and the State Comptroller certifies the project, then the project is entitled to one percent of the state sales tax generated on the premise of the project. The locality must also provide, by ordinance, one percent of the local sales generated on the premises, and the tourism project must provide a match for the one percent state sales tax revenue. This bill is identical to SB 1193.

Patron - James

HB2335 Insurance premiums tax; retaliatory costs tax credit. Enhances the retaliatory tax credit for the insurance premiums tax by increasing the amount of the refund for certain taxpayers receiving the credit in 2000, beginning in taxable year 2011, from a maximum of \$800,000 annually to \$7 million annually.

Patron - Garrett

HB2385 Income tax; barge and rail usage tax credit. Grants an income tax credit for the usage of barge and rail to move cargo containers throughout the Commonwealth rather than trucks or other motor vehicles on the Commonwealth's highways. The amount of the credit is \$50 per 20-foot equivalent unit (TEU) moved by barge or rail. The credit will be available for taxable years beginning on January 1, 2011, but before January 1, 2015. The Tax Commissioner would be allowed to issue up to \$1.5 million in tax credits in a fiscal year.

Patron - Purkey

HB2419 Sales tax revenue distribution; certain public facilities. Expands the definition of the public facilities in which the sales and use taxes collected are distributed to the locality in which the facility is located for repayment of bonds issued to create the public facility. The bill also expands the time in which such bonds may be issued.

Patron - Villanueva

HB2531 Corporate income tax; Virginia port volume increase tax credit. Provides an income tax credit to taxpayers engaged in manufacturing goods or the distribution of manufactured goods that use Virginia port facilities and increase their port cargo volume by five percent in a single year over their base year port cargo volume. The five percent requirement may be waived for a taxpayer qualifying as a

major facility. A taxpayer would apply to the Virginia Port Authority and the authority would calculate the amount of the credit based on several factors. The total credit amount available in a calendar year is \$3.2 million and each taxpayer would be limited to \$250,000 annually. The credit would be available for taxable years beginning on and after January 1, 2011, but before January 1, 2016.

Patron - Purkey

SB742 Neighborhood assistance tax credits; eligibility of certain pharmacists. Clarifies that pharmacists donating pharmaceutical services to patients of a free clinic, which clinic is an organization exempt from taxation under the provisions of § 501(c)(3) of the Internal Revenue Code, with such pharmaceutical services performed at the direction of an approved neighborhood organization, shall be eligible for neighborhood assistance tax credits.

Patron - Howell

SB784 Assessments of real property; affordable housing. Requires owners of four or fewer rental units of real property to furnish to a real estate assessor, board, or department statements of income and expenses attributable to the property to determine that it is affordable rental housing. This bill is recommended by the Virginia Housing Commission.

Patron - Watkins

SB785 Real property tax assessment; partial exemption for certain improvements. Clarifies that the partial exemption from the assessed value of real property subject to real property tax for improvements to rehabilitated, renovated, or replacement residential structures or for improvements in rehabilitation districts or redevelopment or conservation areas shall not be reduced during the period of exemption, and that the exemption runs with the land, unless the local governing body by written notice advises the property owner at the initial time of approval of the exemption that the exempt amount may be decreased during the period of the exemption. This bill is identical to HB 1899.

Patron - Watkins

SB844 Publication of information contained in local warrants. Authorizes local governments to publish aggregated information relating to warrants paid by the locality.

Patron - Petersen

SB860 Real property tax; classification of certain historical buildings. Creates a separate class of property for real property tax rate purposes, consisting of buildings that are on the Virginia Landmarks Register that are maintained in proper condition, permitting localities to impose a lower tax rate than that imposed on other types of real property.

Patron - Wagner

SB863 Neighborhood Assistance Act Tax Credit; definition of impoverished people. Amends the definition of "impoverished people." Currently the definition differs based on what type of proposal is being submitted by a nonprofit entity requesting an allocation of tax credits under the Neighborhood Assistance Act Tax Credit. This legislation would eliminate any differences and define "impoverished people" as individuals with family annual incomes not in excess of 200 percent of the current poverty guidelines.

Patron - Wagner

SB909 Town and county treasurer reciprocal agreements. Allows the treasurer of any county and the treasurer of any town partially or totally within that county to enter into a reciprocal agreement granting each treasurer the authority to collect the other's local real and personal property taxes. The

governing body of each locality must approve the agreement. This bill is identical to HB 2019.

Patron - Herring

SB957 City of Poquoson real estate tax rates. Authorizes the City of Poquoson to impose a tax rate on improvements to real property at a tax rate that is different than the City's tax rate on the land upon which the improvements are located.

Patron - Miller, J.C.

SB965 Retail sales and use tax exemption for spaceport activities. Eliminates the sunset date of the sales and use tax exemption for personal property involved in spaceport activities. The sales and use tax exemption is set to expire on July 1, 2011.

Patron - Northam

SB974 Income tax; agricultural best management practices. Allows any taxpayer to apply for a refund of individual income tax credits that he receives for agricultural best management practices and that he cannot use, which would be refunded by the Tax Commissioner on behalf of the Commonwealth for 100 percent of their face value.

Patron - Whipple

SB979 Land preservation tax credit; threshold for verification of conservation value. Provides that the annual report compiled by the Department of Conservation and Recreation on qualified donations of less-than-fee interests include information on riparian buffers required by deed restriction on land qualifying for tax credits.

Patron - Whipple

SB984 Transient Occupancy Tax; Brunswick County. Adds Brunswick County and Washington County to those localities authorized to impose a transient occupancy tax not to exceed five percent, with any excess over two percent to be spent solely on tourism. Under current law, any county may impose a transient occupancy tax not to exceed two percent. This bill incorporates SB 793.

Patron - Lucas

SB987 Real property tax; exemption for disabled veterans. Codifies the constitutional amendment adopted by voters in November 2010 that provides for a property tax exemption for veterans who have a 100 percent, service-related disability. The constitutional amendment requires the General Assembly to enact the exemption in general law. This bill incorporates SB 1358.

Patron - Puller

SB999 Local incentives for the design, development, or production of goods for national defense. Creates a separate classification of machinery and tools designed and used directly in manufacturing or processing materials, components, or equipment for national defense. Local governments would be authorized to tax such machinery and tools at a rate that is less than the rate generally applicable to machinery and tools. The bill also authorizes local governments to establish, by ordinance, local defense production zones including incentives and regulatory flexibility for the design, development, or production by a defense production business of materials, components, or equipment for national defense. This bill incorporates SB 970.

Patron - Stosch

SB1073 Real estate tax relief for the elderly and permanently and totally disabled. Authorizes local governments to establish annual income or financial worth limitations

as a condition of eligibility for real property tax relief for the elderly and permanently and totally disabled. The bill implements the amendment to Article X, Section 6 (b) of the Constitution of Virginia that limits the General Assembly's ability to establish the limitations and allows the General Assembly to authorize local governments to establish the limitations. The bill contains an emergency clause.

Patron - Barker

SB1085 Local cigarette tax enforcement. Calls for the Tax Commissioner to convene a working group of interested parties to review policies with regard to how the local cigarette tax is enforced and administered. The working group will issue a report with recommendations to the Chairmen of the Senate and House Finance Committees by December 1, 2011.

Patron - Hanger

SB1111 Virginia Coal Employment and Production Incentive Tax Credit. Extends from July 1, 2011, to July 1, 2016, the sunset date for the redemption or refund provision of the tax credit, which would allow a person with an economic interest in coal to redeem with the Tax Commissioner that portion of the tax credit that exceeds the person's tax liability.

Patron - Wampler

SB1129 Neighborhood Assistance Act Tax Credit program. Extends the sunset date of the Neighborhood Assistance Act Tax Credit program from July 1, 2011, to July 1, 2014.

Patron - Stosch

SB1130 Taxation. Removes obsolete language from various sections of Title 58.1. The bill contains technical amendments.

Patron - Stosch

SB1132 Motor vehicle rental tax. Removes the administration and collection of the motor vehicle rental tax from the Department of Motor Vehicles and transfers it to the Department of Taxation.

Patron - Stosch

SB1136 Income tax; international trade facility tax credit. Grants an income tax credit equal to (i) \$3,000 for every employee hired by Virginia shippers that results from increased cargo moving through a Virginia cargo facility operated by the Virginia Port Authority or (ii) two percent of any capital investment made by a Virginia shipper to facilitate increased cargo moving through a Virginia cargo facility operated by the Virginia Port Authority. The taxpayer would elect which credit to take. The Tax Commissioner would be allowed to issue up to \$250,000 in tax credits in a fiscal year under the tax credit program. The credit will become available for taxable years on and after January 1, 2011, but before January 1, 2015.

Patron - Wagner

SB1137 Virginia Fuels Tax Act; definition of commercial watercraft. Clarifies that the exemption from sales and use tax for motor fuels used in commercial watercraft applies to any watercraft owned by a private business and used in the conduct of its business and operations.

Patron - Wagner

SB1152 Taxation; accrual of interest on assessments in dispute. Provides that after a taxpayer is audited and assessed and an application for correction is filed with the Tax

Commissioner, interest will accrue at the Federal short-term rate starting nine months from the assessment date.

Patron - Quayle

SB1153 Land preservation tax credit. Provides that a land preservation tax credit shall not be reduced by the amount of unused credit that could have been claimed in a prior year by the taxpayer but was unclaimed.

Patron - Quayle

SB1188 Aircraft sales and use tax; exemptions.

Creates an exemption from the aircraft sales and use tax for qualified companies that are headquartered in Virginia, make a minimum of a \$4 million capital investment in Virginia, create at least 50 new jobs in Virginia, and enter into a memorandum of agreement with the Virginia Economic Development Partnership. The exemption expires December 31, 2014. The bill also creates an exemption from the aircraft sales and use tax for aircraft that are purchased in Virginia, but are registered outside of the Commonwealth and removed from the Commonwealth within 60 days of purchase.

Patron - Norment

SB1193 Tourism zones; tax revenues for tourism projects.

Entitles certain tourism projects to a percentage of the state and local sales tax revenues generated on the premise of the project, to be used towards debt service to bridge the gap between available debt and equity and the expected costs of the project. In order to qualify for the entitlement, the project must have at least 80 percent of the funding for the project in place. If a locality passes an ordinance adopting a tourism plan and identifies by ordinance a tourism project that meets a deficiency in the plan, and the State Comptroller certifies the project, then the project is entitled to one percent of the state sales tax generated on the premise of the project. The locality must also provide, by ordinance, one percent of the local sales generated on the premises, and the tourism project must provide a match for the one percent state sales tax revenue. This bill is identical to HB 2285.

Patron - Norment

SB1226 Sales tax registration with local commissioners of the revenue. Allows dealers to register for sales tax purposes with the local commissioner of the revenue, if such commissioner elects to provide such service. Currently, dealers may register only with the Tax Commissioner. This bill is identical to HB 2183.

Patron - Petersen

SB1232 Land preservation tax credits.

Provides that the maximum amount of credits that may be issued in any calendar year by the Department of Taxation shall be \$100 million plus any previously issued credits that have been disallowed or invalidated by the Department. The bill also allows the Tax Commissioner to have a second appraisal conducted on property for which an application for the credit has been made if he provides written notice to the donor within 30 days of the application being filed, and requires that the Tax Commissioner make a final determination within 180 days of such notice. This bill incorporates SB 1087.

Patron - Deeds

SB1236 Clean fuel vehicle and advanced cellulosic biofuels job creation tax credit; sunset date. Extends the sunset date of the tax credit from the 2011 taxable year to the 2014 taxable year. This bill incorporates SB 1404.

Patron - Ticer

SB1264 Income tax; farm wineries and vineyards tax credit. Creates an income tax credit for licensed farm win-

eries or vineyards equal to 25 percent of the cost of certain capital expenditures relating to new, or improvements to, Virginia farm wineries or vineyards for taxable years beginning on and after January 1, 2011. Total amount of credits for a calendar year is limited to \$250,000.

Patron - Vogel

SB1282 Income tax; barge and rail usage tax credit.

Grants an income tax credit for the usage of barge and rail to move cargo containers throughout the Commonwealth rather than trucks or other motor vehicles on the Commonwealth's highways. The amount of the credit is \$50 per 20-foot equivalent unit (TEU) moved by barge or rail. The credit will be available for taxable years beginning on January 1, 2011, but before January 1, 2015. The Tax Commissioner would be allowed to issue up to \$1.5 million in tax credits in a fiscal year.

Patron - McWaters

SB1326 Income tax; research and development expenses tax credit.

Allows income tax credits for individuals and businesses for qualified research and development expenses for taxable years beginning on or after January 1, 2012, but before January 1, 2016. The tax credit amounts are (i) 15% of the first \$167,000 of Virginia qualified research and development expenses, or (ii) 20% of the first \$175,000 of Virginia qualified research and development expenses, if the research was conducted in conjunction with a Virginia public or private college and university. The Tax Department shall develop policies and procedures for the application process for the tax credits. There is a \$5 million cap on the total amount of credits allowed in any taxable year.

Patron - Herring

SB1335 Income tax; telework expenses tax credit.

Provides a tax credit to employers for expenses incurred in allowing employees to telework pursuant to a signed telework agreement for taxable years beginning on or after January 1, 2012, but before January 1, 2014. An employer would be eligible for a credit of up to \$1,200 per teleworking employee. The total credit amount any one employer may take for 2012 and 2013 is \$50,000. The aggregate amount of tax credits that will be issued is capped at \$1 million annually for taxable years 2012 and 2013.

Patron - Herring

SB1343 Retail sales and use tax; commercial and industrial exemptions.

Extends from July 1, 2011, to July 1, 2016, the sunset date for the retail sales and use tax exemption for property used in the drilling, extraction, or processing of natural gas or oil and the reclamation of the well area.

Patron - Norment

SB1344 Additional transient occupancy tax; Historic Triangle area.

Prohibits more than one person of the same local government, including the governing body of the locality, from serving as a member of the Williamsburg Area Destination Marketing Committee at the same time. This bill also provides that any person who has been selected to the Committee by other than a local governing body who becomes or is a member of the local governing body of the City of Williamsburg, the County of James City, or the County of York shall be ineligible to serve on the Committee. The Committee is charged with advertising the Historic Triangle area from the revenues of the additional local transient occupancy tax established for the same purpose.

Patron - Norment

SB1350 Real property tax assessments; appeals.

Specifies that the burden of proof is on a taxpayer, when he

appeals the assessment of real property to a board of equalization or to a circuit court, to show by a preponderance of the evidence that the property in question is valued at more than fair-market value or the assessment is not uniform in its application. The bill includes requirements on assessors to provide certain notice and to furnish certain information in appeals of assessments. The bill is applicable to tax years beginning on or after January 1, 2012.

Patron - Norment

SB1359 Insurance premiums tax; retaliatory costs tax credit. Enhances the retaliatory tax credit for the insurance premiums tax by increasing the amount of the refund for certain taxpayers receiving the credit in 2000, beginning in taxable year 2011, from a maximum of \$800,000 annually to \$7 million annually.

Patron - Stosch

SB1384 Commonwealth's tax code; conformity with federal law; emergency. Advances the conformity with the federal tax code from January 22, 2010, to December 31, 2010, and restores conformity to the qualified motor vehicle tax deduction. The bill also contains an emergency clause and ensures that the measure will override certain budget language.

Patron - Colgan

SB1408 Business, professional, occupational license tax; exemption for unprofitable business. Allows localities to exempt from the BPOL tax businesses that lose money and are unprofitable during the taxable year, for taxable years beginning on or after January 1, 2012. The business is required to submit its income tax return as proof to the local commissioner of revenue.

Patron - Ruff

SB1431 Tire recycling fee. Provides that tire recycling fee shall be collected by the person who installs tires in the Commonwealth, pursuant to an agreement with a person who (i) makes the retail sale of such tires and (ii) does not collect the tire recycling fee.

Patron - Wagner

SB1447 Tax revenues generated by commercial spaceflight; Virginia Commercial Space Flight Authority. Transfers to the Virginia Commercial Space Flight Authority the portion of corporate income tax collected from corporations attributable to the sale of commercial human spaceflights and spaceflight training. The transfer to the Virginia Commercial Space Flight Authority begins on July 1, 2011, and lasts through fiscal year 2015.

Patron - Wampler

SB1450 Taxation; fillable tax forms. Requires the Tax Commissioner to ensure that all state tax forms are fillable forms in a portable document format for taxable years beginning on and after January 1, 2012, and made available on the Department's website. The Tax Commissioner must develop guidelines for using the forms and publish them on the website. Finally, such forms shall not replace, supersede, modify, duplicate, or compete with the Virginia Free File program.

Patron - Deeds

SB1478 Judicial sale of real estate. Authorizes a locality to institute proceedings to sell real property that is located within or abutting a community development authority and upon which special taxes or assessments have been imposed when the special tax or assessment is delinquent on the first anniversary of the date on which the tax or assessment became due. Under the bill, a locality is not allowed to institute proceedings to sell property that is (i) a single-family residence

if the owner of the property is the resident on such first anniversary or (ii) an individual residential unit in a multi-unit structure or building if the owner of the unit is the resident of the unit on such first anniversary. The bill contains an emergency clause.

Patron - Stosch

SB1481 Corporate income tax; Virginia port volume increase tax credit. Provides an income tax credit to taxpayers engaged in manufacturing goods or the distribution of manufactured goods that use Virginia port facilities and increase their port cargo volume by five percent in a single year over their base year port cargo volume. The five percent requirement may be waived for a taxpayer qualifying as a major facility. A taxpayer would apply to the Virginia Port Authority and the authority would calculate the amount of the credit based on several factors. The total credit amount available in a calendar year is \$3.2 million and each taxpayer would be limited to \$250,000 annually. The credit would be available for taxable years beginning on and after January 1, 2011, but before January 1, 2016.

Patron - Wagner

Failed

HB1410 Corporate income tax; small business reduced rate. Allows a reduction of one-half of one percent in the corporate income tax rate for up to three years for certain small businesses that increase the number of their employees by a minimum of five percent over the previous year, for taxable years beginning on and after January 1, 2012.

Patron - Bell, Richard P.

HB1413 Motor fuels tax rate. Converts the rate of taxation on motor fuels from cents per gallon to a percentage rate. The bill provides that the Commissioner of the Department of Motor Vehicles shall calculate the percentage rate in an amount that will most closely yield the amount of cents per gallon being charged on the applicable motor fuel prior to the effective date of the bill. Thereafter, the percentage rates would not change, but would be applied against the average price per gallon of the fuel, less federal and state taxes, as determined by the Commissioner of the Department of Motor Vehicles over rolling six-month periods, to determine the cents to be charged.

Patron - Scott, J.M.

HB1431 Recordation tax. Reduces the state recordation tax on deeds of trust from \$0.25 per \$100 of the amount financed to \$0.2375 per \$100 of such amount. The bill also eliminates the reduced recordation tax based on deeds of trust securing a refinanced mortgage with the same lender. Under current law, the recordation tax on deeds of trust for such refinancing applies only to the extent that the amount of the refinancing exceeds the original amount of financing.

Patron - Albo

HB1445 Income tax; land preservation tax credit limits. Limits the maximum amount that any taxpayer may receive in land preservation tax credits to \$10 million annually, beginning in calendar year 2012. This bill was incorporated into HB 1828.

Patron - Morgan

HB1467 Transient Occupancy Tax; Accomack County. Adds Accomack County to those localities authorized to impose a transient occupancy tax not to exceed five percent, with any excess over two percent to be spent solely on tourism. Under current law, any county may impose a transient occu-

pancy tax not to exceed two percent. This bill was incorporated into HB 1452.

Patron - Lewis

HB1513 Transient occupancy tax; Arlington County. Extends the sunset date for the additional transient occupancy tax in Arlington County from January 1, 2012, to January 1, 2015. Current law requires that the revenues from the tax be designated and spent for promoting tourism and business travel in the county.

Patron - Brink

HB1531 Motor fuels tax; rate increase. Increases the motor fuels tax rate by \$0.10 per gallon and dedicates the additional revenue to the operation, maintenance, improvement, and expansion of the Commonwealth's transportation system.

Patron - Howell, A.T.

HB1542 Income tax; renewable energy property and energy audit tax credits. Grants an income tax credit for taxable years beginning on or after January 1, 2012, to individuals for renewable energy property and residential energy audits as follows: Solar panels tax credit - \$1.25/watt for first 2,000 watts; \$0.75/watt for 2,001-8,000 watts; \$0.25/watt for 8,001-20,000 watts; not to exceed \$10,500. Solar hot water tax credit - up to \$2,000. Geothermal heat pumps - 10 percent of installed cost up to \$3,000 tax credit. Residential energy audits - 50 percent of cost up to \$250 tax credit; one per five-year period. The bill also grants an income tax credit for taxable years beginning on or after January 1, 2012, to commercial business taxpayers for renewable energy property and energy audits as follows: Solar panels tax credit - \$1.25/watt for first 2,000 watts; \$0.75/watt for 2,001-8,000 watts; \$0.25/watt for 8,001-20,000 watts; not to exceed \$2.5 million. Solar hot water tax credit - 25 percent of installed cost up to \$10,000. Geothermal heat pumps tax credit - 10 percent of installed cost up to \$10,000. Commercial building energy audit - 50 percent of cost up to \$500 tax credit; one per five-year period.

Patron - Kory

HB1544 Commonwealth Mass Transit Fund. Increases the percentage of Transportation Trust Fund revenues flowing into the Commonwealth Mass Transit Fund from 14.7 to 19 percent.

Patron - Kory

HB1547 Income tax; nonprofit charitable donations for Energy Star qualified products tax credit. Grants an income tax credit for taxable years beginning on or after January 1, 2012, to individual taxpayers and business taxpayers that make a cash donation to charitable nonprofit organizations that use the donation to construct, purchase, or lease Energy Star qualified products for their headquarters on or after January 1, 2012. The amount of the credit equals 50 percent of such equipment expenditures but not more than \$25,000 total.

Patron - Kory

HB1604 Corporate income tax; market-based sourcing. Changes the way the sales factor is determined, for purposes of the corporate income tax, so that it will be market-based sourcing rather than costs-of-performance, which is the current method used.

Patron - Albo

HB1634 Transient occupancy tax; Washington County. Adds Washington County to the list of counties that may impose a transient occupancy tax rate up to three percent in addition to the two percent rate available to all counties (a

total maximum tax rate of five percent). All revenue from the additional three percent rate shall be used solely for travel and tourism. This bill was incorporated into HB 1452.

Patron - Johnson

HB1636 Intangible personal property tax; machinery and tools. Classifies as intangible personal property, and therefore subject solely to state taxation, (i) machinery and tools purchased on or after July 1, 2011, for the first three years following the date of purchase and (ii) machinery and tools used for business purposes, for the first three years after being brought into the Commonwealth for the first time. The bill also classifies as intangible personal property, and therefore subject solely to state taxation, machinery and tools that have been in use for at least 10 years and are located in any county, city, or town in which the assessed value of the machinery and tools is greater than one percent of the original cost.

Patron - Purkey

HB1638 Sales and use tax exemptions; commercial and industrial. Extends the sunset date from July 1, 2011, to July 1, 2016, for (i) machinery, tools, and equipment used in drilling for natural gas or oil and (ii) orbital or suborbital space facilities. This bill incorporates HB 1704.

Patron - Purkey

HB1652 Personal property tax; valuation of certain motor vehicles. Provides that the cost basis used in the valuation of motor vehicles that are not listed in an official pricing guide be reduced by the amount of any rebates.

Patron - Cosgrove

HB1653 Motor fuels tax in certain transportation districts; referendum. Imposes an additional 2.1 percent tax on motor fuels sold by a wholesale distributor to retailers in the counties and cities within each transportation district wherein the citizens affirm the imposition at referendum on November 8, 2011. The revenue attributable to each transportation district shall be used solely for the construction of highways, bridges, or tunnels within the respective transportation district.

Patron - Purkey

HB1654 Motor fuels tax rate; adjusted by motor fuel price index. Provides that beginning April 1, 2012, the rate of tax on motor fuel shall be increased or decreased annually by the percentage increase or decrease in the retail price of motor fuel. The bill does not become effective unless approved by the voters at the election to be held November 8, 2011. The bill has a sunset date of December 1, 2016.

Patron - Purkey

HB1676 Sales tax registration with local commissioners of the revenue. Allows dealers to register for sales tax purposes with the local commissioner of the revenue. Currently, dealers may register only with the Tax Commissioner. This bill was incorporated into HB 2183.

Patron - Englin

HB1701 Retail sales tax exemption; gold and silver bullion. Establishes a retail sales tax exemption for sales of (i) nongraded United States gold or silver bullion coins or (ii) gold or silver bullion bars or ingots.

Patron - Athey

HB1704 Retail sales and use tax exemption for spaceport activities. Eliminates the sunset date of the sales and use tax exemption for personal property involved in space-

port activities. The sales and use tax exemption is set to expire on July 1, 2011. This bill was incorporated into HB 1638.

Patron - Lewis

HB1711 Transient Occupancy Tax; Brunswick County. Adds Brunswick County to those localities authorized to impose a transient occupancy tax not to exceed five percent, with any excess over two percent to be spent solely on tourism. Under current law, any county may impose a transient occupancy tax not to exceed two percent. This bill was incorporated into HB 1452.

Patron - Wright

HB1750 Cigarette tax rate. Increases the cigarette tax rate from \$0.30 per pack to \$0.80 per pack and increases the cigarette excise tax rate on roll-your-own tobacco from 10 percent to 27 percent.

Patron - Plum

HB1753 Income tax; livable home tax credit. Adds building contractors to those taxpayers who are allowed an income tax credit when they build new residences or retrofit existing residences to provide universal accessibility, for taxable years beginning on and after January 1, 2011. This bill was incorporated into HB 1950.

Patron - Plum

HB1756 Retail sales tax exemption; gold and silver bullion coins. Establishes a retail sales tax exemption for sales of nongraded United States gold or silver bullion coins. This bill was incorporated into HB 1906.

Patron - Wilt

HB1802 Personal property tax; classification. Creates a separate class of property, for personal property tax rate purposes, for motor vehicles with an Environmental Protection Agency combined city and highway fuel-efficiency rating of 40 or more miles per gallon. The bill also makes a technical amendment.

Patron - Surovell

HB1805 Tax administration; awards for detection of tax underpayments. Creates a program for the payment of monetary rewards to individuals who provide information to the Tax Commissioner that leads to the successful collection of taxes that are owed by other individual or business taxpayers. Awards may only be given if the underpaying individual taxpayer's income exceeds \$100,000 and the underpaying business taxpayer's income exceeds \$500,000.

Patron - Surovell

HB1815 Cigarette and other tobacco products tax rates. Increases the cigarette tax rate from \$0.30 per pack to \$1.45 per pack and increases the cigarette excise tax on roll-your-own tobacco from 10 percent to 50 percent. The bill also increases the tax rate on certain other tobacco products from 10 percent of the manufacturer's sales price to 50 percent. The additional revenue attributable to the increase in tax rates on cigarettes and roll-your-own tobacco is distributed as follows: 52 percent for Medicaid waivers for intellectual disabilities, 40 percent for Medicaid reimbursement to hospitals and doctors, four percent to the Virginia Department of Health for the Virginia state tobacco quitline, and four percent to the Virginia Healthy Youth Foundation to prevent tobacco use. The additional revenue attributable to the increase in the tax rate on other tobacco products is dedicated to Medicaid waivers for intellectual disabilities.

Patron - Hope

HB1866 Real estate tax relief for the elderly and permanently and totally disabled. Authorizes a local government to cap real property taxes of the elderly and permanently and totally disabled, at an amount equivalent to a percentage of their income, as determined by the local government. The bill is applicable to tax years beginning on or after January 1, 2011. This bill was incorporated into HB 2278.

Patron - Cole

HB1875 Income tax; rent reduction tax credit. Extends the sunset date for the rent reduction tax credit from December 31, 2010 to December 31, 2015.

Patron - Purkey

HB1880 Taxation of trusts established for disabled individuals. Establishes an individual income tax deduction not to exceed \$2,000 for the fair market value of contributions made during the taxable year to certain supplemental needs trusts established for disabled individuals. The bill also would exempt from taxation the income earned by such trusts. The bill would become effective for taxable years beginning on or after January 1, 2011.

Patron - Filler-Corn

HB1892 Transportation funding and administration. Provides additional funding for transportation by (i) imposing a motor fuels sales tax rate of four percent, phased in over four years, for highway maintenance, (ii) increasing the state sales tax in Northern Virginia by 0.5 percent for transportation projects in Northern Virginia, and (iii) increasing the recordation tax in Northern Virginia at a rate of \$0.40 per \$100 valuation. The motor fuels tax is not effective until the unemployment rate in the Commonwealth decreases for four consecutive quarters after July 1, 2010. The bill also reduces the sales and use tax rate on food for human consumption from 1.5 percent to one percent, and repeals the authority for certain localities to impose a local income tax. The bill requires the Department of Motor Vehicles, in consultation with the Virginia Port Authority and the Commonwealth Transportation Commissioner, to develop a fee schedule for overweight vehicles, to be presented to the Joint Commission on Transportation Accountability by December 15, 2011. In addition, the bill removes the sunset date from the 2009 Act of Assembly that reduced the special real property tax rate on commercial property in the localities embraced by the Northern Virginia Transportation Authority from \$0.25 per \$100 of assessed value, to \$0.125 per \$100 of assessed value. Finally, the bill increases the special real property tax rate on commercial property in localities in Hampton Roads from \$0.10 per \$100 of assessed value to \$0.125 per \$100 of assessed value.

Patron - Watts

HB1906 Sales and use tax exemption; gold, silver, and platinum bullion. Exempts from sales and use tax gold, silver, or platinum bullion whose sales price exceeds \$1,000. This bill incorporates HB 1756.

Patron - Miller, J.H.

HB1908 Recordation and grantor taxes. Changes the basis on which recordation and grantor taxes are calculated on the conveyance of real estate to the consideration for the property conveyed, effective July 1, 2013. Under current law, the basis is the greater of such consideration or the actual value of the property conveyed. For a three-year period, the bill also expands the reduced recordation tax accorded to deeds of trust securing a refinanced mortgage with the same lender, to all such refinancings, regardless of lender. Finally, the bill increases the penalty for fraudulent understatement of the con-

sideration for the property conveyed, from an amount equal to the tax due on the understatement to twice that amount.

Patron - Miller, J.H.

HB2047 Paper and plastic bag fee. Imposes a fee of \$0.05 on paper and plastic bags used by purchasers to carry tangible personal property from the place of purchase. Durable, reusable plastic bags and bags used for ice cream, meat, fish, poultry, leftover restaurant food, newspapers, dry cleaning and prescription drugs are exempt from the fee. Retailers are allowed to retain \$0.01 of the \$0.05 fee or \$0.02 if the retailer has a customer bag credit program. The revenues raised by the fee will be deposited in the Virginia Water Quality Improvement Fund. Failure to collect and remit the fee will result in fines of \$250, \$500, and \$1,000 for the first, second, third and thereafter offenses.

Patron - Ebbin

HB2056 Income tax; travel expenses reimbursement tax credit. Grants an income tax credit for the total amount paid annually by an employer for employees' travel expenses when such employees are required to travel outside Virginia in the natural gas industry. The credit will become available for taxable years on or after January 1, 2011, but before January 1, 2015.

Patron - Poindexter

HB2109 Income tax; credit for diesel power to natural gas power truck conversion. Provides an income tax credit to individual truck owners who convert or have converted their diesel-powered trucks to natural gas power for taxable years beginning on and after January 1, 2011. The amount of the credit shall not exceed \$3,500 or the cost of the conversion, whichever is less.

Patron - Armstrong

HB2122 Sales and use tax exemption; certain computer equipment and enabling software. Expands the sales and use tax exemption for the purchase or lease of computer equipment or enabling software by data centers if new jobs are created by not only the data center operator but also collectively by the tenants of the data center.

Patron - Greason

HB2127 Income tax; deduction for certain volunteer services. Allows a deduction of \$1,500 when determining Virginia taxable income for professional services provided by mental health professionals and educators who volunteer with inmate programs in the Departments of Corrections, Correctional Education or Social Services, for taxable years beginning on or after January 1, 2012.

Patron - McClellan

HB2138 Local cigarette tax; counties. Authorizes any county to impose a local cigarette tax at a rate not to exceed \$0.05 per pack or the amount levied under state law, whichever is greater. It also repeals the Code section that allows only certain counties to impose a local cigarette tax.

Patron - Barlow

HB2151 Corporate income tax. Eliminates Virginia's corporate income tax for taxable years beginning on and after January 1, 2011.

Patron - Cline

HB2215 Local government; local defense manufacturing zones. Allows local governments to designate local defense manufacturing zones, similar to local technology zones and tourism zones, in which tax incentives and regulatory flexibility may be provided. Such zones would give local govern-

ments another economic development tool. This bill was incorporated into HB 1822.

Patron - McQuinn

HB2232 Personal property tax; valuation of motor vehicles. Requires that valuation of motor vehicles be at the lowest price in the NADA pricing guide. If a motor vehicle's model and year are not listed in such pricing guide, the individual vehicle may be valued on the basis of percentage or percentages of original cost.

Patron - Anderson

HB2239 Sales and use tax exemption; certain computer equipment and enabling software. Expands the sales and use tax exemption for the purchase or lease of computer equipment or enabling software by data centers. There is no longer a requirement for the creation of 50 new jobs, but rather the data center must have a creation of 25 new jobs provided that such jobs pay at least one and one-half times the prevailing average wage, pay any wage rate provided the data center is located in a locality that has an unemployment rate for the preceding year of at least 150 percent of the average statewide unemployment rate for such year, or is located in an enterprise zone.

Patron - Torian

HB2283 Credit against insurance license tax for investments in Virginia small business investment companies. Creates a credit against the state insurance license tax for certain insurance companies that invest in a Virginia small business investment company (VSBIC). A VSBIC is a Virginia-based entity that has as its primary business activity the investment of cash in qualified businesses and that is certified by the Director of the Department of Business Assistance as meeting the program's requirements. An eligible insurance company that makes a qualifying investment in a VSBIC is eligible for a transferable credit against its license tax liability equal to 80 percent of the investment, subject to the program's limits. An investing insurer may claim up to one-sixth of the amount of its credits against its license tax liability in any taxable year beginning January 1, 2013. The total amount of the designated capital for which license tax credits may be allowed is capped at \$100 million for the life of the program. The total amount of the designated capital for which license tax credits may be allowed for all participating investors in any year may not exceed the amount that would entitle all participating investors in VSBICs to take total credits of one-sixth of the \$100 million lifetime capped amount. If the total license tax credits claimed exceeds a limit, allowable license tax credits shall be allocated on a pro rata basis. VSBICs are required to make investments in qualified businesses in accordance with a schedule that requires 15 percent of allocated capital to be in strategic investment areas. To qualify for a VSBIC investment, a business shall have its headquarters and principal place of operations in Virginia, have no more than 100 employees, and be engaged in manufacturing, processing, or assembling products, conducting research and development, or providing certain services. A VSBIC that makes distributions that are neither qualified distributions nor distributions representing repayments of capital contributions to its equity investors is required to pay a profit share tax, which is deposited in the Building Future Jobs Fund. The Director is authorized to decertify, or impose an administrative penalty of up to \$25,000 on, a VSBIC that violates the program's provision. The measure states that the insurance license tax credits shall be paid from the portion of the license tax revenues that are deposited into the general fund of the state treasury.

Patron - Merricks

HB2299 Individual income tax and sales and use tax. Removes the remaining portion of the state sales and use tax (one and one-half percent) from food for human consumption (effective July 1, 2012) and restructures the individual income tax rate brackets for taxable years beginning on or after January 1, 2012.

Patron - Englin

HB2308 Income tax; clean special fuels motor vehicle and plug-in electric motor vehicle tax credit. Grants an income tax credit of \$2,000 to each taxpayer who purchases a clean special fuels motor vehicle or plug-in electric motor vehicle for taxable years beginning on and after January 1, 2011, but before January 1, 2015.

Patron - Sickles

HB2314 Income tax; educational improvement scholarships. Establishes a credit beginning in taxable year 2012 for corporations donating cash to nonprofit organizations providing education improvement scholarships to students who would have been eligible for the free and reduced lunch program under federal law, in order for them to attend nonpublic elementary or secondary schools. Nonprofit organizations to which donations are made would be required to distribute at least 90 percent of their annual receipts for such scholarships. The credit would equal 70 percent of the donation made by the corporation and could be carried forward or back for 15 years. Any corporation taking a charitable deduction on its federal income tax return would be required to add that amount back to its Virginia taxable income in order to receive this credit. There is a \$25 million cap for the credits.

Patron - Massie

HB2321 Virginia Free File tax program. Requires the Tax Commissioner to renegotiate the agreement with the Consortium of Virginia in order to allow any Virginia taxpayer who so desires to file his Virginia tax return electronically without charge, to do so for taxable years beginning on and after January 1, 2012.

Patron - Carr

HB2323 State lottery; instant ticket game to benefit veterans. Directs the State Lottery Board to create an instant ticket lottery game and dedicates the revenue generated for the benefit of veterans who reside in the Commonwealth.

Patron - Lingamfelter

HB2325 Income tax; research and development expenses tax credit. Allows income tax credits for individuals and businesses for qualified research and development expenses for taxable years beginning on or after January 1, 2012, but before January 1, 2017. The tax credit amounts are 3% of the Virginia qualified research and development expenses, not exceeding the Virginia base amount and 10% of the amount by which the Virginia qualified research and development expenses exceed the Virginia base amount. The Virginia Economic Development Partnership shall develop policies and procedures for the application process for the tax credits. There is a \$6 million cap on the total amount of credits allowed in any taxable year. This bill was incorporated into HB 1447.

Patron - Lingamfelter

HB2341 Plastic bag tax. Imposes a tax of \$0.20 on plastic bags used by purchasers to carry tangible personal property from the place of purchase. Durable, reusable plastic bags and bags used for ice cream, meat, fish, poultry, leftover restaurant food, newspapers, dry cleaning, and prescription drugs are exempt from the tax. Retailers are allowed to retain \$0.05

of the \$0.20 tax or \$0.07 if the retailer has a customer bag credit program. Failure to collect and remit the tax will result in fines of \$250, \$500, and \$1,000 for the first, second, and third and subsequent offenses, respectively.

Patron - Morrissey

HB2342 Income tax; hiring employees with disabilities tax credit. Provides a tax credit for employers who hire qualified persons with disabilities for taxable years beginning on or after January 1, 2011, but before December 31, 2015. The amount of the credit is 20 percent of the first \$5,000 of wages paid annually to such employees during the first two years of employment.

Patron - Morrissey

HB2352 Motor fuels tax; rate increase. Increases the motor fuels tax rate by \$0.10 per gallon and dedicates the additional revenue for the expansion or improvement of rail transportation, and construction and maintenance of roads and bridges within each county, city, and town, on a pro rata basis according to the number of gallons distributed in each locality.

Patron - Morrissey

HB2355 Transient Occupancy Tax; Brunswick County. Adds Brunswick County to those localities authorized to impose a transient occupancy tax not to exceed five percent, with any excess over two percent to be spent solely on tourism. Under current law, any county may impose a transient occupancy tax not to exceed two percent.

Patron - Tyler

HB2360 Taxation; employee transportation assistance tax credit. Allows a tax credit to employers that provide employee transportation assistance for taxable years beginning on and after January 1, 2012. Such credit shall be equal to 25 percent of all expenditures paid or incurred by the employer for such assistance.

Patron - McClellan

HB2371 Real property tax assessment; notice. Requires that notice be published in a newspaper 30 to 45 days prior to the beginning of a reassessment cycle of real property advising taxpayers that they have (i) the right to have the assessor examine their property on site and (ii) the right to be present during such examination.

Patron - Edmunds

HB2390 Income tax; exemption for certain small businesses. Exempts certain small businesses from individual and corporate income tax for the first two years the business operates or until it produces \$300,000 in gross income, whichever occurs first. A small business is defined as a business located in Virginia that is independently owned or operated by U.S. citizens or noncitizens in full compliance with U.S. immigration law and that has 250 or fewer employees.

Patron - Pollard

HB2398 Treasurer; collection of local taxes. Provides that the treasurer of each county and city shall deposit with the State Treasurer an amount equal to 0.2 percent of all local taxes or other charges collected by the treasurer. Out of these deposits: (i) six percent of any tax or other charges collected shall be retained by the Compensation Board for administrative purposes, (ii) 47 percent of any tax or charges collected by the treasurer shall be allocated to the Compensation Board in support of local treasurers in accordance with existing law, and (iii) 47 percent of any tax or other charges collected by the treasurer shall be allocated by the Compensa-

tion Board in support of local commissioners of the revenue in accordance with existing law.

Patron - Joannou

HB2400 Corporate income tax; subcontracts tax credit. Provides a corporate income tax credit for certain large businesses that enter into qualified subcontracts with small businesses. The amount of the credit is six percent of the value of a large business's new qualified subcontracts or the increase in the existing subcontracts.

Patron - Nutter

HB2404 Sales and use tax revenue dedication; transportation in Northern Virginia and Hampton Roads. Dedicates a portion of state sales and use tax revenue for transportation projects in Northern Virginia and Hampton Roads equivalent to a one quarter percent sales and use tax rate in the localities in Northern Virginia and the localities in Hampton Roads, with the amount for each region calculated separately. The amounts calculated for Northern Virginia and Hampton Roads are transferred to the Northern Virginia Transportation Authority and the Hampton Roads Transportation Planning Organization, respectively, to be used solely for projects in the Commonwealth Transportation Board's Six-Year Improvement Program.

Patron - Rust

HB2444 Commissioners of the revenue; authorized to examine books and records for sales tax purposes. Authorizes local commissioners of the revenue to examine books and records of dealers and transportation companies. The commissioner of the revenue would be required to report on the results of his examination to the Tax Commissioner, including but not limited to any local use tax that has been incorrectly distributed to a county or city.

Patron - Keam

HB2476 Estate tax reinstated. Reinstates the estate tax for persons dying on or after July 1, 2011. No estate tax will be imposed on a gross estate (i) whose value is less than \$3 million or (ii) if the majority of the assets of the estate is an interest in a closely held business or a working farm. The revenues from the estate tax would first be used for funding staffing standards in nursing homes required to be established under the bill, which staffing standards would require a minimum period of time of direct care services to each resident per 24-hour period.

Patron - Howell, A.T.

HB2499 Insurance license tax. Dedicates to the Highway Maintenance and Operating Fund one-third of the total revenue from the insurance license tax, phased in over three years, beginning with fiscal year 2013.

Patron - Albo

HB2516 Income tax; agricultural best management practices. Allows any taxpayer to transfer income tax credits that he receives for agricultural best management practices and that he cannot use to another taxpayer who can use the credits, for taxable years beginning on or after January 1, 2011.

Patron - Lewis

HB2518 Income tax; mine inspection tax credit. Provides an income tax credit to mine operators for personnel expenses incurred when providing employees to accompany or assist a mine inspector or delegate of the Secretary of Labor during mine inspections or reviews.

Patron - Morefield

SB743 Transient Occupancy Tax; Washington County. Adds Washington County to those localities authorized to impose a transient occupancy tax not to exceed five percent, with any excess over two percent to be spent solely on tourism. Under current law, any county may impose a transient occupancy tax not to exceed two percent. This bill was incorporated into SB 984.

Patron - Wampler

SB753 BPOL administrative appeals process. Adds additional time limitations by which the Tax Commissioner must rule on BPOL administrative appeals and requests for advisory written opinions. The bill also would limit the Tax Commissioner to reviewing matters of law and would prohibit him from considering any additional or revised facts when ruling on any request for reconsideration of a BPOL determination previously issued by him.

Patron - Saslaw

SB780 Recordation and grantor taxes. Expands, for a three-year period, the reduced recordation tax accorded to deeds of trust securing a refinanced mortgage with the same lender to all such refinancings, regardless of lender.

Patron - Reynolds

SB833 Fuels taxes; indexing of tax rates. Increases or decreases each year the rates of Virginia's fuels taxes using a fuel efficiency index. The bill would define the fuel efficiency index as the quotient that is obtained when using as the numerator the total annual vehicle miles traveled in the Commonwealth for the relevant year and using as the denominator the total gallons of motor fuel consumed for highway use in the Commonwealth for the relevant year. The numerator and denominator would be the corresponding amounts as published by the Federal Highway Administration of the United States Department of Transportation. The bill would establish 2007 as the base year for the fuel efficiency index. Thus, the percentage change in the fuel efficiency index between the current year and 2007, the base year, would determine the annual percentage increase or decrease in the rates of Virginia's fuels taxes. Each December the Commissioner of the Department of Motor Vehicles would compute the adjusted rates of fuels taxes. Currently, Virginia's fuels taxes are fixed at the rate of \$0.175 per gallon for each gallon of gasoline, gasohol, and diesel fuel.

Patron - Petersen

SB969 Local government; local defense manufacturing zones. Allows local governments to designate local defense manufacturing zones, similar to local technology zones and tourism zones, in which tax incentives and regulatory flexibility may be provided. Such zones would give local governments another economic development tool.

Patron - Marsh

SB970 Local government; local defense manufacturing zones. Allows local governments to designate local defense manufacturing zones, similar to local technology zones and tourism zones, in which tax incentives and regulatory flexibility may be provided. Such zones would give local governments another economic development tool. This bill was incorporated into SB 999.

Patron - Marsh

SB972 Retail sales and transient occupancy taxes on room rentals. Provides that retail sales and hotel taxes on transient room rentals are computed based upon the total charges or the total price paid for the use or possession of the room. For those cases in which a hotel or similar establishment contracts with an intermediary to facilitate the sale of the room

and the intermediary charges the customer for the room and such facilitation efforts, the bill would require the intermediary to separately state the taxes on the bill or invoice provided to the customer and to collect the taxes based upon the total charges or the total price paid for the use or possession of the room. The effective date of the bill is January 1, 2012.

Patron - Whipple

SB980 Transient occupancy tax; Arlington County. Extends the sunset date for the additional transient occupancy tax in Arlington County from January 1, 2012, to January 1, 2015. Current law requires that the revenues from the tax be designated and spent for promoting tourism and business travel in the county.

Patron - Whipple

SB981 Renewable energy sources production tax credit. Establishes, beginning January 1, 2012 and ending July 1, 2016, a \$1-per-megawatt-hour income tax credit for each megawatt-hour of electricity or megawatt-hour equivalent in thermal energy that an energy producer generated from renewable energy sources harvested or captured in Virginia and sold or self-consumed during the taxable year. The bill provides that tax credits would be allowed only for electricity or thermal energy generated from equipment first placed in service on or after January 1, 2012. Under the bill, investor-owned incumbent electric utilities that have applied to the State Corporation Commission for approval to participate in a renewable energy portfolio standard program would be ineligible to receive the tax credit. The bill would provide a 10-year carryforward period for any credit not usable in the taxable year of sale.

Patron - Whipple

SB998 Corporate income tax; lower rate for certain businesses. Reduces the corporate income tax rate from six percent to three percent for the first three years after a business located (i) outside Virginia opens an office in a Virginia locality with population of 200,000 or fewer individuals and (ii) in a Virginia locality with a population exceeding 200,000 people opens a satellite office or operation in a Virginia locality with a population of 200,000 or fewer, for taxable years beginning on or after January 1, 2011. The capital investment made by the corporation must be \$250,000 or more and the tax reduction may not exceed the amount of that capital investment.

Patron - Stuart

SB1006 Corporate income tax; market-based sourcing. Changes the way the sales factor is determined, for purposes of the corporate income tax, so that it will be market-based sourcing rather than costs of performance, which is the current method used. The bill would become effective for taxable years beginning on or after January 1, 2012.

Patron - Watkins

SB1027 Tax credit for hiring recipients of Temporary Assistance for Needy Families. Provides that the tax credit would be issued on a fiscal year basis and that no more than \$3 million in tax credits would be issued in any fiscal year of the Commonwealth. The bill charges the Department of Taxation with administering the tax credit. Under current law, the amount of tax credits that may be issued in a fiscal year is subject to the general appropriation act.

Patron - Puckett

SB1045 Sales and use tax exemption; certain computer equipment and enabling software. Expands the sales and use tax exemption for the purchase or lease of computer equipment or enabling software by data centers. There is no longer a requirement for the creation of 50 new jobs, but rather the data center must have a creation of 25 new jobs provided

that such jobs pay at least one and one-half times the prevailing average wage, pay any wage rate provided the data center is located in a locality that has an unemployment rate for the preceding year of at least 150 percent of the average statewide unemployment rate for such year, or is located in an enterprise zone.

Patron - Barker

SB1086 Motor vehicle sales and use tax; exemptions. Exempts from the motor vehicle sales and use tax certain four-wheel plug-in electric vehicles rated at 8,500 pounds unloaded gross vehicle weight or less and having a maximum speed capability of at least 55 miles per hour. The exemption would be limited to 10 vehicles owned by a business and one vehicle owned by an individual. The aggregate amount of exemptions allowed would be capped at \$1 million, and the exemption would expire on July 1, 2012. The bill establishes a process to apply for an exemption from the Department of Taxation. The bill also includes clarifying amendments in regard to other sales tax exemptions.

Patron - Hanger

SB1087 Transfers of land preservation tax credits. Requires the use of a licensed transfer agent to transfer a land preservation tax credit to a taxpayer who is not an individual. Transfer agents would be licensed by the Department of Taxation. The bill provides licensing requirements for transfer agents. The bill allows the Tax Commissioner to revoke or suspend the license of, or impose a monetary penalty upon, any transfer agent who repeatedly transfers land preservation tax credits that are subsequently disallowed in whole or in part by the Department. This bill was incorporated into SB 1232.

Patron - Hanger

SB1088 Land preservation tax credits; refunded by the Tax Commissioner. Allows a donor of land or any interest in land to request a refund of unused land preservation tax credits with the Tax Commissioner for 90 percent of the face value of the credits. The bill provides for the Comptroller to deposit an amount equal to 10 percent of the face value of the credits into a special nonreverting fund to be used to provide matching grants to local purchase of development rights programs. The bill provides that a donor may be refunded no more than an aggregate of \$100,000 in unused land preservation tax credits regardless of the number of property donations made. No person who has transferred a land preservation tax credit to another person or acquired a land preservation tax credit from another person would be eligible for a refund of such unused tax credits.

Patron - Hanger

SB1101 Income tax credits; electric energy facility producing electricity primarily from agricultural livestock waste nutrients. Establishes individual and corporate income tax credits for energy property under § 48(a) of the U.S. Internal Revenue Code of 1986, as amended, that is (i) placed in service in the Commonwealth on or after January 1, 2011, and (ii) part of an electric energy facility producing electricity primarily from agricultural livestock waste nutrients. The amount of the credit would be equal to the amount of the energy credit allowed for the taxable year under § 48 of the U.S. Internal Revenue Code of 1986, as amended, for placing the energy property in service.

Patron - Hanger

SB1175 Taxation of trusts established for disabled individuals. Establishes an individual income tax deduction not to exceed \$2,000 for the fair market value of contributions made during the taxable year to certain supplemental needs trusts established for disabled individuals. The bill also would

exempt from taxation the income earned by such trusts. The bill would become effective for taxable years beginning on or after January 1, 2011.

Patron - Marsden

SB1194 Income tax; corporate tax credits for donations to nonprofit organizations providing educational scholarships. Establishes a tax credit beginning in taxable year 2012 for corporations donating cash to nonprofit organizations providing scholarships to students in order for them to attend nonpublic elementary or secondary schools. Nonprofit organizations to which donations are made would be required to contribute at least 90 percent of their annual receipts for such scholarships. The tax credit would equal 90 percent of the donation made by the corporation. The Department of Taxation would be responsible for issuing the tax credits. The Department would be allowed to issue up to \$25 million in tax credits in each fiscal year of the Commonwealth.

Patron - Obenshain

SB1205 Retail sales tax exemption; gold and silver bullion coins. Establishes a retail sales tax exemption for sales of nongraded United States gold or silver bullion coins.

Patron - Obenshain

SB1285 State taxes paid by highway contractors dedicated for transportation purposes. Dedicates to the Transportation Trust Fund all state retail sales and use and income taxes paid by highway contractors.

Patron - McWaters

SB1313 Taxation; employee transportation assistance tax credit. Allows a tax credit to employers that provide employee transportation assistance for taxable years beginning on and after January 1, 2012. Such credit shall be equal to 25 percent of all expenditures paid or incurred by the employer for such assistance.

Patron - McEachin

SB1358 Real property tax; exemption for disabled veterans. Codifies the constitutional amendment adopted by voters in November, 2010, that provides for a property tax exemption for veterans who have a 100 percent, service-related disability. The constitutional amendment requires the General Assembly to enact the exemption in general law. This bill was incorporated into SB 987.

Patron - Stosch

SB1365 State insurance license tax credit. Provides a tax credit against the state license tax liability on certain insurance companies for investments in Virginia small business investment companies. The tax credit will be administered by the Tax Commissioner. The tax credit is capped one sixth of \$100 million per year and may not exceed \$100 million for the life of the program.

Patron - McWaters

SB1386 State lottery; instant ticket game to benefit veterans. Creates an instant ticket lottery game to benefit veterans, to be available beginning January 1, 2012. Proceeds from the sale of the tickets shall be used by the Department of Veterans Services to benefit veterans of the armed forces who reside in the Commonwealth.

Patron - Colgan

SB1394 Sales and use tax revenue dedication; transportation in Northern Virginia and Hampton Roads. Dedicates a portion of state sales and use tax revenue for transportation projects in Northern Virginia and Hampton Roads equivalent to a one quarter percent sales and use tax rate in the

localities in Northern Virginia and the localities in Hampton Roads, with the amount for each region calculated separately. The amounts calculated for Northern Virginia and Hampton Roads are transferred to the Northern Virginia Transportation Authority and the Hampton Roads Transportation Planning Organization, respectively, to be used solely for projects in the Commonwealth Transportation Board's Six-Year Improvement Program.

Patron - McWaters

SB1403 Corporate income tax. Eliminates Virginia's corporate income tax for taxable years beginning on or after July 1, 2013.

Patron - Obenshain

SB1404 Income tax; clean fuel vehicle job creation tax credit. Extends the sunset date from December 31, 2011, to December 31, 2016, for the clean fuel vehicle job creation income tax credit. This bill was incorporated into SB 1236.

Patron - Wagner

SB1432 Income tax; industrial building rehabilitation tax credit. Creates a tax credit, not to exceed \$100,000, for businesses that rehabilitate or retrofit older industrial buildings in which a new business is located, for taxable years beginning on and after January 1, 2012.

Patron - Stanley

SB1442 Small employer health insurance tax credit. Establishes a tax credit for small employers that pay a portion of their employees' health insurance premiums. The credit would be equal to 30 percent of the federal small employer health insurance tax credit claimed by the employer and would have a seven-year carryforward period. Under the bill, a small employer is one with no more than 25 full-time employees.

Patron - Reynolds

SB1473 Department of Business Assistance; job retraining accounts; tax exemptions. Allows an individual to open a job retraining account through the Department of Business Assistance. The account would be a trust or savings account administered by the Department and would be used by the individual for expenses related to job retraining. An individual's employer would be authorized to make matching contributions to the account and would be eligible for a tax deduction for the contributions to the extent that the contribution was included in the employer's federal taxable income. The bill contains a reenactment clause.

Patron - Lucas

Trade and Commerce

Passed

HB1599 Enterprise zones; attestation of information. Eliminates the requirement that the accuracy and validity of information from business firms with base year employment of 100 or fewer positions, and that create 25 or fewer grant eligible positions, on permanent full-time positions, wage rates, and provision of health benefits provided in enterprise zone applications be attested to by an independent certified public accountant licensed in Virginia. SB 1348 is identical.

Patron - BaCote

HB1832 Virginia Racing Commission; powers and duties; retainage; illegal wagering on horse racing; penalty.

Removes the specific percentage on pari-mutuel pools by the licensee and allows the Commission to approve an amount to be so retained as jointly requested by a recognized majority horseman's group and an unlimited licensee. The bill also (i) increases for wagers placed on simulcast horse races outside of Virginia, the retainage of one and thirty one-hundredths percent of the pool, with five one-hundredths to be distributed to the Virginia Thoroughbred Association for the promotion of breeding in Virginia, and (ii) provides a heightened penalty for illegal wagering on horse racing. In addition, the bill provides that the Commission shall not issue a license to, and shall revoke the license of, an entity that withholds the sale at fair market value to an unlimited licensee of simulcast horse racing signals that such entity sells to other racetracks, satellite facilities, or advance deposit account wagering providers located in or outside of the Commonwealth.

Patron - Scott, E.T.

HB2050 Purchasers of secondhand metal articles. Requires any person buying secondhand metal articles used by or belonging to a railroad, telephone, mining, industrial, manufacturing, or public utility company to pay for such articles by check if the cost of the items exceeds \$1,000. HB 1597 is incorporated.

Patron - Carrico

HB2131 Redesignation of joint enterprise zones. Authorizes the Department of Housing and Community Development to expand an existing joint enterprise zone consisting of two localities provided (i) both the local governing bodies in which the proposed redesignated zone submit to the Department resolutions supporting the proposed redesignation and applications for the redesignation and (ii) the area of the locality that will be in the redesignated zone is contiguous to the existing joint enterprise zone and includes a revenue-sharing district that has experienced the loss of 900 permanent full-time positions within a 12-month period. HB 1744 is incorporated into this bill. SB 779 is identical.

Patron - Barlow

HB2148 Trademark infringement. Requires the court in any criminal proceeding involving trademark infringement, upon the request of the Commonwealth, to order that material infringing on a trademark in the possession or under the control of a defendant or law-enforcement officer be destroyed or delivered for destruction, or alternatively disposed of in another manner with the consent of the owner of the registered mark. Currently, courts are required to order that such materials be destroyed, delivered, or otherwise disposed of in civil proceedings brought by the registrant of the trademark. The measure also provides that a mark is deemed to be in use in connection with goods whose nature makes the placement of a tag or label impracticable if the mark is on documents associated with the goods or their sale and the goods are possessed in the Commonwealth. Finally, the measure provides that it is the owner of a registered mark, rather than its registrant, to whom a person infringing on a trademark is liable.

Patron - Cline

HB2316 Clean Energy Manufacturing Incentive Grant Program created. Repeals the Solar Photovoltaic Manufacturing Incentive Grant Program effective July 1, 2013, and the Biofuels Production Incentive Grant Program effective July 1, 2017, to create a program that provides financial incentives to companies that manufacture or assemble equipment, systems, or products used to produce renewable or nuclear energy, or products used for energy conservation, storage, or grid efficiency purposes. To be eligible for a grant, the manufacturer must make a capital investment greater than \$50 million and create at least 200 full-time jobs that pay at least the prevailing

wage. A wind energy supplier must make a capital investment of greater than \$10 million and create at least 30 full-time jobs that pay at least the prevailing wage to be eligible for a grant. Solar photovoltaic manufacturing grants based on sales in 2011 are capped at \$1 million. SB 1360 is identical.

Patron - Byron

HB2365 Virginia Racing Commission; authorization to join Interstate Racing and Wagering Compact. Authorizes the Virginia Racing Commission to enter into the Interstate Racing and Wagering Compact, as proposed by the Association of Racing Commissioners International.

Patron - Peace

HB2495 Advanced Shipbuilding Training Facility Grant Program. Revises the Advanced Shipbuilding Training Facility Grant Program by allowing the Commonwealth, the eligible city, and the qualified shipbuilder to structure an agreement whereby the eligible city would receive grants, not to exceed \$42 million, to be used toward payment of the costs of building the Facility, and the qualified shipbuilder, upon fulfilling performance requirements, would gain ownership of the facility at the end of the grant period. These parties retain the authority under current law to structure an agreement whereby the qualified shipbuilder receives grants upon fulfilling performance requirements. The bill also changes the date by which a memorandum of understanding must be reached to qualify a shipbuilder for the Program, from June 30, 2009, to August 31, 2011.

Patron - Jones

HB2526 Purchase of service handguns. Clarifies that when a law-enforcement officer is eligible to purchase his service handgun, he may purchase a weapon of like kind if his actual service handgun is not available.

Patron - Miller, P.J.

SB779 Redesignation of joint enterprise zones. Authorizes the Department of Housing and Community Development to expand an existing joint enterprise zone consisting of two localities provided (i) both the local governing bodies in which the proposed redesignated zone submit to the Department resolutions supporting the proposed redesignation and applications for the redesignation and (ii) the area of the locality that will be in the redesignated zone is contiguous to the existing joint enterprise zone and includes a revenue-sharing district that has experienced the loss of 900 permanent full-time positions within a 12-month period. HB 2131 is identical.

Patron - Lucas

SB854 Sales of secondhand building materials. Authorizes the chief of police or sheriff to refuse to issue a permit to allow a person to engage in the business of trading in secondhand building materials if the applicant has been convicted of a felony or crime of moral turpitude within three years preceding the application. The measure also (i) requires an applicant for a permit to provide his address, age, gender, and fingerprints; (ii) obligates junk dealers selling or acquiring secondhand building materials to report information about sales of secondhand building materials to the chief of police or sheriff; (iii) exempts authorized scrap sellers from the requirements; and (iv) provides that a person is deemed to be regularly engaged in the business of trading in secondhand building materials if he conducts 26 or more transactions within a year or offers for sale more than 600 pounds of secondhand building materials. Finally, the measure removes a provision making it unlawful for certain persons to "accept" certain secondhand metal items used by or belonging to certain utility or manufac-

turing companies; it remains unlawful to barter, purchase, exchange, or buy such items.

Patron - Wagner

SB1294 Virginia Consumer Protection Act; defective drywall; penalties. Makes it a prohibited practice under the Virginia Consumer Protection Act for a supplier to sell, offer for sale, or use in the construction, remodeling, or repair of any residential dwelling in Virginia, any drywall that he knows or has reason to know is drywall that, as a result of containing the same or greater levels of strontium sulfide that has been found in drywall manufactured in China and imported between 2004 and 2007, is capable of releasing sulfur compounds into the air. Such a sale, offering or use of drywall that has been designated by the Consumer Product Safety Commission as posing a substantial product hazard is also made a prohibited practice under the Virginia Consumer Protection Act. The prohibition does not apply to the sale or offering for sale of any building or structure in which such drywall has been permanently installed or affixed. The measure applies to transactions occurring on or after the effective date of the measure, which will become effective upon enactment pursuant to an emergency clause.

Patron - Miller, J.C.

SB1348 Enterprise zones; attestation of information. Eliminates the requirement that the accuracy and validity of information from business firms with base year employment of 100 or fewer positions, and that create 25 or fewer grant eligible positions, on permanent full-time positions, wage rates, and provision of health benefits provided in enterprise zone applications be attested to by an independent certified public accountant licensed in Virginia. HB 1599 is identical.

Patron - Norment

SB1360 Clean Energy Manufacturing Incentive Grant Program created. Repeals the Solar Photovoltaic Manufacturing Incentive Grant Program effective July 1, 2013, and the Biofuels Production Incentive Grant Program effective July 1, 2017, to create a program that provides financial incentives to companies that manufacture or assemble equipment, systems, or products used to produce renewable or nuclear energy, or products used for energy conservation, storage, or grid efficiency purposes. To be eligible for a grant, the manufacturer must make a capital investment greater than \$50 million and create at least 200 full-time jobs that pay at least the prevailing wage. A wind energy supplier must make a capital investment of greater than \$10 million and create at least 30 full-time jobs that pay at least the prevailing wage to be eligible for a grant. Solar photovoltaic manufacturing grants based on sales in 2011 are capped at \$1 million. This bill incorporates SB 1229 and is identical to HB 2316.

Patron - Stosch

Failed

HB1436 Automatic dialing-announcing devices; debt collections. Prohibits a caller from using an automatic dialing-announcing device to make a debt collection communication to a subscriber unless the communication is immediately preceded by a live operator who discloses to the subscriber information about the debt and the purpose of the call, and the subscriber consents to receipt of the communication. In addition, the subscriber shall be provided the opportunity to converse with a live operator in order to notify the caller that the debt is disputed, to request that the caller not make further debt collection communications, or to obtain the name and mailing address of the original creditor. Callers are further prohibited from using an automatic dialing-announcing device to make a

debt collection communication (i) to a subscriber within 30 days after being requested by the subscriber not to make such communications and (ii) in a manner that causes the subscriber's telephone to ring repeatedly or continuously with intent to annoy, abuse, or harass.

Patron - Loupassi

HB1438 Goods produced or manufactured in the Commonwealth; not subject to federal regulation. Provides that all goods produced or manufactured within the Commonwealth, when such goods are held, retained, or maintained in the Commonwealth, shall not be subject to federal law, federal regulation, or the constitutional power of the United States Congress to regulate interstate commerce. The bill does not apply to goods ordered, procured, or purchased by the federal government or by a federal contractor. The bill only applies to goods produced or manufactured on or after July 1, 2011.

Patron - Cole

HB1450 Sales of pressurized gas dusters. Prohibits any person from selling, offering for sale, or displaying for sale pressurized gas dusters in open displays or unlocked cases that are accessible to the public without the intervention of an employee of such business. Violations are a prohibited practice pursuant to the Virginia Consumer Protection Act.

Patron - Crockett-Stark

HB1597 Purchases of secondhand metal articles. Expands the requirements imposed on purchasers of secondhand steel, copper, copper wire, aluminum, aluminum wire, brass, brass bearings or fittings, electric light or gas fixtures, locks or other builders hardware, plumbing fixtures, bell or bell fixtures, lead or brass water pipes or any part of such fixtures or pipes, or any wire, cable, lead, solder, copper, iron or brass used by or belonging to a railroad, telephone, telegraph, coal mining, industrial, manufacturing or public utility company. Purchasers will be required to (i) include the employment and work and residence telephone numbers on the seller's receipt or bill of sale; (ii) collect copies of the seller's thumb prints; (iii) make a copy of the seller's driver's license or other form of government identification that includes the seller's name, residence address, and date of birth; (iv) record the vehicle registration card of any automobile or other vehicle in which the covered article was delivered, if any; (v) take a photograph of any covered article purchased; (vi) retain the materials for six months after the purchase; (vii) make the receipt or bill of sale and other materials available to law-enforcement officers; (viii) withhold payments until the third business day following delivery of the covered article; (ix) make any payment of \$50 or more in the form of a check; and (x) hold covered articles for seven days following their purchase. The requirements do not apply to items purchased from a plumber; the owner of buildings from which the item is taken; railroad, coal mining, industrial, manufacturing, or public utility company; the agent of any of these persons; or a person holding a permit to deal in secondhand building fixtures. Incorporated into HB 2050.

Patron - BaCote

HB1614 Prepaid cards; disclosure requirements. Requires issuers of general-use prepaid cards to disclose information regarding all fees associated with the cards. The disclosures are required to be presented in the form of a table that is consistent with the tabular format required for credit card disclosures under § 122(c) of the federal Truth in Lending Act and Regulation Z.

Patron - Ward

HB1744 Redesignation of joint enterprise zones. Authorizes the Department of Housing and Community Development to expand an existing joint enterprise zone consisting

of two localities to include an additional locality provided (i) all the local governing bodies of all the localities in which the proposed redesignated zone submit to the Department resolutions supporting the proposed redesignation and applications for the redesignation and (ii) the area of the additional locality that will be included in the redesignated zone is contiguous to the existing joint enterprise zone and includes a revenue-sharing district that has experienced the loss of 1,000 permanent full-time positions within a seven-month period. This bill was incorporated into HB 2131.

Patron - Tyler

HB2030 Strategic Manufacturing and Job Repatriation Act; report. Directs the Secretary of Commerce and Trade to create a comprehensive manufacturing strategy designed to increase overall production, create private sector jobs, and identify emerging technologies to strengthen Commonwealth competitiveness and comparative advantages. By January 1, 2012, and every second year thereafter, the Secretary shall conduct a survey of firms in the Commonwealth. Any firm choosing not to complete the survey will be ineligible to receive Virginia contracts or assistance. The survey shall identify Virginia firms that maintain manufacturing, design, or support service facilities outside the United States; categories of products manufactured at such facilities; and the number of jobs located at such overseas facilities. The Secretary is also directed to establish multiple repatriation task forces to promote repatriation in accordance with the established targets for job repatriation and manufacturing growth. The measure also creates the Economic Security Commission to study and make recommendations on policy relating to Commonwealth economic competitiveness, particularly in the manufacturing, information technology, energy, and biotechnology sectors of the global economy, and to study technology-based planning policies to bolster Commonwealth economic competitiveness. The Economic Security Commission's duties include (i) reporting on issues surrounding technology-based planning, emerging technologies, and Commonwealth economic competitiveness, specifically with regard to international trade agreements, taxation, cybersecurity, intellectual property laws and enforcement, vocational training, education, research and development programs, and infrastructure, and (ii) overseeing the development and operation of a technology spatial mapping program. Finally, the measure provides that the Secretary be requested to study the impact and feasibility of a tax incentive to encourage firms to repatriate jobs to the Commonwealth. In conducting the study, the Secretary shall examine the merits of waiving all Virginia taxes on the return of offshore, untaxed profits by comparing the cost of such an incentive with the number of Virginia jobs created.

Patron - May

HB2111 Enterprise zone job creation grants. Provides that a business firm in a locality with an unemployment rate two percent or higher than the statewide average is eligible for an enterprise zone job creation grant of \$500 per year for up to five years for each grant eligible position that during such year is paid at least 150 percent of the federal minimum wage.

Patron - Armstrong

HB2521 Virginia Motor Vehicle Warranty Enforcement Act. Expands who constitutes a consumer under Virginia's "lemon law" to include a corporation, limited liability company, partnership, or business trust provided that the entity purchases fewer than 25 motor vehicles annually and uses the motor vehicles in the conduct of for-profit commercial activities. Currently, only a purchaser or lessee of a motor vehicle that is used in substantial part for personal, family, or household purposes qualifies as a consumer.

Patron - Bell, Robert B.

HB2522 Virginia Home Solicitation Sales Act; form of notice. Removes from the statutorily authorized form of the notice of a buyer's right to cancel a home solicitation sale a provision that allows notice of cancellation to be sent by telegram. The notice form is also amended to allow notice of cancellation to be sent by facsimile. The measure also includes several technical changes.

Patron - Oder

SB1229 Clean Energy Manufacturing Incentive Grant Program created. Repeals both the Solar Photovoltaic Manufacturing Incentive Grant Program and the Biofuels Production Incentive Grant Program to create a program that provides financial incentives to companies that manufacture or assemble equipment, systems, or products used to produce renewable or nuclear energy, or products used for energy conservation, storage, or grid efficiency purposes. To be eligible for a grant, the manufacturer must make a capital investment greater than \$50 million and create at least 200 full-time jobs that pay at least the prevailing wage. A wind energy supplier must make a capital investment of greater than \$10 million and create at least 30 full-time jobs that pay at least the prevailing wage to be eligible for a grant. This bill was incorporated into SB 1360.

Patron - Deeds

SB1239 Personal Information Privacy Act. Makes several amendments to the Personal Information Privacy Act. The bill would prohibit a person from requiring an individual to provide his social security number to access goods and services if he also is required to provide a credit card or debit card number. The bill reinserts language that states that restrictions on the use of social security numbers set forth in the Act do not apply to records open under the Virginia Freedom of Information Act. This language was removed by the General Assembly in 2008. Finally, the bill makes changes to the damages provisions of the Act.

Patron - Ticer

SB1332 Virginia Racing Commission; limited licenses; licensing of limited duration meetings. Authorizes the Virginia Racing Commission to issue a limited duration license to owners of harness or Thoroughbred racing facilities provided that the owner or operator is a fair and a member of the Virginia Association of Fairs, Inc., or its successor not-for-profit association. The bill also provides that the prohibition on contributions to candidates for public office or public officer holders does not apply to a limited licensee when (i) the limited licensee has been granted tax exempt status under § 501(c)(3) or 501(c)(4) of the Internal Revenue Code, and (ii) the duration of race meeting or meetings under the limited license is in aggregate three days or less in any calendar year. This bill was incorporated into SB 1429.

Patron - Herring

SB1333 Virginia Racing Commission; powers and duties; allocation of retainage. Authorizes the Virginia Racing Commission to establish by regulation the allocation of sums to be paid out of the retainage generated by pari-mutuel wagering and revenue from advance deposit wagering. The bill contains technical amendments. This bill was incorporated into SB 1429.

Patron - Herring

SB1347 Virginia Racing Commission; simulcast horse racing; allocations. Authorizes wagering on historical horse racing. The bill also allocates the proceeds from such racing with forty-two percent of the proceeds distributed to the Commonwealth Transportation Trust Fund and the remaining

fifty-eight percent distributed to other entities. In addition, the bill (i) requires the existing race track to provide gambling educational programs including information on the availability of gambling addiction counseling and (ii) requires the promulgation of emergency regulations. The bill incorporates SB 1438.

Patron - Norment

SB1429 Virginia Racing Commission; net pool wagering; retainage. Changes the name of the Executive Secretary of the Commission to the Executive Director. The bill, among other things, also (i) increases the number of permissible satellite facilities (OTBs) from 10 to 20, (ii) revises the definition of pari-mutuel wagering, (iii) removes the specific retainage percentage on pari-mutuel pools by the licensee and allows the Commission to approve an amount to be so retained as jointly requested by a recognized majority horseman's group and an unlimited licensee, (iv) allows the determination of population for the purposes of the referendum on the establishment of a racetrack or satellite facilities to be based on the U.S. Census or the National Planning Data Corporation or other similar recognized source, and (v) allows the officers, directors, partners, spouses, and immediate family members thereof of a tax-exempt entity granted a limited duration license for thoroughbred or harness racing with pari-mutuel wagering to make contributions to any candidate for public office or public office holder at the state or local level. The bill authorizes net pool wagering on simulcast horse racing transmitted from outside of Virginia. Under the bill, net pool wagering is defined as a method of pari-mutuel wagering whereby amounts are awarded to winning wagers relative to the contribution, net of takeouts, to a pool by each participating jurisdiction or, if applicable, site. The bill requires the Racing Commission to adopt emergency regulations. The bill incorporates SB 1332 and SB 1333.

Patron - Norment

SB1438 Virginia Racing Commission; simulcast horse racing; allocations. Authorizes wagering on historical horse racing. The bill also allocates the proceeds from such racing with forty-two percent of the proceeds distributed to the Commonwealth Transportation Trust Fund and the remaining fifty-eight percent distributed to other entities. In addition, the bill (i) requires the existing race track to provide gambling educational programs including information on the availability of gambling addiction counseling and (ii) requires the promulgation of emergency regulations. This bill was incorporated into SB 1347.

Patron - Herring

Unemployment Compensation

Passed

HB2357 Unemployment compensation; Social Security offset. Eliminates the requirement that unemployment compensation benefits be reduced by 50 percent of the amount of the claimant's Social Security Act or Railroad Retirement Act retirement benefits in years when the solvency level of the unemployment trust fund is less than 50 percent. Currently, such a reduction in unemployment benefits is not required in years when the solvency level of the unemployment trust fund exceeds 50 percent. SB 1113 is identical.

Patron - McClellan

SB791 Extended unemployment benefits. Clarifies the expiration of provisions, enacted in 2009, that expanded the criteria for a state "on" indicator, during which unemployed

individuals are eligible for extended benefits to include weeks when the unemployment rate equaled or exceeded 6.5 percent and was more than 110 percent of the average for either or both of the corresponding three-month periods ending in the two preceding calendar years. The revised eligibility criteria will apply to weeks beginning not later than the week ending three weeks prior to the last week for which federal sharing is authorized by § 2005(a) of the federal American Recovery and Reinvestment Act of 2009, including weeks for which such sharing is authorized by an extension of or amendment to the federal law.

Patron - Watkins

SB1010 Unemployment benefits; minimum earnings requirement. Postpones the scheduled increase, from \$2,700 to \$3,000, in the minimum amount of wages an employee must have earned in the two highest earnings quarters of his base period in order to be eligible for unemployment benefits. The increase will apply to claims filed on or after July 1, 2012; it is currently scheduled to apply to claims filed on or after July 3, 2011.

Patron - Watkins

SB1113 Unemployment compensation; Social Security offset. Eliminates the requirement that unemployment compensation benefits be reduced by 50 percent of the amount of the claimant's Social Security Act or Railroad Retirement Act retirement benefits in years when the solvency level of the unemployment trust fund is less than 50 percent. Currently, such a reduction in unemployment benefits is not required in years when the solvency level of the unemployment trust fund exceeds 50 percent. HB 2357 is identical.

Patron - Watkins

Failed

HB2294 Unemployment compensation; Social Security offset. Eliminates the requirement that unemployment compensation benefits be reduced by 50 percent of the amount of the claimant's Social Security Act or Railroad Retirement Act retirement benefits in years when the solvency level of the unemployment trust fund is less than 50 percent. Currently, such a reduction in unemployment benefits is not required in years when the solvency level of the unemployment trust fund exceeds 50 percent.

Patron - McClellan

SB1401 Unemployment benefits; eligibility criteria. Provides that certain individuals who have exhausted eligibility for unemployment benefits and who are enrolled in approved training programs are eligible for up to 26 weeks of additional benefits. The measure also provides that an individual who voluntarily separates from employment is not disqualified from receiving unemployment compensation benefits if the separation is for a compelling family reason, which is defined as domestic violence, the illness or disability of a member of the individual's immediate family, or the need for the individual to accompany such individual's spouse to a place from which it is impractical for such individual to commute and due to a change in location of the spouse's employment. A provision allowing individuals to receive unemployment benefits if they voluntarily leave employment to follow a military spouse assigned to a new duty station, which provision will become effective only if the federal government appropriates adequate funds specifically for the purpose of paying benefits to such individuals, is repealed.

Patron - McEachin

SB1460 Workforce skills enhancement training program for unemployed workers. Establishes a program whereby unemployed workers may continue to receive unemployment compensation benefits while participating in workforce skills enhancement training from a potential employer. Workers may participate in the program for a maximum of 24 hours per week for a maximum of six weeks. When the program is complete, workers are assessed for possible employment. Participating workers do not receive any compensation from the potential employer providing the training, but are eligible for a Commonwealth-funded training stipend averaging \$100 per week for costs of child care, transportation, and other training-related costs. The Commonwealth will also reimburse the potential employer for the incremental additional cost of its workers' compensation insurance coverage. Funding for the workers' stipends and the reimbursement for workers' compensation insurance costs is subject to appropriation. The measure will become effective only if funds for its implementation are appropriated by the General Assembly.

Patron - Locke

SB1474 Unemployment compensation; shared work programs. Establishes a shared work program that provides employers with the option of reducing the hours worked by employees, while permitting the employees whose hours are reduced to receive partial compensation for lost wages. Program participation requires Virginia Employment Commission approval of a plan, which must provide that the reduction in hours of work is in lieu of a layoff of an equivalent percentage of employees, and that employees' fringe benefits cannot be reduced or eliminated during the plan. Employees must be available to work and available for full-time work with a participating work sharing employer.

Patron - Whipple

Virginia Energy Plan

Passed

HB2191 Voluntary Solar Resource Development Fund. Requires the Department of Mines, Minerals and Energy to provide the option to make voluntary contributions to the Voluntary Solar Resource Development Fund, which is established by this measure. Moneys in the Fund will be loaned for projects that involve the acquisition, installation, or operation of photovoltaic devices, solar water heating devices, or certain solar space heating devices at a residence, structure occupied by a nonprofit organization, or commercial establishment. The measure expires July 1, 2016. SB 975 is identical.

Patron - Ebbin

SB862 Commonwealth Energy Policy; local renewable energy facility siting ordinances. Requires that a local ordinance addressing the siting of renewable energy facilities be consistent with provisions of the Commonwealth Energy Policy, provide reasonable criteria to be addressed in the siting of any such facility that generates electricity from wind and solar resources, and include provisions establishing reasonable requirements on the siting of any such facility. Measures required by the ordinance are required to be consistent with the locality's existing ordinances.

Patron - Wagner

SB975 Voluntary Solar Resource Development Fund. Requires the Department of Mines, Minerals and Energy to provide the option to make voluntary contributions

to the Voluntary Solar Resource Development Fund, which is established by this measure. Moneys in the Fund will be loaned for projects that involve the acquisition, installation, or operation of photovoltaic devices, solar water heating devices, or certain solar space heating devices at a residence, structure occupied by a nonprofit organization, or commercial establishment. The measure expires July 1, 2016. HB 2191 is identical.

Patron - Whipple

SB1134 Offshore Wind Development Authority; membership. Exempts members of the U.S. Armed Forces who serve on the Virginia Offshore Wind Development Authority from a provision barring federal government employees from holding a state office. The measure also clarifies the process by which the Governor appoints to the Authority persons nominated by the Secretary of the Navy.

Patron - Wagner

Failed

HB1598 Restrictive covenants regarding solar energy collection devices. Invalidates any new or existing restrictive covenant adopted by a community association that prohibits or restricts an owner from installing or using any solar energy collection device on the owner's property. Community associations may establish reasonable restrictions as to the size, place, and manner regarding the placement of such devices on private property and community areas.

Patron - BaCote

SB814 Offshore energy resources. States that it shall be the policy of the Commonwealth to support oil and natural gas exploration, development, and production 75 miles or more off Virginia's coast, subject to the condition that such activities not be permitted if they would adversely affect the natural resources of the Chesapeake Bay, including its fish, wildlife, and aquatic resources and the habitat and ecological functions upon which they depend. Currently, the Commonwealth's policy is to support these activities 50 miles or more off Virginia's coast. The measure also provides that it is the Commonwealth's policy to permit the siting and development of commercial-scale offshore wind installations, and states that in adopting these policies the Commonwealth is cognizant of the risks evidenced by the Deepwater Horizon explosion. Finally, the measure deletes the statement that the policy of the Commonwealth shall support the inclusion of the Atlantic Planning Areas in the Mineral Management Service's draft environmental impact statement with respect to offshore oil and natural gas exploration.

Patron - McEachin

Waters of the State, Ports and Harbors

Passed

HB1649 Virginia Water Protection Permit; fee exemption; U.S. Navy. Extends the exemption from fee requirements for a Virginia Water Protection Permit to dredging activities performed by the Department of the Navy. Dredging operations sponsored by the Army Corps of Engineers are already exempted from such fees. This bill is identical to SB 961.

Patron - Cosgrove

HB1738 Reporting of water withdrawals; penalty. Authorizes the State Water Control Board to impose a civil penalty, not to exceed \$1,000, upon any person who fails to register and report certain water withdrawal information. Any person who withdraws more than one million gallons in any single month for crop irrigation or who withdraws during any single month a daily average that exceeds 10,000 gallons per day is required to be registered and report the amount of his withdrawals. However, prior to determining whether a civil penalty should be assessed, the Board is required to follow certain due process procedures, such as issuing several notices in writing of the person's failure to report his withdrawals. The person will have 60 days after receiving the second notice to file the report. The bill also provides for public comment on the criteria for calculating the appropriate penalty that would be imposed. A violator has the option of entering into a consent agreement with the Board and paying a civil charge that could be less than the \$1,000 penalty. The revenue generated from the civil penalties and charges will be deposited in a special fund that shall be used solely to fund the Department of Environmental Quality's water supply planning responsibilities.

Patron - Bulova

HB1828 Virginia Pollution Abatement Permit; inspection requirements. Removes the rule that the Department of Environmental Quality must inspect all facilities covered by a Virginia Pollution Abatement Permit annually for confined animal feeding operations or at least once every five years for all others. The bill sets a new standard that all facilities should be inspected to ensure compliance with statutory, regulatory, and permit requirements. This bill is identical to SB 1298.

Patron - Scott, E.T.

HB1943 No discharge zones. Provides that the criteria for establishing no discharge zones shall be based on the improvement of impaired tidal creeks. The bill also describes the actions that must be taken to ensure that there is no discharge of sewage from vessels while in a no discharge zone.

Patron - Pollard

HB2103 Aboveground storage tanks. Requires the State Water Control Board to develop standards for facilities with aboveground storage tanks in the City of Fairfax having an aggregate capacity of one million gallons or greater, existing prior to January 29, 1992, to upgrade to meet best practices standards for new or retrofitted tanks. The tanks have to meet these performance standards by July 1, 2021. This bill is identical to SB 843.

Patron - Bulova

HB2126 Location of wetland mitigation banks. Removes the references to an outdated map used to identify mitigation banks and instead uses the more readily identifiable hydrologic unit boundaries of the National Watershed Boundary Dataset.

Patron - Pollard

HB2389 Virginia Resources Authority; renewable energy projects. Adds renewable energy projects to those projects which the Virginia Resources Authority may finance.

Patron - Pollard

HB2486 Plan for impaired waters. Requires that the plan developed and implemented to restore impaired waters be controlling unless it is amended or withdrawn by the State Water Control Board. This bill is identical to SB 1441.

Patron - Cox, J.A.

HB2519 Virginia Water Protection Permits; multi-agency review. Requires natural resources agencies other than the Department of Environmental Quality eligible to provide comments on the issuance of Virginia Water Protection Permits shall do so within 45 days or be deemed to have approved the permit without further opportunity to comment. Currently, such agencies, including the Department of Game and Inland Fisheries, the Department of Conservation and Recreation, the Virginia Marine Resources Commission, the Department of Health, and the Department of Agriculture and Consumer Services must provide comments within 45 days, but the consequences of a failure to do so in a timely manner are not set out. This bill is identical to SB 1021.

Patron - Morefield

SB843 Aboveground storage tanks. Requires the State Water Control Board to develop standards for facilities with aboveground storage tanks in the City of Fairfax having an aggregate capacity of one million gallons or greater, existing prior to January 29, 1992, to upgrade to meet best practices standards for new or retrofitted tanks. The tanks have to meet these performance standards by July 1, 2021. This bill is identical to HB 2103.

Patron - Petersen

SB961 Virginia Water Protection Permit; fee exemption; U.S. Navy. Extends the exemption from fee requirements for a Virginia Water Protection Permit to dredging activities performed by the Department of the Navy. Dredging operations sponsored by the Army Corps of Engineers are already exempted from such fees. This bill is identical to HB 1649.

Patron - Northam

SB1021 Virginia Water Protection Permits; multi-agency review. Requires natural resources agencies other than the Department of Environmental Quality eligible to provide comments on the issuance of Virginia Water Protection Permits shall do so within 45 days or be deemed to have approved the permit without further opportunity to comment. Currently, such agencies, including the Department of Game and Inland Fisheries, the Department of Conservation and Recreation, the Virginia Marine Resources Commission, the Department of Health, and the Department of Agriculture and Consumer Services must provide comments within 45 days, but the consequences of a failure to do so in a timely manner are not set out. This bill is identical to HB 2519.

Patron - Puckett

SB1102 Point source nutrient trading. Exempts from the "two-for-one" rule point source nutrient removal technologies such as manure gasifiers that are being used by non-point sources (a farm) to generate and sell nutrient allocation offsets. The current Chesapeake Bay Watershed Nutrient Credit Exchange Program requires that two pounds of a nutrient be purchased for each pound to be offset when the allocation is purchased from a nonpoint source.

Patron - Hanger

SB1298 Virginia Pollution Abatement Permit; inspection requirements. Removes the rule that the Department of Environmental Quality must inspect all facilities covered by a Virginia Pollution Abatement Permit annually for confined animal feeding operations or at least once every five years for all others. The bill sets a new standard that all facilities should be inspected to ensure compliance with statutory, regulatory, and permit requirements. This bill is identical to HB 1828.

Patron - Ruff

PSB1309 Virginia Resources Authority. Modifies provisions regarding the Virginia Resources Authority to conform to the Public Finance Act.

Patron - Colgan

PSB1441 Plan for impaired waters. Requires that the plan developed and implemented to restore impaired waters be controlling unless it is amended or withdrawn by the State Water Control Board. This bill is identical to HB 2486.

Patron - Obenshain

Failed

FHB1623 Impacts to wetlands. Provides that no individual or general Virginia Water Protection Permit is required to be issued for a project's impacts to wetlands if the U.S. Army Corps of Engineers has issued an individual wetlands permit.

Patron - Knight

FHB1624 Department of Environmental Quality; consent agreements. Authorizes the Executive Director of the Department of Environmental Quality, when the State Water Control Board is not in session, to enter into consent orders with persons who have violated the water control laws or provisions of their ground water permit or surface water management area permits.

Patron - Knight

FHB1635 Virginia ports; change in ownership. Requires approval of both the Governor and the General Assembly before any change in ownership of the Virginia ports is permitted.

Patron - Purkey

FHB2402 State waters; regulation of interbasin transfers. Establishes a procedure for the interbasin transfer of waters. Persons initiating an interbasin transfer, or expanding an existing interbasin transfer, in excess of two million gallons per day must seek a certificate of transfer from the State Water Control Board. Applicants must publish a notice of intent to interested parties and hold public hearings in affected areas. The applicant is required to provide the Department of Environmental Quality with an environmental impact statement showing comprehensive analysis of the impacts, including cumulative impacts, that would occur in the source and receiving basins; an evaluation of alternatives to the proposed interbasin transfer; and a description of measures to mitigate any adverse impacts that may arise.

Patron - Wright

F SB885 Impacts to wetlands. Provides that no individual or general Virginia Water Protection Permit is required to be issued for a project's impacts to wetlands if the U.S. Army Corps of Engineers has issued an individual wetlands permit.

Patron - Blevins

F SB955 Craney Island disposal. Authorizes the Virginia Port Authority to take material dredged during the expansion of Craney Island from sediment remediation and wetlands mitigation sites along the Southern Branch of the Elizabeth River and dispose of it at the Craney Island Disposal Area.

Patron - Blevins

F SB1056 Wastewater treatment. Authorizes the State Water Control Board, in consultation with the Department of Environmental Quality, to eliminate wastewater discharges from sewage treatment facilities by July 1, 2020. The Board is to develop alternative treatment technologies or wastewater

disposal methods to discharging pollutants into state waters that will still meet water quality standards.

Patron - Stuart

F SB1237 Ground water withdrawal permit fees. Increases the maximum amount that the State Water Control Board can charge for a permit to withdraw ground water from \$6,000 to \$12,000. The term of a ground water permit is up to 10 years. The State Water Control Board is also authorized to set up a fee schedule to allow permit holders to pay their permit fees on an annual basis over the term of the permit.

Patron - Ticer

F SB1307 State waters; regulation of interbasin transfers. Establishes a procedure for the interbasin transfer of waters. Persons initiating an interbasin transfer, or expanding an existing interbasin transfer, in excess of two million gallons per day must seek a certificate of transfer from the State Water Control Board. Applicants must publish a notice of intent to interested parties and hold public hearings in affected areas. The applicant is required to provide the Department of Environmental Quality with an environmental impact statement showing comprehensive analysis of the impacts, including cumulative impacts, that would occur in the source and receiving basins; an evaluation of alternatives to the proposed interbasin transfer; and a description of measures to mitigate any adverse impacts that may arise.

Patron - Ruff

Welfare (Social Services)

Passed

PSB1608 Temporary Assistance for Needy Families. Provides that the Department of Social Services is designated as the state agency responsible for coordinating state efforts related to supporting public agencies and charitable and community groups seeking to assist low-income Virginians in their efforts to become self-sufficient and establishes the Temporary Assistance for Needy Families Fund to supplement the Department's administration of the Temporary Assistance for Needy Families block grant and assist the Commonwealth in maximizing program funds by leveraging individual, corporate, and charitable donations. This bill is identical to SB 1224.

Patron - Orrock

PSB1767 Placement of children; criminal history and central registry check. Eliminates language granting local boards of social services and licensed child-placing agencies discretion in deciding when to obtain background checks on adult household members residing in a home with a person with whom the local board or agency is considering placing a child on an emergency, temporary, or permanent basis and makes such checks mandatory. This bill is identical to SB 1040.

Patron - Crockett-Stark

PSB1868 Adult adopted person; access to identifying information. Requires the State Registrar of Vital Records to mail an adult adopted person's original certificate of birth to him upon order of the Commissioner of Social Services or order of a circuit court. This bill also provides that if a circuit court corrects or establishes a date of birth for a person born in a foreign country during an adoption proceeding or upon a petition to amend a certificate of foreign birth, the State Regis-

trar shall issue a certificate of birth showing the date of birth established by the court.

Patron - Toscano

HB1905 Child day programs; exemption from licensure requirements. Clarifies that a child day program that, by written policy given to and signed by a parent or guardian, allows school-aged children to enter and leave the premises without permission or supervision shall be exempt from licensure requirements regardless of (i) such program's location or the number of days per week of its operation; (ii) the provision of transportation services, including drop-off and pick-up times; or (iii) the scheduling of breaks for snacks, homework, or other activities.

Patron - Hugo

HB1984 Child welfare; placement of children. Provides that in cases in which a child cannot be returned to his family or placed for adoption and kinship care is not in the best interests of the child, the Department of Social Services shall consider other placements and services that may be in the best interests of the child. This bill is identical to SB 1178.

Patron - Kilgore

HB2157 Recognition of foreign adoptions. Provides that in cases in which a child has been adopted pursuant to the laws of a foreign country and enters the United States with an IR-3 or IH-3 visa issued by the United States Citizenship and Immigration Service, the adoptive parents shall not be required to readopt the child in Virginia and the adoption shall be recognized by the Commonwealth and the rights and obligations of the parties shall be determined as though the order of adoption was entered by a court of the Commonwealth. This bill also establishes a streamlined process whereby adoptive parents of children adopted pursuant to the laws of a foreign country and brought into the United States with an IR-3 or IH-3 visa may obtain a certificate of birth for the child.

Patron - Iaquinto

SB802 Regulation of child day programs; use of outdoor play equipment and areas. Provides that regulations governing child day centers shall not prohibit child day programs providing care for school-age children at a location that is currently approved for school occupancy and that houses a public or private school during the school year from allowing school-age children to use outdoor play equipment and areas approved for use by students of the school during school hours.

Patron - Houck

SB866 VIEW work requirement; exemption. Provides that a parent or caretaker-relative of a child under 12 months of age who personally provides care for the child may be exempt from mandatory participation in VIEW for up to 12 months. Months during which a parent or caretaker-relative is exempt from mandatory participation in VIEW may be consecutive or nonconsecutive.

Patron - Martin

SB1037 Foster care plan; independent living. Eliminates independent living as a permanency goal option for foster care plans approved on or after July 1, 2011, except in cases involving children admitted to the United States as refugees or asylees who are 16 years of age or older.

Patron - Barker

SB1038 Foster care; school placement. Allows a child placed in foster care to remain at his original school, if it is determined to be in his best interests. The bill requires the determination to be made in writing by the placing social ser-

vices agency and the local school division together, and adds the school placement to the foster care plan.

Patron - Barker

SB1040 Placement of children; criminal history and central registry check. Eliminates language granting local boards of social services and licensed child-placing agencies discretion in deciding when to obtain background checks on adult household members residing in a home with a person with whom the local board or agency is considering placing a child on an emergency, temporary, or permanent basis and makes such checks mandatory. This bill is identical to HB 1767.

Patron - Barker

SB1178 Child welfare; placement of children. Provides that in cases in which a child cannot be returned to his family or placed for adoption and kinship care is not in the best interests of the child, the Department of Social Services shall consider other placements and services that may be in the best interests of the child. This bill is identical to HB 1984.

Patron - Marsden

SB1223 Temporary Assistance for Needy Families Funding Pool. Establishes the Temporary Assistance for Needy Families (TANF) Funding Pool Program to consist of TANF block grant funds to be awarded to service providers for expanded TANF programs. Funds shall be awarded by the Department of Social Services to service providers through a competitive Request for Proposals process.

Patron - Barker

SB1224 Temporary Assistance for Needy Families. Provides that the Department of Social Services is designated as the state agency responsible for coordinating state efforts related to supporting public agencies and charitable and community groups seeking to assist low-income Virginians in their efforts to become self-sufficient and establishes the Temporary Assistance for Needy Families Fund to supplement the Department's administration of the Temporary Assistance for Needy Families block grant and assist the Commonwealth in maximizing program funds by leveraging individual, corporate, and charitable donations. This bill is identical to HB 1608.

Patron - Barker

Failed

HB1468 Legal presence required for public assistance; verification required. Provides that local departments of social services shall verify or cause to be verified information regarding the citizenship or legal presence of an applicant for public assistance prior to initiating provision of benefits, and that the Governor may withhold the appropriation of state funds under his control to any agency, political subdivision of the Commonwealth, or locality in violation of this act.

Patron - Albo

HB1519 Adoption of a child; absence of parental consent. Clarifies the standard a court must apply in when determining whether to allow adoption of a child in the absence of parental consent, stating that the court must determine that failure to grant the petition for adoption would be detrimental to the child, and that granting the petition for adoption would be in the best interests of the child. The bill also clarifies that, in cases in which parental consent to adoption is waived due to failure of the parent to contact the child for six months prior to the filing of the petition for adoption, the six-

month period must be immediately preceding the filing of the petition.

Patron - Orrock

HB1632 Eligibility for TANF; drug-related felonies. Provides that a person who is otherwise eligible to receive TANF assistance shall not be denied assistance solely because he has been convicted of a felony offense of possession of a controlled substance provided he complies with all obligations imposed by the court, has completed substance abuse treatment, and participates in drug screenings.

Patron - Watts

HB1808 Support; interest on arrearage. Provides that payments collected by the State Department of Social Services on any support arrearage pursuant to an order being enforced by the Department shall be applied first to the interest on the arrearage and then to the arrearage.

Patron - Surovell

HB1811 Child care services; reimbursement rates. Directs the Department of Social Services to identify strategies to increase reimbursement rates for child care services for TANF recipients and families whose incomes are at or below 185 percent of the federal poverty level to an amount comparable to the goal identified by the U.S. Department of Health and Human Services and directs the Department to develop criteria for determining an appropriate local match for funds available for child care services for such TANF recipients and families.

Patron - Surovell

HB1853 Temporary Assistance for Needy Families Funding Pool. Establishes the Temporary Assistance for Needy Families (TANF) Funding Pool to consist of TANF block grant to be awarded to service providers for expanded TANF programs. Funds in the TANF Funding Pool shall be awarded by the Department of Social Services to service providers through a competitive grant program.

Patron - Dance

HB2154 Substance abuse screening and assessment of public assistance applicants and recipients. Requires local departments of social services to screen each VIEW program participant to determine whether probable cause exists to believe the participant is engaged in the use of illegal drugs. The bill provides that when a screening indicates reasonable cause to believe a participant is using illegal drugs, the Department shall require a formal substance abuse assessment of the participant, which may include drug testing. Any person who fails or refuses to participate in a screening or assessment without good cause or who tests positive for the use of illegal drugs shall be ineligible to receive TANF payments for a period of one year.

Patron - Cline

HB2202 Child support arrearages. Provides that the Division of Child Support Enforcement shall, in order to enhance enforcement, publish at regular intervals a list of delinquent parents who owe child support.

Patron - Comstock

SB764 Adoption of a child; absence of parental consent. Clarifies the standard a court must apply in when determining whether to allow adoption of a child in the absence of parental consent, stating that the court must determine that failure to grant the petition for adoption would be detrimental to the child, and that granting the petition for adoption would be in the best interests of the child. The bill also clarifies that, in cases in which parental consent to adoption is waived due to failure of the parent to contact the child for six months prior to

the filing of the petition for adoption, the six-month period must be immediately preceding the filing of the petition.

Patron - Puller

SB781 Substance abuse screening and assessment of public assistance applicants and recipients. Requires local departments of social services to screen each VIEW program participant to determine whether probable cause exists to believe the participant is engaged in the use of illegal drugs. The bill provides that when a screening indicates reasonable cause to believe a participant is using illegal drugs, the Department shall require a formal substance abuse assessment of the participant, which may include drug testing. Any person who fails or refuses to participate in a screening or assessment without good cause or who tests positive for the use of illegal drugs shall be ineligible to receive TANF payments for a period of one year; however, the person shall have an opportunity to comply with the screening, assessment, or treatment requirements and be reinstated once during the 12-month period following the date of the initial view assessment. The provisions of the bill are made conditional upon an appropriation of general funds effectuating the provisions of the bill.

Patron - Reynolds

SB1238 Eligibility for TANF; drug-related felonies. Requires persons otherwise eligible to receive Temporary Assistance for Needy Families (TANF) benefits to not be denied benefits solely due to a previous conviction of a felony drug offense pursuant to § 18.2-250. The otherwise eligible person must comply with all obligations imposed by the criminal court and be actively engaged in or have completed a substance abuse treatment program. The bill mirrors the authorized federal exemption already granted for food stamp applicants.

Patron - Ticer

SB1243 Barrier crimes; listing of crimes. Clarifies the individual crimes included in the various barrier crime statutes.

Patron - Edwards

Wills and Decedents' Estates

Passed

SB1423 Wills and trusts; formula clauses referring to federal estate and generation-skipping transfer tax laws; application. Amends a section added to the Code during the 2010 Session that was designed to address the consequences of the anticipated repeal of the federal estate and generation-skipping transfer taxes with respect to estates and taxable transfers occurring after December 31, 2009, and before January 1, 2011, to address the retroactive reinstatement of such taxes as well as other changes made to federal tax law. The bill provides that the decision by a decedent's personal representative not to have the estate tax apply to a decedent's estate in 2010 does not affect the meaning of formula clauses for calculating transfers or devises based on federal estate or generation-skipping transfer tax law contained in a will or other instrument. The bill also provides that the fiduciaries or beneficiaries of an estate may petition the court to determine how the decedent would want such formula clauses construed and may also enter into a non-judicial agreement regarding the construction of such clauses. The bill contains an emergency clause and its provisions will be effective upon its passage.

Patron - Edwards

Workers' Compensation

Passed

HB1475 Workers' compensation; presumption that injury is work related. Creates a presumption, in the absence of a preponderance of evidence to the contrary, that an injury is work related. The presumption arises in a claim for compensation under the Workers' Compensation Act where an employee is physically or mentally unable to testify and there is un rebutted prima facie evidence that the injury was work related. SB 823 is identical.

Patron - Ware, O.

HB1705 Workers' compensation; modifications to employee's home and automobile. Authorizes the Workers' Compensation Commission, in awards entered for incapacity for work, to require the employer to furnish and maintain modifications to or equipment for the injured employee's automobile. Such awards may be made upon the determination by the treating physician and the Commission that they are medically necessary. Such an award may be in addition to currently authorized awards for bedside lifts, adjustable beds, and home modifications. The measure also increases the maximum aggregate cost of all such items and modifications on account of any one accident from \$25,000 to \$42,000.

Patron - Lewis

HB1812 Workers' compensation; infectious disease presumption; police officers of Metropolitan Washington Airports Authority and Norfolk Airport Authority. Adds police officers of the Metropolitan Washington Airports Authority and the Norfolk Airport Authority to the list of public safety employees who are entitled to the presumption that certain infectious diseases are occupational diseases compensable under the Workers' Compensation Act. This presumption applies with respect to police officers of the Metropolitan Washington Airports Authority only for periods that the Authority voluntarily subjects itself to the provisions of the Workers' Compensation Act.

Patron - Miller, P.J.

HB2401 Workers' compensation; farm and horticultural laborers. Increases, from two to three, the number of full-time farm and horticultural laborers an employer may have in service and remain exempt from requirements of the Workers' Compensation Act.

Patron - Wright

HB2477 Workers' compensation coverage; pneumoconiosis. Deletes the requirement that the 1980 standard of the International Labour Office Classification of Radiographs of Pneumoconiosis be used in determining coal worker's pneumoconiosis, and requires that the current ILO Classification of Radiographs of the Pneumoconiosis be used.

Patron - Phillips

SB823 Workers' compensation; presumption that injury is work related. Creates a presumption, in the absence of a preponderance of evidence to the contrary, that an injury is work related. The presumption arises in a claim under the Workers' Compensation Act where an employee is physically or mentally unable to testify and there is un rebutted prima facie evidence that the injury was work related. HB 1475 is identical.

Patron - Edwards

Failed

HB2087 Workers' compensation; MRSA presumption. Adds methicillin-resistant staphylococcus aureus (MRSA) to the list of infectious diseases that, if contracted by certain public employees with a documented occupational exposure to blood or body fluids, are presumed to be an occupational disease compensable under the Workers' Compensation Act.

Patron - Herring

SB759 Workers' compensation; compensable consequences. Establishes a rebuttable presumption that a subsequent injury to an employee is a compensable consequence of the employee's primary injury if the subsequent injury is to a body part or system that sustained a primary injury that (i) was accepted as compensable by the employer or (ii) was found to be compensable by the Workers' Compensation Commission. An employer may rebut this presumption by clear and convincing evidence that the subsequent injury is not causally connected to the primary injury because the injury is not a natural consequence that flows from the primary injury or that the injury is the result of an independent intervening cause attributable to the employee's own intentional conduct. The measure also provides that the period in which an employee may request the Commission to review a prior award based on a change in conditions in claims for medical treatment for a subsequent injury that is a compensable consequence of a primary injury is 24 months after the last to occur of the date of the employer's last payment of indemnity compensation or the last payment of any medical benefits. Currently, the limitation period for claims asserting such a change in conditions is 24 months from the last day for which compensation was paid.

Patron - Reynolds

Constitutional Amendments

Passed

HJ679 Constitutional amendment (first resolution); legislative sessions. Provides that the General Assembly may agree to delay the reconvened session for a period of up to one week. The Constitution now provides that the reconvened session will be held on the sixth Wednesday after adjournment of a regular or special session. The proposed amendment would allow the General Assembly to postpone the reconvened session for a brief period, for example, to avoid convening on a religious holiday.

Patron - Englin

HJ693 Constitutional amendment (first resolution); taking or damaging of private property; public use. Revises the prohibition on the enactment by the General Assembly of laws whereby private property may be taken or damaged. An existing provision authorizing the General Assembly to define what constitutes a public use is removed. The proposed amendment provides that private property can be taken or damaged only for a public use, only with just compensation to the owner, and only so much taken as is necessary for the public use. Just compensation must equal or exceed the value of the property taken, lost profits and lost access, and damages to the residue caused by the taking. A public service company, public service corporation, or railroad exercises the power of eminent domain for public use when such exercise is for the authorized provision of utility, common carrier, or railroad services. In all other cases, a taking or damaging of private property is not for public

use if the primary use is for private gain, private benefit, private enterprise, increasing jobs, increasing tax revenue, or economic development, except for the elimination of a public nuisance existing on the property. The condemnor bears the burden of proving that the use is public, without a presumption that it is. This resolution incorporates HJR 498, HJR 515, and HJR 647.

Patron - Joannou

Failed

EHJ496 Constitutional amendment (first resolution); restriction on contents of a law that appropriates funds. Prohibits any law that appropriates funds from containing (i) any provision that imposes, continues, increases, or revives any tax, fee, or fine, and (ii) any provision that reduces, suspends, or eliminates any credit, deduction, or exemption associated with any tax, fee, or fine.

Patron - Marshall, R.G.

EHJ496 Constitutional amendment (first resolution); taking of private property for public use. Defines the term "public use" and specifies the instances for which private property may be taken. The measure also specifies that a taking of private property is not for a public use if the primary purpose of the property's acquisition is to increase tax base, tax revenues, or employment or otherwise to facilitate economic development. This resolution was incorporated into HJR 693.

EHJ499 Constitutional amendment (first resolution); limit on appropriations. Limits total appropriations in a year to the preceding year's total appropriations plus a percentage equal to the sum of the percentage increase in the rate of inflation plus the rate of population increase. However, additional appropriations may be made (i) for tax relief, (ii) for deposits to the Revenue Stabilization Fund, or (iii) for nonrecurring capital projects. "Total appropriations" is defined so as not to include appropriated moneys that are received from the federal government or an agency or unit thereof.

Patron - Loupassi

EHJ500 Constitutional amendment (first resolution); right to work. Provides that any agreement or combination between any employer and any labor union or labor organization whereby persons not members of such union or organization shall be denied the right to work for the employer, or whereby such membership is made a condition of employment or continuation of employment by such employer, or whereby any such union or organization acquires an employment monopoly in any enterprise, is against public policy and an illegal combination or conspiracy.

Patron - Bell, Richard P.

EHJ511 Constitutional amendment (first resolution); Transportation Funds. Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, Highway Maintenance and Operating Fund, and other funds established by general law for transportation. All revenues dedicated to Transportation Funds on January 1, 2012, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house, and the loan must be

repaid with reasonable interest by the end of the fourth fiscal year following the date of the borrowing. This resolution incorporates HJR 572.

Patron - Oder

EHJ515 Constitutional amendment (first resolution); taking of private property for public use. Limits the exercise of eminent domain to the purpose of public use and specifies that, with the exception of takings for the provision of any utility or common carrier service, property can only be taken or damaged where the primary purpose is not private financial gain, private benefit, an increase in tax base or tax revenues, or an increase in employment. No more private property may be taken than that which is necessary to achieve the stated public use. Whenever an attempt is made to take or damage property for a stated public use, the owner shall have the right to a judicial determination that the use is truly public, without regard to any legislative assertion that the use is public. This resolution was incorporated into HJR 693.

Patron - Crockett-Stark

EHJ524 Constitutional amendment (first resolution); restoration of civil rights. Authorizes the General Assembly to provide by general law for the restoration of civil rights for persons convicted of felonies who have completed service of their sentence including any period or condition of probation, parole, or suspension of sentence. The present Constitution provides for restoration of rights by the Governor. The proposed amendment retains the right of the Governor to restore civil rights and adds the alternative for restoration of rights pursuant to general law. This resolution is identical to HJR 610 and HJR 634.

Patron - Ware, O.

EHJ539 Constitutional amendment (first resolution); imposition of taxes and fees. Requires that any bill or ordinance passed by the General Assembly or a local governing body creating, imposing, or increasing a tax, license, fee, or any other charge pass by a three-fifths majority vote of elected members.

Patron - Cole

EHJ540 Constitutional amendment (first resolution); state and local budgets; limits on appropriations. Limits the state's or a locality's total appropriations in a year to the preceding year's total appropriations plus a percentage equal to the sum of the percentage increase in the rate of inflation plus the rate of population increase. "Total appropriations" is defined so as not to include appropriated moneys for tax relief or moneys that are received from the federal government or an agency or unit thereof. The General Assembly or a local governing body may exceed this limitation only by an affirmative vote of at least three-fifths of the elected members.

Patron - Cole

EHJ543 Constitutional amendment (first resolution); restoration of civil rights. Authorizes the General Assembly to provide by law for the restoration of civil rights for persons convicted of nonviolent felonies who have completed service of their sentences subject to the conditions, requirements, and definitions set forth in that law. The present Constitution provides for restoration of rights by the Governor. The amendment retains the right of the Governor to restore civil rights and adds an alternative for restoration of rights pursuant to law for nonviolent felons.

Patron - Herring

EHJ572 Constitutional amendment (first resolution); Transportation Funds. Requires the General Assembly to maintain permanent and separate Transportation Funds to

include the Commonwealth Transportation Fund, Transportation Trust Fund, Highway Maintenance and Operating Fund, and Priority Transportation Fund. All revenues dedicated to Transportation Funds on January 1, 2013, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment requires Funds be appropriated only for transportation systems and projects. The General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house, and the loan or reduction must be repaid with reasonable interest within three years. The amendment also limits the use of general and other nontransportation funds for transportation purposes except for obligations authorized or entered into before January 1, 2013. This resolution was incorporated into HJR 511.

Patron - Watts

EHJ573 Constitutional amendment (first resolution); Governor's term of office. Permits a Governor elected in 2017 and thereafter to succeed himself in office. The amendment allows two four-year terms (either in succession or not in succession) but prohibits election to a third term. Service for more than two years of a partial term counts as service for one term.

Patron - Purkey

EHJ587 Constitutional amendment (first resolution); limit on appropriations. Limits total appropriations in any fiscal year to the preceding year's total appropriations plus a percentage increase equal to the past two years' average increase in the rate of inflation plus the average percentage increase in population. The amendment provides that any revenues collected in excess of the limitation shall be distributed: 75 percent to be refunded to individual income taxpayers and 25 percent to the Revenue Stabilization Trust Fund. "Total appropriations" is defined to exclude moneys appropriated that are received from the federal government or an agency or unit thereof. If the amount in excess of the limitation is less than or equal to one percent of the limitation, the total excess shall be deposited to the Revenue Stabilization Fund if that Fund has not reached its constitutional limit, or if that Fund has reached its limit, the excess shall be appropriated to the general fund.

Patron - Athey

EHJ593 Constitutional amendment (first resolution); free exercise of religion. Amends current free exercise of religion provisions of the Virginia Constitution to permit prayer and the recognition of religious beliefs, heritage, and traditions on public property, including public schools in order to secure further the people's right to acknowledge God. The amendment also prohibits (i) the composing of school prayers by the Commonwealth and its political subdivisions, and (ii) requiring persons to join in prayer or other religious activity. The current free exercise of religion provisions of the Virginia Constitution mirror those in the First Amendment of the United States Constitution and provide for the free exercise of religion and prohibit compelling persons to participate in religious activity.

Patron - Carrico

EHJ604 Constitutional amendment (first resolution); repeal of state law or regulation by localities. Authorizes counties and cities containing at least two-thirds of the state's population to repeal a state law or regulation. The resolutions to accomplish the repeal must state the particular law or regulation to be repealed and be adopted within a 24-month period.

Patron - Surovell

EHJ610 Constitutional amendment (first resolution); restoration of civil rights. Authorizes the General Assembly to provide by general law for the restoration of civil rights for persons convicted of felonies who have completed service of their sentence including any period or condition of probation, parole, or suspension of sentence. The present Constitution provides for restoration of rights by the Governor. The proposed amendment retains the right of the Governor to restore civil rights and adds the alternative for restoration of rights pursuant to general law. This resolution is identical to HJR 524 and HJR 634.

Patron - Carr

EHJ613 Constitutional amendment (first resolution); limitation on debt. Provides that in any 10-fiscal-year period beginning with fiscal years of the Commonwealth starting on or after July 1, 2012, no more than the amount computed by first multiplying each year's realized and projected blended revenues by five percent and then taking an average of the resulting products would be used directly or indirectly for principal, interest, or other payments on debt. The bill defines debt as any debt issued or entered into for transportation projects and purposes, public buildings, or capital leases and other long-term obligations primarily secured by blended revenues. This limitation may be exceeded only by a vote of at least two-thirds of the members elected to each house of the General Assembly.

Patron - Cole

EHJ614 Constitutional amendment (first resolution); aid for nonpublic higher education; religious or theological education for military chaplains. Allows the General Assembly to provide for loans to, and grants to or on behalf of, students attending nonprofit institutions of higher education in the Commonwealth whose primary purpose is to provide religious training or theological education, provided the students are approved candidates for the chaplaincy of any active duty or reserve component of the United States Armed Forces, including the National Guard.

Patron - Greason

EHJ615 Constitutional amendment (first resolution); restriction on contents of a law that appropriates funds. Prohibits the enactment of any law that appropriates funds containing (i) any provision that imposes, continues, increases, or revives any tax, fee, or fine or (ii) any provision that reduces, suspends, or eliminates any credit, deduction, or exemption associated with any tax, fee, or fine.

Patron - Janis

EHJ634 Constitutional amendment (first resolution); restoration of civil rights. Authorizes the General Assembly to provide by general law for the restoration of civil rights for persons convicted of felonies who have completed service of their sentence including any period or condition of probation, parole, or suspension of sentence. The present Constitution provides for restoration of rights by the Governor. The proposed amendment retains the right of the Governor to restore civil rights and adds the alternative for restoration of rights pursuant to general law. This resolution is identical to HJR 524 and HJR 610.

Patron - Morrissey

EHJ638 Constitutional amendment (first resolution); marriage. Proposes the repeal of the constitutional amendment dealing with marriage that was approved by referendum at the November 2006 election. That amendment to the Bill of Rights: (i) defined marriage as "only a union between one man and one woman"; (ii) prohibited the Commonwealth and its

political subdivisions from creating or recognizing "a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance, or effects of marriage"; and (iii) prohibited the Commonwealth or its political subdivisions from creating or recognizing "another union, partnership, or other legal status to which is assigned the rights, benefits, obligations, qualities, or effects of marriage."

Patron - Englin

EHJ647 Constitutional amendment (first resolution); taking or damaging of private property; public use. Expands the prohibition on the enactment by the General Assembly of laws whereby private property may be taken or damaged. An existing provision authorizing the General Assembly to define what constitutes a public use is removed. The measure (i) states that the right to private property is fundamental; (ii) clarifies that the damaging or taking of private property is prohibited except for public use, and only upon the payment of just compensation to the owner; (iii) requires that the owner receive just compensation for the property taken or damaged and for damages to the residue; (iv) states that just compensation is no less than the value of the property taken or damaged, business goodwill, relocation expenses, loss of access and other economic loss proximately caused by the taking or damaging; (v) prohibits the taking of more property than is necessary to achieve the stated public use; (vi) provides that a taking of private property is not for public use if the primary use is for private gain, private benefit, private enterprise, increasing jobs, increasing tax revenue, or economic development, except for the authorized provision of a public utility, public service corporation, or railroad service or for the elimination of a public nuisance existing on the property; and (vii) requires the condemnor to bear the burden of proving that the use is public. This resolution was incorporated into HJR 693.

Patron - Bell, Robert B.

EHJ680 Constitutional amendment (first resolution); contributions to defined benefit retirement plans maintained for employees. Requires that contributions to defined benefit retirement plans that are maintained for state employees and employees of participating political subdivisions and school divisions be made in strict adherence with contribution rates and times for the payment of the contributions as recommended by the Board of Trustees of the Virginia Retirement System (VRS). Under the proposed amendment, the General Assembly could provide for the deferral of all or any portion of such contributions for any fiscal year by a recorded affirmative vote of four-fifths of the members elected to each house of the General Assembly. In addition, for fiscal years 2013 through 2018 the General Assembly could make contributions at a rate that is less than the VRS-recommended contribution rate without a four-fifths vote and without any deferred contributions being recognized so long as the contributions are at least equal to certain minimum amounts. All contributions deferred would be required to be repaid within 10 years at an annual interest rate equal to the current actuarially calculated long-term rate of return as determined by VRS. The proposed amendment also would require that retirement contributions deferred in 2010 be repaid by June 30, 2022. The proposed amendment also specifies how certain other factors and variables used in setting contribution rates are to be determined.

Patron - Englin

EHJ687 Constitutional amendment (first resolution); General Assembly powers; limitations. Provides that the General Assembly may suspend or nullify any or all portions of any administrative rule or regulation by joint resolution agreed to by a majority of the members elected to each house. The General Assembly may designate a joint legislative commission or pair of standing committees representing both

houses to suspend any administrative rule or regulation during the interim that the General Assembly is not in session.

Patron - Habeeb

SJ284 Constitutional amendment (first resolution); restoration of civil rights. Authorizes the General Assembly to provide by law for the restoration of civil rights for persons convicted of nonviolent felonies who have completed service of their sentences subject to the conditions, requirements, and definitions set forth in that law. The present Constitution provides for restoration of rights by the Governor. The amendment retains the right of the Governor to restore civil rights and adds the alternative for restoration of rights pursuant to law. This resolution incorporates SJR 306.

Patron - Miller, Y.B.

SJ300 Constitutional amendment (first resolution); electoral boards and general registrars. Permits the General Assembly to provide by law that two or more counties and cities may share one electoral board and general registrar if a majority of the voters in each participating county and city so approve and the localities already share clerks of court. This proposed amendment is patterned after the provision in the present Constitution for the sharing of constitutional officers by consenting localities.

Patron - Martin

SJ301 Constitutional amendment (first resolution); the right to a secret ballot. Adds a provision to the Bill of Rights to preserve and protect the right to a secret ballot in elections for office, votes on ballot measures, and votes to designate or authorize employee representation.

Patron - Martin

SJ306 Constitutional amendment (first resolution); restoration of civil rights. Provides for the automatic restoration of civil rights to persons convicted of nonviolent felonies (excepting felony drug and election fraud crimes) upon completion of sentence, including any term of probation or parole. The bill further provides that persons convicted of violent felonies, felony drug crimes, or election fraud crimes may have their civil rights restored by the Governor upon completion of sentence, including any term of probation or parole, and authorizes the General Assembly to provide by law for the restoration of civil rights to such persons. The restoration of rights pursuant to this provision has no effect on the right to possess firearms. This resolution was incorporated into SJR 284.

Patron - McEachin

SJ307 Constitutional amendment (first resolution); taking of private property for public uses. Limits the exercise of eminent domain for the purpose of public use and specifies that, with the exception of property taken for public service corporations, public service companies, or railroads, property may not be taken if the primary purpose of the taking is private financial gain, private benefit, an increase in tax base or tax revenues, or an increase in employment. No more property shall be taken than is necessary to achieve the stated public use.

Patron - Obenshain

SJ321 Constitutional amendment (first resolution); Virginia Redistricting Commission. Establishes the Virginia Redistricting Commission to redraw Congressional and General Assembly district boundaries after each decennial census. Appointments to the 13-member Commission are to be made in the census year as follows: two each by the President pro tempore of the Senate, the Speaker of the House of Delegates, the minority leader in each house, and the state chairman of each of the two political parties receiving the most votes in the

prior gubernatorial election. The 12 partisan members then select the 13th member by a majority vote, or, if they cannot agree on a selection, they certify the two names receiving the most votes to the Supreme Court, which will name the 13th member. The Commission is directed to certify district plans for the General Assembly within one month of receipt of the new census data or by March 1 of the year following the census, whichever is later, and for the House of Representatives within three months of receipt of the census data or by June 1 of the year following the census, whichever is later. The standards to govern redistricting plans include the current Constitution's standards on population equality, compactness, and contiguity and additional standards to minimize splits of localities and to prohibit consideration of incumbency and political data.

Patron - Deeds

ESJ323 Constitutional amendment (first resolution); right to work. Provides that any agreement or combination between any employer and any labor union or labor organization whereby persons not members of such union or organization shall be denied the right to work for the employer, or whereby such membership is made a condition of employment or continuation of employment by such employer, or whereby any such union or organization acquires an employment monopoly in any enterprise, is against public policy and an illegal combination or conspiracy.

Patron - McDougle

ESJ344 Constitutional amendment (first resolution); personal property tax exemption on boats and watercrafts. Allows the General Assembly to enact a general law allowing a locality to have the option to provide for a partial exemption for boats and watercrafts from local personal property taxation.

Patron - Stuart

ESJ353 Constitutional amendment (first resolution); Transportation Funds. Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, Highway Maintenance and Operating Fund, and other funds established by general law for transportation. All revenues dedicated to Transportation Funds on January 1, 2013, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house, and the loan must be repaid with reasonable interest within four years.

Patron - Obenshain

ESJ360 Constitutional amendment (first resolution); charter schools. Grants the Board of Education authority to establish charter schools within the school divisions of the Commonwealth.

Patron - Obenshain

ESJ361 Constitutional amendment (first resolution); limitation on debt. Provides that in any 10 fiscal-year-period beginning with fiscal years of the Commonwealth starting on or after July 1, 2012, no more than the amount computed by first multiplying each year's realized and projected blended revenues by five percent and then taking an average of the resulting products would be used directly or indirectly for principal, interest, or other payments on debt. The bill defines debt as any debt issued or entered into for transportation projects

and purposes, public buildings, or capital leases and other long-term obligations primarily secured by blended revenues.

Patron - Saslaw

ESJ363 Constitutional amendment (first resolution); Transportation Funds. Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, Highway Maintenance and Operating Fund, and Priority Transportation Fund. All revenues dedicated to Transportation Funds on January 1, 2013, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment requires Funds be appropriated only for transportation systems and projects. The General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house, and the loan or reduction must be repaid with reasonable interest within three years. The amendment also limits the use of general and other nontransportation funds for transportation purposes except for obligations authorized or entered into before January 1, 2013.

Patron - Norment

ESJ371 Constitutional amendment (first resolution); contributions to defined benefit retirement plans maintained for employees. Requires that contributions to defined benefit retirement plans that are maintained for state employees and employees of participating political subdivisions and school divisions be made in strict adherence with contribution rates and times for the payment of the contributions as recommended by the Board of Trustees of the Virginia Retirement System (VRS). Under the resolution, for fiscal years 2013 through 2018 the General Assembly could make contributions at a rate that is less than the VRS recommended contribution rate without any deferred contributions being recognized so long as the contributions are at least equal to certain minimum amounts. In addition, for fiscal years beginning on or after July 1, 2018, the General Assembly could provide for the deferral of all or any portion of such contributions for any fiscal year in which the maximum amount is appropriated from the Revenue Stabilization Fund, by a separate vote of a majority of all the members voting in each house. All contributions deferred would be required to be repaid within 10 years at an annual interest rate equal to the current actuarially calculated long-term rate of return as determined by VRS. The resolution also would require that retirement contributions deferred in 2010 be repaid by June 30, 2022. The resolution also specifies how certain other factors and variables used in setting contribution rates are to be determined.

Patron - Howell

ESJ396 Constitutional amendment (first resolution); limitation on debt. Provides that in any 10-fiscal-year period beginning with fiscal years of the Commonwealth starting on or after July 1, 2012, no more than five percent of projected blended revenues applicable to the 10-year period would be used directly or indirectly for principal, interest, or other payments on debt. In addition, no more than five percent of projected blended revenues for each year of the 10-year period would be included in the official estimates of the debt capacity of the Commonwealth.

Patron - Saslaw

ESJ401 Constitutional amendment (first resolution); sessions of the General Assembly. Provides that the General Assembly sessions convened in odd-numbered years shall be

long sessions and sessions convened in even-numbered years shall be short sessions, reversing the present schedule.

Patron - McDougle

Other Resolutions

Passed

PHJ512 Pancreatic Cancer Awareness Month. Designates November, in 2011 and in each succeeding year, as Pancreatic Cancer Awareness Month in Virginia.

Patron - Loupassi

PHJ561 Global Human Trafficking Awareness Day. Designates January 11, in 2011 and in each succeeding year, as Global Human Trafficking Awareness Day in Virginia.

Patron - Kory

PHJ596 Corrections Officer Day. Designates March 16, in 2011 and in each succeeding year, as Corrections Officer Day in Virginia.

Patron - Tyler

PHJ605 National Offshore Wind Technology Center. Expresses the support of the General Assembly for the establishment of a National Offshore Wind Technology Center in Hampton Roads, Virginia.

Patron - Cosgrove

PHJ608 Commemorating Veterans Day. Commemorates Veterans Day on November 11, 2011, in Virginia with a moment of silence at 11:00 a.m. throughout the Commonwealth. Calls upon the Governor to lead and encourage citizens to pause for a moment of silence at the appointed time to honor and remember the sacrifices of the men and women of the United States Armed Forces.

Patron - Bell, Richard P.

PHJ622 Histiocytosis Awareness Month. Designates September, in 2011 and in each succeeding year, as Histiocytosis Awareness Month in Virginia.

Patron - Rust

PHJ623 Pediatric Cancer Awareness Month. Designates September, in 2011 and in each succeeding year, as Pediatric Cancer Awareness Month in Virginia.

Patron - Greason

PHJ643 Lyme Disease Awareness Month. Designates May, in 2011 and in each succeeding year, as Lyme Disease Awareness Month in Virginia.

Patron - Comstock

PHJ683 Osteoporosis Awareness Day. Designates May 10th, in 2011 and in each succeeding year, as Osteoporosis Awareness Day in Virginia.

Patron - Filler-Corn

PHJ719 Patient Safety Day. Designates February 2, in 2011 and each succeeding year, as Patient Safety Day in Virginia.

Patron - Greason

PHJ734 Designating June 2, in 2011 and in each succeeding year, as Pope John Paul II's Pilgrimage to Poland Day in Virginia. Designates June 2, in 2011 and in each year thereafter, as Pope John Paul II's Pilgrimage to Poland Day in

Virginia and commends the Virginia Holocaust Museum on its hosting of the exhibition, "A Blessing to One Another: Pope John Paul II and the Jewish People."

Patron - Comstock

PHR46 State sovereignty; Tenth Amendment to the Constitution of the United States. Expresses the sense of the House of Delegates that the Congress of the United States be urged to honor state sovereignty under the Tenth Amendment to the Constitution of the United States and claims sovereignty for the Commonwealth under the Tenth Amendment over all powers not otherwise enumerated and granted to the federal government by the Constitution of the United States.

Patron - Peace

PHR50 Encouraging the establishment of the Partnership for Air Mobility Innovation in the 21st Century. Encourages federal and local efforts of the NASA Aeronautics Support Team to establish the Partnership for Air Mobility Innovation in the 21st Century with headquarters at NASA Langley Hampton.

Patron - Ward

PHR64 Posting recorded votes to the legislative information system. Directs the Clerk of the House of Delegates to post recorded committee, subcommittee, and floor votes of the members of the House of Delegates to the legislative electronic information system, beginning with the 2012 Regular Session of the General Assembly.

Patron - LeMunyon

PHR72 Memorializing Congress regarding greenhouse gas emissions regulation. Urges the United States Congress to address the proposed regulations of the Environmental Protection Agency in regards to greenhouse gas emissions.

Patron - Morefield

PHR73 Memorializing the Congress of the United States to address issues related to the current federal ethanol policy and to request the U.S. Environmental Protection Agency to withdraw its waivers until all pertinent testing on the impacts of e-15 is completed and satisfactory. Expresses the sense of the Virginia House of Delegates that Congress address the issues of liability, auto warranties, food inflation, and other economically deleterious effects of the current federal ethanol policy and request the U.S. Environmental Protection Agency to withdraw its waivers until all pertinent testing on the impacts of e-15 is completed and satisfactory.

Patron - Marshall, R.G.

PSJ291 Family History month. Designate October, in 2011 and in each succeeding year, as Family History Month in Virginia.

Patron - Puller

PSJ308 Department of Education; public schools; development of engineering curriculum; report. Requests the Department of Education to establish shared goals for an engineering program of study, and assign a shared responsibility for this program between the existing science, mathematics, and technology disciplines.

Patron - Wagner

PSJ322 Eating Disorder Awareness Week. Designates the last full week in February, in 2011 and in each succeeding year, as Eating Disorder Awareness Week in Virginia.

Patron - McEachin

PSJ331 Light Rail Safety Day. Designates April 29, in 2011 and in each succeeding year, as Light Rail Safety Day in Virginia.

Patron - Northam

PSJ358 Cancer Prevention Day. Designates February 4, in 2011 and in each succeeding year, as Cancer Prevention Day in Virginia.

Patron - Vogel

PSJ397 Person-center practices in providing services. Requests the Secretary of Health and Human Resources and human services agencies to adopt and implement person-center practices in providing services to citizens.

Patron - Edwards

PSJ455 Contributions of Turkish-American community of Virginia. Recognizes the contributions of the Turkish-American community of Virginia.

Patron - Petersen

Failed

FHJ542 United States Constitution; amendment. Makes application to the United States Congress to call a constitutional convention for the purpose of proposing an amendment that permits the repeal of any federal law or regulation by the vote of two-thirds of the state legislatures. The resolution states that the application would be revoked and withdrawn if the convention acts to amend the Constitution for any purpose other than an amendment to permit such repeal of a federal law or regulation.

Patron - LeMunyon

FHJ565 Memorializing the Congress of the United States to call an amendments convention. Expresses the sense of the General Assembly that the Congress of the United States call an amendments convention pursuant to Article V of the United States Constitution for the purpose of proposing a constitutional amendment providing that an increase in the federal debt requires approval from a majority of the legislatures of the separate states.

Patron - Peace

FHJ577 Memorializes Congress to recognize the importance of unfettered access to the Internet. Urges Congress to limit the Federal Communications Commission's authority over regulation of the Internet.

Patron - O'Bannon

FHJ578 Memorializing Congress regarding the expansion of the Federal Trade Commission's rulemaking authority. Urges Congress to recognize the separation of powers principles established in the United States Constitution, acknowledges the importance of the Federal Trade Commission's streamlined rulemaking authority in limited circumstances, and encourages the United States Congress to refrain from expanding the Federal Trade Commission's streamlined rulemaking authority.

Patron - O'Bannon

FHJ624 Memorializing resolution. Memorializes the United States Food and Drug Administration and the Interstate Shellfish Sanitation Conference to work collaboratively with the shellfish industry and state regulators to improve shellfish safety.

Patron - Peace

FHJ633 Employment First initiative; report. Requests the Secretary of Health and Human Resources to develop and implement an Employment First initiative for the Commonwealth to increase opportunities for meaningful employment in integrated community settings for persons with intellectual and developmental disabilities.

Patron - Morrissey

FHJ636 Department of Education; public schools; development of engineering curriculum; report. Requests the Department of Education to establish mutually shared goals for the instruction of a K-12 engineering education and assign joint responsibility to the existing science, mathematics, and technology education disciplines.

Patron - Nutter

FHJ640 United States Constitution; Equal Rights Amendment. Ratifies the Equal Rights Amendment to the United States Constitution that was proposed by Congress in 1972. This joint resolution advocates the position that the 1972 Equal Rights Amendment remains viable and may be ratified notwithstanding the expiration of the 10-year ratification period set out in the resolving clause, as amended, in the proposal adopted by Congress. This resolution is identical to SJR 357.

Patron - Sickles

FHJ642 Memorializing the members of the Virginia delegation of the Congress of the United States; value-added tax. Urges the Virginia delegation of Congress to oppose any legislation that would levy a value-added tax (VAT) on the consumption of goods.

Patron - Comstock

FHJ644 Recognition of the United Cherokee Indian Tribe of Virginia, Incorporated. Extends official state recognition to the United Cherokee Indian Tribe of Virginia, Incorporated, and grants the United Cherokee Indian Tribe of Virginia, Incorporated, representation on the Virginia Council on Indians.

Patron - Abbitt

FHJ733 Memorializing Congress to amend the federal Family Educational Rights and Privacy Act (FERPA) and Health Insurance Portability and Accountability Act (HIPAA) of 1996 (P.L. 104-191). Urges Congress to restore in loco parentis at institutions of higher education and to require parental notification of destructive and illegal student behaviors by amending the federal Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g) and the federal Health Insurance Portability and Accountability Act (HIPAA) of 1996 (P.L. 104-191).

Patron - Howell, W.J.

FHJ852 Memorializing Congress to adopt legislation requiring a balanced federal budget and to call a convention to amend to the Constitution of the United States to require a balanced federal budget. Expresses the General Assembly's support for a balanced federal budget requirement by federal legislation and by an amendment to the Constitution of the United States to promote fiscal integrity at the federal level. This resolution initiates the process to call a convention to amend the Constitution of the United States to add a balanced budget requirement.

Patron - Cline

FSJ280 United States Constitution; amendment. Makes application to the United States Congress to call a constitutional convention for the purpose of proposing an amend-

ment that permits the repeal of any federal law or regulation by the vote of two-thirds of the state legislatures. The resolution states that the application would be revoked and withdrawn if the convention acts to amend the Constitution for any purpose other than an amendment to permit such repeal of a federal law or regulation.

Patron - McDougle

[F]SJ357 United States Constitution; Equal Rights Amendment. Ratifies the Equal Rights Amendment to the United States Constitution that was proposed by Congress in 1972. This joint resolution advocates the position that the 1972 Equal Rights Amendment remains viable and may be ratified notwithstanding the expiration of the 10-year ratification period set out in the resolving clause, as amended, in the proposal adopted by Congress. This resolution is identical to HJR 640.

Patron - Ticer

[F]SJ399 Memorializing Congress to amend the federal Family Educational Rights and Privacy Act (FERPA) and Health Insurance Portability and Accountability Act (HIPAA) of 1996 (P.L. 104-191). Urges Congress to restore in loco parentis at institutions of higher education and to require parental notification of destructive and illegal student behaviors by amending the federal Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g) and the federal Health Insurance Portability and Accountability Act (HIPAA) of 1996 (P.L. 104-191).

Patron - Saslaw

[F]SR28 Memorializing the Congress of the United States to honor the natural right of an individual to privately exercise his or her own judgment free from coercion or intimidation when making decisions that affect his or her life, liberty and pursuit of happiness. Expresses the sense of the Senate of Virginia that Congressional measures that jeopardize the secret ballot in workplace decisions on unionization and any mandates that threaten, weaken, or dissolve Virginia's laws protecting one's right to work should be defeated.

Patron - Newman

[F]SR29 Memorializing Congress regarding greenhouse gas emissions regulation. Urges the United States Congress to address the proposed regulations of the Environmental Protection Agency in regards to greenhouse gas emissions.

Patron - Puckett

Miscellaneous (Including Budget and Bonds)

Passed

[P]HB1500 Budget Bill. Amending Chapter 874, 2010 Acts of Assembly.

Patron - Putney

[P]HB1505 Bonds; capital projects at institutions of higher learning. Authorizes the Treasury Board to issue bonds pursuant to Article X, Section 9 (c) of the Constitution of Virginia in an amount up to \$64,579,000 plus financing costs to finance revenue-producing capital projects at Virginia Commonwealth University and Virginia State University. The bill

declares that an emergency exists and that the bill is effective upon passage.

Patron - Putney

[P]SB801 Bonds; capital projects at institutions of higher learning. Authorizes the Treasury Board to issue bonds pursuant to Article X, Section 9 (c) of the Constitution of Virginia in an amount up to \$64,579,000 plus financing costs to finance revenue-producing capital projects at Virginia Commonwealth University and Virginia State University. The bill declares that an emergency exists and that the bill is effective upon passage.

Patron - Colgan

[P]SB1458 Claims; Richard Hitt; Charles P. Jarrett. Provides relief to Richard Hitt and Charles P. Jarrett for not receiving the Virginia Retirement System benefits that are based on Hazardous Duty service when they were told that certain purchased service would be counted as Hazardous Duty and, therefore, qualify them for the hazardous duty supplemental benefits. The bill authorizes the Virginia Retirement System to pay the hazardous duty supplement to Mr. Hitt and Mr. Jarrett as outlined in subsection B of § 51.1-206.

Patron - Houck

Failed

[F]HB2488 Claims; Carol Arwood Rivers. Allows Carol Arwood Rivers to buy Virginia Retirement System service credit for her years of service at Lonesome Pine Regional Library, which she was not allowed to buy although she was eligible to purchase such service when Lonesome Pine Regional Library joined the Virginia Retirement System.

Patron - Kilgore

[F]SB800 Budget Bill. Amending Chapter 874, 2010 Acts of Assembly.

Patron - Colgan

[F]SB1043 Claims; certain employees of the Prince William Health Department. Provides relief in the amount of \$53,618 to 47 employees of the Prince William Health Department who through no fault of their own and without their knowledge were overpaid and now owe that sum to the Department.

Patron - Barker

[F]SB1176 Claims; Michele G. Stevener. Provides relief for Michele G. Stevener, as part of her individual claim as a patient, to compensate for her emotional distress and suffering resulting from a birth of a child who suffered from neurological injuries related to the birth. The bill directs the Birth-Related Neurological Injury Compensation Program to pay Ms. Stevener one statutory cap for her severe emotional distress and suffering for the period from December 25, 1998, to the present and future.

Patron - Marsden

Charters

Passed

[P]HB1536 Charter; City of Martinsville. Shifts the city's elections from May to November.

Patron - Merricks

HB1742 Charter; City of Fairfax. Amends the charter for the City of Fairfax by changing the date of the first meeting of the newly elected City Council members from the first Tuesday of July following their election to the second Tuesday of July following their election or at the first scheduled regular or special meeting of the City Council in July, whichever occurs first. Additionally, the charter is amended so that revenue bonds may be issued by the City without holding a bond referendum, as the charter currently requires. This bill is identical to SB 847.

Patron - Bulova

HB1763 Charter; Town of Rich Creek. Shifts council elections from May to November, removes a salary cap for council members, referencing state law for the setting of salaries, and updates several out of date provisions of the town's charter.

Patron - Crockett-Stark

HB1770 Charter; City of Alleghany Highlands. Provides a new charter for the City of Alleghany Highlands, the city created by the consolidation of Alleghany County and the City of Covington. This bill is identical to SB 899.

Patron - Shuler

HB1986 Charter; Town of Weber City. Deletes outdated provisions of the town charter.

Patron - Kilgore

HB2015 Charter; Town of Bluefield. Updates the town's boundaries, provides for the selection of a vice-mayor, and lengthens the mayor's term from two to four years.

Patron - Crockett-Stark

HB2031 Charter; Town of Purcellville. Allows the town council to increase the size of the board of architect rural review from five to seven members.

Patron - May

HB2072 Charter; City of Hopewell. Amends the charter to change election day for city council members from May to November, beginning in November 2012, and to extend the terms of the council's president and vice-president from June 30, 2012, to December 31, 2012. Additionally, the office of the city attorney is further defined to allow the city attorney to serve as chief legal advisor to the council and to the chief administrative officer. The city attorney also is given the power to appoint and remove his employees authorized by the council and assistants. This bill is identical to SB 1159.

Patron - Ingram

HB2130 Charter; City of Franklin. Establishes staggered terms for the city's appointed school board. This bill incorporates HB 2354.

Patron - Barlow

HB2139 Charter; City of Williamsburg. Amends the charter for the City of Williamsburg so that vacancies in the city council are filled pursuant to Virginia Code. Vacancies may first be appointed by the remaining council members if a vacancy in the council occurs and then by the voters in a special election. This bill is identical to SB 1189.

Patron - Barlow

HB2406 Charter; Town of South Boston. Alters the method of filling vacancies on council and in the office of mayor so as to conform to state law. Other changes include

updating Code references and allowing for incorporation of state law by reference.

Patron - Edmunds

HB2407 Charter; Town of Halifax. Changes the town's municipal elections to the date of the November general election.

Patron - Edmunds

HB2532 Charter; Town of Urbanna. Shifts the town's elections from May to November.

Patron - Rust

SB847 Charter; City of Fairfax. Amends the charter for the City of Fairfax by changing the date of the first meeting of the newly elected City Council members from the first Tuesday of July following their election to the second Tuesday of July following their election or at the first scheduled regular or special meeting of the City Council in July, whichever occurs first. Additionally, the charter is amended so that revenue bonds may be issued by the City without holding a bond referendum, as the charter currently requires. This bill is identical to HB 1742.

Patron - Petersen

SB880 Charter; City of Martinsville. Amends the charter of the City of Martinsville to change the date of the council member elections to the general election date in November. The measure also provides that three council members shall be elected on the November 2012 general election date and every four years thereafter, and the two other council members shall be elected on the November 2014 general election date and every four years thereafter. The terms of office of the council members begin in the January after their election, instead of the July after their election.

Patron - Reynolds

SB899 Charter; City of Alleghany Highlands. Provides a new charter for the City of Alleghany Highlands, the city created by the consolidation of Alleghany County and the City of Covington. This bill is identical to HB 1770.

Patron - Deeds

SB1065 Charter; Town of Narrows. Amends the charter for the Town of Narrows to change elections for mayor and town council members from May to the November general election date.

Patron - Edwards

SB1081 Charter; Town of Dayton. Amends the charter for the Town of Dayton so that, effective January 1, 2013, the town council will consist of six members and a mayor, rather than seven members and a mayor.

Patron - Hanger

SB1138 Charter; City of Portsmouth. Repeals the existing charter and provides a new charter containing powers typically granted to cities. Numerous outdated and redundant provisions are deleted.

Patron - Quayle

SB1159 Charter; City of Hopewell. Amends the charter to change election day for city council members from May to November, beginning in November 2012, and to extend the terms of the council's president and vice-president from June 30, 2012, to December 31, 2012. Additionally, the office of the city attorney is further defined to allow the city attorney to serve as chief legal advisor to the council and to the chief administrative officer. The city attorney also is given the power

to appoint and remove his employees authorized by the council and assistants. This bill is identical to HB 2072.

Patron - Quayle

SB1189 Charter; City of Williamsburg. Amends the charter for the City of Williamsburg so that vacancies in the city council are filled pursuant to Virginia Code. Vacancies may first be appointed by the remaining council members if a vacancy in the council occurs and then by the voters in a special election. This bill is identical to HB 2139.

Patron - Norment

Failed

HB2354 Charter; City of Franklin. Establishes staggered terms for the city's appointed school board. This bill was incorporated into HB 2130.

Patron - Tyler

Study Resolutions

Passed

HJ570 Study; Costs and benefits of providing financial and other incentives to localities; report. Directs the Joint Legislative Audit and Review Commission to study the costs and benefits to the Commonwealth of providing financial and other incentives to localities that collaborate on capital facilities, construction projects, and other operating services. The Commission must submit its report to the 2013 Session of the General Assembly.

Patron - Cox, M.K.

HJ580 Study; JLARC; payments for assisted living services; report. Directs the Joint Legislative Audit and Review Commission to study the third-party payments for assisted living services, including current payments and the potential for expanding eligibility of services for third-party payments, and also the relationship between third-party payments for services and eligibility for federal and state benefits.

Patron - O'Bannon

HJ586 Study; Bureau of Insurance; licensure of insurance agents; report. Requests the Bureau of Insurance of the State Corporation Commission to continue to collect certain demographic and other information from producer licensing examination candidates during the four-year period from July 1, 2011, through July 1, 2015. The Bureau is further requested to continue making changes in the licensing examination process that will ensure that the licensing examinations are fair, unbiased, and designed to test entry-level knowledge regardless of the race, gender, or educational background of the candidate.

Patron - Alexander

HJ625 Study; antibullying policies; report. Requests the Department of Education to study the nature and effectiveness of local school divisions' antibullying policies. In conducting its study, the Department of Education shall (i) review and compare antibullying measures in the student codes of conduct from each school division, (ii) compare existing policies with the Department's model policy for codes of student conduct, and (iii) determine if improvements to existing policies are warranted, in order to more effectively combat bullying in Virginia's public schools.

Patron - Bell, Robert B.

HJ632 Joint Commission on Health Care to study Shaken Baby Syndrome; report. Directs the Joint Commission on Health Care to study the costs of Shaken Baby Syndrome and abusive head trauma in Virginia and identify best practices in reducing the incidence of Shaken Baby Syndrome and abusive head trauma.

Patron - Oder

HJ645 Study; procurement and sharing of technology applications for local governments; report. Requests the Secretary of Technology to study opportunities to facilitate cooperative procurement and sharing of custom technology applications to leverage buying power and create efficiencies for local government.

Patron - Poindexter

HJ646 Study; efficacy of year-round schools; report. Directs the Joint Legislative Audit and Review Commission to study the efficacy of year-round schools. In conducting its study, the Commission shall (i) review the Board of Education's procedure for approving year-round schools; (ii) determine which school divisions have implemented year-round schools and their experience with this alternative method of providing education; (iii) conduct a comprehensive analysis of each year-round school, scheduling format, instructional, and extracurricular programs offered, and number of students enrolled in the year-round school; (iv) consider the minimum number of required teaching days or hours that should constitute the length of a school term and the issues attendant thereto; (v) identify and review year-round schools offered by other states and countries, noting advantages and disadvantages; (vi) ascertain and weigh the essential factors that must be considered before implementing year-round schools statewide, including, but not limited to, instructional costs, transportation and special education services, and the need for additional classroom teachers, staff, and support services; (vii) evaluate the impact of changing the scheduling format on school functions and length of terms and school breaks; and (viii) consider and thoroughly vet other issues and matters related to year-round schools as the Commission may deem necessary to provide feasible and appropriate recommendations. Further, in conducting its study, the Joint Legislative Audit and Review Commission shall seek and include classroom teachers, school administrators, parents, representatives of localities with and without year-round schools, the Virginia School Boards Association, the Virginia Association of School Superintendents, other educational organizations, and other persons with expertise in alternative educational programs and options in the Commission's deliberations. The Commission must submit an executive summary to the 2012 Session of the General Assembly and its final report and recommendations to the 2013 Session of the General Assembly.

Patron - Landes

HJ648 Study; Amendments to the Uniform Statewide Building Code; report. Requests the Department of Housing and Community Development, in cooperation with the Department of Rehabilitative Services, to study the feasibility and appropriateness of amendments to the Uniform Statewide Building Code to provide accessible routes for persons with disabilities into public and private buildings and facilities and promote universal features in dwelling units. The Departments must submit their joint findings and recommendations to the 2013 Session of the General Assembly.

Patron - Plum

HJ735 Study; Repatriation of manufacturing jobs. Directs the Virginia Manufacturing Development Commission

to develop a plan for repatriating manufacturing jobs and evaluating possible tax incentives. Report.

Patron - May

PSJ292 Study; public transportation in U.S. Route 1 corridor; report. Requests the Department of Rail and Public Transportation to evaluate the level of study necessary to identify and advance potential public transportation services to Fort Belvoir in Fairfax County and the Marine Corps Base at Quantico in Prince William and Stafford Counties. In evaluating the level of study needed, the Department of Rail and Public Transportation shall consult with Fort Belvoir, the Marine Corps Base at Quantico, the Washington Metropolitan Area Transit Authority, the Northern Virginia Transportation Commission, the Potomac and Rappahannock Transportation Commission, the Virginia Railway Express, the Counties of Fairfax, Prince William, and Stafford and affected federal agencies.

Patron - Puller

PSJ297 Study; transit programs in Virginia; report. Requests the Department of Rail and Public Transportation (DRPT) to make a one-year study of transit programs in the Commonwealth, including but not limited to the funding of such programs.

Patron - Miller, Y.B.

PSJ329 Study; JLARC; economic development incentive grants; report. Directs the Joint Legislative Audit and Review Commission to study the effectiveness of economic development incentive grants in Virginia.

Patron - Howell

PSJ330 Study; Virginia Institute of Marine Science and the Virginia Marine Resources Commission to establish a panel to study subaqueous bottomland in Virginia; report. Requests the Virginia Institute of Marine Science and the Virginia Marine Resources Commission to jointly study ways the subaqueous bottomland on the seaside of Virginia's Eastern Shore might be better utilized.

Patron - Northam

PSJ334 Study; expansion of the Chesapeake Bay Watershed Nutrient Credit Exchange Program; report. Requests that the Secretary of Natural Resources study the expansion of the Chesapeake Bay Watershed Nutrient Credit Exchange Program. In conducting its study, the Secretary of Natural Resources shall convene a stakeholder committee to include representatives from the nutrient source sectors identified in the Chesapeake Bay Total Maximum Daily Load, private sector interests with experience and expertise in market-based approaches and nutrient credits and trading, state agency personnel, local governments, conservation and environmental organizations, and any other persons deemed by the Secretary to have relevant knowledge, perspective, or experience.

Patron - Whipple

PSJ335 Study; long-term dedicated funding sources for land conservation; report. Directs the Joint Legislative Audit and Review Commission to study long-term dedicated funding sources for land conservation. In conducting its study, the Commission is directed to look to other states for innovative funding mechanisms and identify and develop viable options for potential long-term dedicated funding sources for land conservation in the Commonwealth.

Patron - Whipple

PSJ345 Study; misclassification of employees as independent contractors; report. Directs the Joint Legislative Audit and Review Commission to study the misclassification of employees as independent contractors in the Common-

wealth. In conducting the study, the Department shall (i) review the status of employee misclassification in the state, (ii) review the consequences of misclassification to the workforce, (iii) determine the amount of lost revenue to the state and local governments, and (iv) suggest strategies for alleviating misclassification or improper classification of employees.

Patron - Puckett

PSJ348 Study; sex offender registry; report. Directs the Virginia State Crime Commission to study federal requirements regarding Virginia's sex offender registry, examine the effectiveness of the registry in preventing sexual victimization, and determine the feasibility of implementing a tiered system.

Patron - Hanger

PSR22 Study; investment portfolio managed by VRS; report. Directs the Senate Committee on Finance to study the investment portfolio managed by the Virginia Retirement System. In conducting its study, the committee shall examine how the Virginia Retirement System selects firms to manage its investment portfolio and determine if more minority-owned firms should be used to help the Virginia Retirement System manage its investment portfolio.

Patron - McEachin

Failed

FHJ510 Study; sovereign immunity; report. Directs the Joint Legislative Audit and Review Commission to study the costs incurred by localities of the Commonwealth resulting from claims brought against localities and the costs that reasonably could have incurred by localities if such entities were subject to the Virginia Tort Claims Act.

Patron - Knight

FHJ556 Study; family life education; report. Establishes a joint subcommittee to study the fiscal impact of changing family life education from an opt-out program to an opt-in program. In conducting its study, the joint subcommittee shall (i) determine the cost of family life education to each public school division in the Commonwealth, (ii) estimate how many students would choose to participate in family life education should the program be changed to opt-in, and (iii) determine how much money the Commonwealth and each school division would save by changing family life education to an opt-in program.

Patron - Cole

FHJ557 Study; adoption of an alternative currency; report. Establishes a joint subcommittee to study whether the Commonwealth should adopt a currency to serve as an alternative to the currency distributed by Federal Reserve System in the event of a major breakdown of the Federal Reserve System.

Patron - Marshall, R.G.

FHJ558 Study; federal government compliance with the Constitution and the Bill of Rights; report. Establishes a joint subcommittee to study the state of compliance by the federal government with the terms of the United States Constitution and the Bill of Rights in its treatment of the citizens of the Commonwealth and recommend remedies for (i) any unauthorized acts of the federal government, (ii) actions that amount to noncompliance by the federal government with the terms of the United States Constitution, and (iii) acts of Congress that are outside of the enumerated powers specified in Article I, Section 8 of the United States Constitution and the Bill of Rights as they relate to the treatment of citizens of the Commonwealth of Virginia.

Patron - Marshall, R.G.

FHJ566 Study; Joint Commission on Health Care to study access to oral chemotherapy drugs; report. Directs the Joint Commission on Health Care to study access to oral chemotherapy drugs. In conducting its study, the Joint Commission on Health Care shall (i) identify barriers to access to oral chemotherapy drugs, (ii) determine the impact of lack of access to oral chemotherapy drugs on citizens of the Commonwealth, (iii) identify and evaluate options for improving access to oral chemotherapy drugs for citizens of the Commonwealth, including but not limited to the potential benefits of oral/intravenous/injectable chemotherapy drug parity legislation, and (iv) develop recommendations for improving access to oral chemotherapy drugs in the Commonwealth.

Patron - Peace

FHJ569 Study; uniform statewide grading scale policy. Establishes a joint subcommittee to study the feasibility and efficacy of a uniform statewide grading policy for public schools in the Commonwealth. In conducting its study, the joint subcommittee shall (i) examine other states' uniform grading policies and the effect on the public school systems in those states, (ii) consider the implication of implementing a similar policy in the Commonwealth, and (iii) if such a policy is found to be desirable, consider and make recommendations on specific elements of such a policy, including consistent numerical breaks for letter grades, standards to define honors courses, a methodology for appropriately weighting advanced and honors courses, and a determination of courses and weightings to be used in the calculation of class rank. The joint subcommittee must submit its findings and recommendations to the 2012 Session of the General Assembly.

Patron - Ward

FHJ574 Study; severe shortage of medical doctors; report. Establishes a joint subcommittee to study the current and impending severe shortage of medical doctors in Virginia. The joint subcommittee shall consider the impact of the current and impending shortage of medical doctors on the health care system in the Commonwealth and identify options to prepare for and remedy the shortage. In conducting its study, the joint subcommittee shall, among other things, (i) determine whether a shortage of medical doctors exists in the Commonwealth per specialty and geographical region; (ii) identify and assess factors that contribute to the shortage of medical doctors, including medical school admissions, the costs of medical education, and the effect of excessive malpractice insurance premiums, malpractice laws and caps, the shortage of nurses, and ancillary regulations such as the Certificate of Public Need; and (iii) identify the medical specialties primarily affected by the shortage of doctors and recommend ways to alleviate such problems. The joint subcommittee must submit its preliminary findings and recommendations to the 2012 Session and its final findings and recommendations to the 2013 Session of the General Assembly.

Patron - Purkey

FHJ579 Study; impacts of cost sharing, coinsurance, and specialty tier pricing for prescription medications; report. Directs the Joint Commission on Health Care to study the impacts of cost sharing, coinsurance, and specialty tier pricing for prescription medications, including (i) the impact of cost sharing, coinsurance, and specialty tier pricing on access to prescription medications for chronic health disorders and (ii) options for reducing any negative impacts of cost sharing, coinsurance, and specialty tier pricing, including but not limited to statutory limitations on cost-sharing obligations for prescription medications.

Patron - O'Bannon

FHJ594 Study; additional criminal information registries; report. Establishes a joint subcommittee to study the efficacy of the establishment of additional registries similar to the Sex Offender and Crimes Against Minors Registry that would contain criminal justice information for use by members of the public in making informed decisions regarding their family members.

Patron - Carrico

FHJ603 Study; U.S. Route 1 Corridor; report. Establishes a joint subcommittee to study the creation of a U.S. Route 1 Corridor.

Patron - Surovell

FHJ609 Study; SCC; management of continuing care retirement communities and the need for resident representation in management and governance; report. Requests the State Corporation Commission to study the management, governance, and financial structure of continuing care retirement communities and the need for resident representation in management and governance, including the need for and any benefits associated with requiring resident participation in management and governance of continuing care retirement communities. If the SCC determines that a need exists and benefits would result from requiring resident participation in management and governance of continuing care retirement communities, the SCC is further directed to study and make recommendations related to the best method for implementing such requirement, including any statutory or regulatory changes that may be required.

Patron - Watts

FHJ616 Study; JLARC to study costs and benefits of drug testing recipients of TANF cash assistance; report. Directs the Joint Legislative Audit and Review Commission to study the costs and benefits of drug testing recipients of Temporary Assistance for Needy Families cash assistance in the Commonwealth in order to reduce costs associated with substance abuse.

Patron - Marshall, D.W.

FHJ617 Study; joint subcommittee to study method of selecting Auditor of Public Accounts; report. Establishes a five-member joint subcommittee to recommend the best method for selecting the Auditor of Public Accounts. This is a one-year study.

Patron - Cox, J.A.

FHJ618 Study; small business acting collectively to obtain health insurance; report. Establishes a joint subcommittee to study whether state laws and regulations impede the ability of small businesses to act collectively in procuring health insurance. The study shall propose recommendations for legislation to eliminate any barriers created by state laws and regulations found to be so impeding small businesses. The joint subcommittee must report its findings and recommendations to the 2012 Session of the General Assembly.

Patron - Villanueva

FHJ619 Study; tolling of highways; report. Directs the Joint Commission on Transportation Accountability, in conjunction with the Joint Legislative Audit and Review Commission, to study the tolling of certain highways.

Patron - Rust

FHJ620 Study; post-Labor Day school opening; report. Directs the Joint Legislative Audit and Review Commission to study the feasibility and effect of post-Labor Day opening of public schools in the Commonwealth. In conduct-

ing its study, the Joint Legislative Audit and Review Commission shall (i) determine the number of school divisions granted a waiver by the Board of Education each year pursuant to § 22.1-79.1, requiring public schools to open after Labor Day; (ii) enumerate the opening and closing dates of public schools in school divisions granted waivers; (iii) evaluate the advantages and disadvantages of pre- and post Labor Day opening of public schools in Virginia, including the effect on instruction, student achievement, student preparation for national standardized examinations, the tourism industry, state revenues derived from post-Labor Day school opening, and disruption of end-of-summer family vacations; (iv) determine the number of high school students employed annually in Virginia's summer tourism industry, including recent high school graduates and students on work visas, and state revenues generated from their employment; (v) identify school opening dates in other states and determine, in states that have changed school opening dates within the past 10 years, whether and how post-Labor Day school opening has impacted public education and summer tourism; and (vi) examine other factors as the Commission may determine that should be considered in fashioning a feasible solution and sound public policy regarding post-Labor Day school opening and propose appropriate options and alternatives. The Commission must report its findings and recommendations to the 2012 Session of the General Assembly.

Patron - Ebbin

EHJ621 Study; Virginia Tech Transportation Institute; cell phone use; report. Requests the Virginia Tech Transportation Institute to study disincentives for cell phone use in motor vehicles.

Patron - May

EHJ626 Study; disposition of unrestorably incompetent defendants; report. Directs the Virginia State Crime Commission to study the options available for the disposition of criminal defendants who are determined to be incompetent to stand trial and who cannot be restored to competency.

Patron - Bell, Robert B.

EHJ635 Study; insurance provisions of PPACA; report. Directs the Joint Commission on Health Care to study the implementation of the insurance provisions of the Patient Protection and Affordable Care Act. The joint subcommittee is directed to monitor the work of the Virginia Health Reform Initiative Council; monitor the actions of the State Corporation Commission in implementing the insurance provisions of PPACA; and make recommendations to appropriate public bodies regarding legislation necessary to implement such provisions of PPACA. The Commission must submit its report to the 2012 Session of the General Assembly.

Patron - Kilgore

EHJ637 Study; Department of Veterans Services; certification and licensing opportunities for veterans; report. Requests the Department of Veterans Services to study certification and licensing opportunities for veterans. The Code of Virginia requires licensing and certification for many professions, and military training and experience could be used to meet some of the training requirements. This would assist veterans in transitioning to the civilian workforce.

Patron - Keam

EHJ639 Study; transitioning to community-based services system for intellectual and developmental disabilities; report. Directs the Joint Legislative Audit and Review Commission to study the costs of transitioning to 100 percent community-based services for intellectual and developmental disabilities. In conducting its study, the Joint Legislative Audit and Review Commission shall (i) review federal and state law,

regulations, and requirements governing the provision of care and services to persons with intellectual and developmental disabilities; (ii) determine the number of persons with intellectual and developmental disabilities in the Commonwealth desiring community-based services and the number on the waiting list for Medicaid waivers; (iii) determine the costs of institutional care of persons with intellectual and developmental disabilities and assess whether a community-based services system would be cost effective; (iv) determine the cause of the Medicaid waiver backload and the costs of Medicaid waivers granted annually; (v) estimate the initial and ongoing costs of converting from care in institutional settings to community-based care and identify the potential revenue streams to support a 100 percent community-based care system in Virginia; and (vi) consider other public policy implications and necessary changes relative to transitioning to community-based services. The Joint Legislative Audit and Review Commission must report its findings and recommendations to the 2012 Session of the General Assembly.

Patron - Englin

EHJ641 Study; joint subcommittee to study the efficacy and appropriateness of requiring full-day kindergarten programs in the Commonwealth; report. Establishes a joint subcommittee to study the efficacy and appropriateness of requiring full-day kindergarten programs in the Commonwealth. In conducting its study, the joint subcommittee shall (i) examine current kindergarten programs in the Commonwealth, noting the number of half-day and full-day kindergarten programs, pursuant to the provisions of § 22.1-199 of the Code of Virginia; (ii) determine the age appropriateness of curriculum and support programs; (iii) determine the number of four-year-olds enrolled in kindergarten programs and evaluate the efficacy of enrolling students before their fifth birthday; (iv) project the public school enrollment of students eligible for kindergarten over the next four years and evaluate the need for teachers, space, and other facilities to accommodate the current and anticipated enrollment; (v) determine the ability of half-day kindergarten programs to sustain the educational gains of at-risk students who have previously benefitted from full-day state-funded preschool initiatives; (vi) assess the effect of requiring full-day kindergarten programs on staff, infrastructure, and scheduling requirements; (vii) consider the fiscal and policy implications of requiring full-day kindergarten programs in the Commonwealth; and (viii) submit any findings and recommendations that the joint subcommittee deems appropriate. The joint subcommittee must submit its report to the 2012 Session of the General Assembly.

Patron - Filler-Corn

EHJ649 Study; Virginia Retirement System; report. Directs the Joint Legislative Audit and Review Commission to study the Virginia Retirement System to determine whether the General Assembly is complying with its Constitutional obligation to fund the Virginia Retirement System using methods that are consistent with generally accepted actuarial principles.

Patron - Plum

EHJ650 Study; JCHC; adult abuse, neglect, and exploitation; report. Directs the Joint Commission on Health Care to study the Commonwealth's procedures for receiving, investigating, and addressing reports of abuse, neglect, and exploitation of adults.

Patron - Athey

EHJ669 Study; plug-in electric vehicle task force; report. Requests the Governor to appoint an interagency task force to study use of plug-in electric vehicles in Virginia. The

task force shall report its findings to the General Assembly no later than December 31, 2011.

Patron - Bulova

EHJ677 Study; Joint Legislative Audit and Review Commission; pay equity; report. Directs the Joint Legislative Audit and Review Commission to study pay equity in the Virginia State Police workforce.

Patron - Miller, P.J.

EHJ678 Study; implementation of "legal presence" by the Department of Motor Vehicles; report. Directs the Joint Legislative Audit and Review Commission to study the implementation of "legal presence" by the Virginia Department of Motor Vehicles. In conducting its study, the Joint Legislative Audit and Review Commission shall, among other things, (i) review federal and state laws requiring proof of legal presence and the application of the laws by the Department of Motor Vehicles in issuing driver's licenses and identification cards; (ii) ascertain the number of driver's licenses and identification cards issued to legal residents and unauthorized immigrants in Virginia each year; (iii) review the procedures used by and assistance provided to Virginians who are legal residents of the United States but have difficulty satisfying the proof of legal presence requirement; (iv) evaluate the advantages and disadvantages of the proof of legal presence law in protecting and promoting the welfare of citizens; (v) determine the impact of the law on legal residents of the Commonwealth in obtaining driver's licenses and identification cards; (vi) identify the types of documents accepted by the Department of Motor Vehicles from legal residents and foreign nationals whose only form of identification to prove legal presence in the United States is the federal Employment Authorization Document (EAD); (vii) identify, if any, documents other than the EAD which are accepted by the Department of Motor Vehicles to verify proof of legal presence of persons who hold or are protected under the following types of legal presence status: temporary protected status, withholding of removal status, political asylum, labor certification, employment-based immigrant visas, Violence Against Women Act (VAWA), T-visas, and U-visas; and (viii) propose comprehensive recommendations to facilitate consistency in applying the proof of legal presence law, to relieve legal residents of undue burdens in documenting legal presence, and to minimize the issuance of driver's licenses and identification cards to unauthorized immigrants in the Commonwealth. The Joint Legislative Audit and Review Commission must report its findings and recommendations to the 2012 Session of the General Assembly.

Patron - Englin

EHJ681 Study; Composite Index of Local Ability to Pay; report. Directs the Joint Legislative Audit and Review Commission to study the efficiency and effectiveness of the Composite Index of Local Ability to Pay. In conducting the study, the Joint Legislative Audit and Review Commission shall (i) review current statutory, constitutional, and budgetary provisions governing the calculation of SOQ costs and funding; (ii) examine the components of the Composite Index and how they interact; (iii) evaluate other states' public school funding formulas; (iv) hear local concerns and seek input from various Virginia and national experts, as available; and (v) evaluate the need to adjust the current basic school aid formula. The Commission must submit its findings and recommendations to the 2012 Session of the General Assembly.

Patron - McClellan

EHJ682 Study; JCHC; involuntary admission of persons in need of substance abuse treatment; report. Directs

the Joint Commission on Health Care to study involuntary admission of persons in need of substance abuse treatment.

Patron - O'Bannon

ESB1201 Study; feasibility and cost-effectiveness of withdrawal from Medicaid; report. Directs the Joint Legislative Audit and Review Commission to study the feasibility and cost-effectiveness of withdrawing from Medicaid in favor of a state-run program. In conducting its study, the Joint Legislative Audit and Review Commission shall (i) review the provisions of the Patient Protection and Affordable Care Act pertaining to the expansion of the Medicaid program and assess the potential impact of expanding the program in Virginia; (ii) evaluate the options of withdrawal from Medicaid and the establishment of a state-run program relative to the fiscal, social, and health impact of each option; (iii) propose the framework and estimate the cost of establishing a state-run program, including, but not limited to, eligibility criteria, covered benefits and services, qualifications of and payment levels for participating health care providers, and potential revenues and funding stream; (iv) consider such related matters as the Commission may deem appropriate; and (v) propose feasible and appropriate options. The Joint Legislative Audit and Review Commission must submit its report to the 2012 Session of the General Assembly.

Patron - Obenshain

ESJ294 Study; Joint Commission on Health Care to study eating disorders in the Commonwealth; report. Directs the Joint Commission on Health Care to study eating disorders in the Commonwealth. In conducting its study, the Joint Commission on Health Care shall (i) determine the number of incidences of diagnosed eating disorders in Virginia; (ii) assess the adequacy of training provided public school educators; (iii) evaluate the adequacy of the curriculum relating to eating disorders in Virginia's medical and nursing schools and continuing education requirements for Virginia medical professionals; (iv) determine strategies by which Virginia can increase awareness of eating disorders, including their symptoms, effects, and preventive interventions; (v) assess the cost of treatment incurred by eating disorder patients borne by the Commonwealth's Medicaid program as well as by private health plans and employers; (vi) assess issues concerning access to care for eating disorders within the Commonwealth; (vii) generate recommendations for improving education, prevention, early detection, and treatment of eating disorders in Virginia and estimate the fiscal impact on the Commonwealth and private payers for the implementation of such strategies; and (viii) consider, as the Commission may identify, such other issues related to the objectives of this study. The Commission must submit its findings and recommendations to the 2012 Session of the General Assembly.

Patron - Puller

ESJ315 Study; E-ZPass; report. Establishes a joint subcommittee to study the policies and procedures of other states participating in the E-ZPass program.

Patron - Blevins

ESJ320 Study; establishing a joint subcommittee to study the academic achievement of Virginia school children compared with that of students internationally; report. Directs the Commission on Youth to study how Virginia school children compare academically with students in other countries. In conducting its study, the Commission on Youth shall (i) compare the academic achievement of Virginia's students with that of students internationally for the past five years, especially in reading, mathematics, and science; (ii) identify features in the education systems of other countries that rank higher than the United States that may contribute to the aca-

ademic success of their students; (iii) determine whether any of these features may be adapted for use in Virginia and the cost of implementation; (iv) determine whether and what changes in Virginia's public education system are warranted in light of findings from the comparison of the academic achievement of students in Virginia with students internationally; and (v) consider other matters related to the objectives of this resolution and recommend feasible and appropriate options and alternatives.

Patron - Miller, Y.B.

FSJ328 Study; replacement of the state motor fuel tax; report. Requests the Virginia Center for Transportation Innovation and Research to study the desirability and feasibility of replacing the state motor fuel tax with alternatives including a mileage-based fee predicated on vehicle-miles traveled in Virginia.

Patron - Miller, J.C.

FSJ341 Study; Composite Index of Local Ability to Pay; report. Directing the Joint Legislative Audit and Review Commission to study the efficiency and effectiveness of the Composite Index of Local Ability to Pay. In conducting the study, the Joint Legislative Audit and Review Commission shall (i) review current statutory, constitutional, and budgetary provisions governing the calculation of SOQ costs and funding; (ii) examine the components of the Composite Index and how they interact; (iii) evaluate other states' public school funding formulas; (iv) hear local concerns and seek input from various Virginia and national experts, as available; and (v) evaluate the need to adjust the current basic school aid formula. The Commission must submit its findings and recommendations to the 2013 Session of the General Assembly.

Patron - Marsh

FSJ346 Study; recycling education in public schools; report. Requests the Department of Education to study recycling education in the public schools. In conducting its study, the Department of Education shall (i) evaluate the feasibility of requiring or promoting recycling education programs in the public schools; (ii) ascertain the number of and identify school divisions that have successfully implemented recycling education programs; (iii) review recycling education programs in other states to determine program components, costs, and methods of implementation and evaluation; and (iv) determine ways to increase recycling within public schools in Virginia. The Department of Education must submit its findings and recommendations to the 2012 Session of the General Assembly.

Patron - Barker

FSJ349 Study; transfer on death deeds. Requests the Virginia Bar Association to study the merits of legislation authorizing transfer on death deeds.

Patron - Hanger

FSJ350 Joint Subcommittee to Study Strategies and Models for Substance Abuse Prevention and Treatment; report. Continues the Joint Subcommittee to Study Strategies and Models for Substance Abuse Prevention and Treatment for one additional year, through 2011.

Patron - Hanger

FSJ354 Study; Joint Legislative Audit and Review Commission to study state employee compensation; report. Provides for the Joint Legislative Audit and Review Commission to study the salary structure and pay of state employees compared with similarly situated private sector employees.

Patron - Obenshain

FSJ355 Requesting the Governor to consider zero-based budgeting. Requests that the Governor, through the Commission on Government Reform and Restructuring, consider the cost savings that may be achieved through zero-based budgeting.

Patron - Deeds

FSJ359 Study; joint subcommittee to study method of selecting Auditor of Public Accounts; report. Establishes a five-member joint subcommittee to recommend the best method for selecting the Auditor of Public Accounts. This is a one-year study.

Patron - Vogel

FSJ400 Study; Bureau of Financial Institutions to study development loan defaults; report. Requests the Bureau of Financial Institutions of the State Corporation Commission to convene members of the financial services, homebuilding, and commercial development industries to (i) review whether loans on development projects are being called as a result of a reduction in the debt to value ratio or the debt to equity ratio, or both, with respect to the borrower's property; (ii) determine whether banks are being required or encouraged to call such loans under federal regulations or as a condition of participation in federal programs; and (iii) determine whether changes in Virginia law would insulate solvent borrowers from adverse action on their loans without jeopardizing the ability of banks in Virginia to participate in federal programs or comply with federal regulations. The Bureau's report is to be provided by October 31, 2011.

Patron - Stuart

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