

health benefits categories. The Exchange shall ensure that no qualified health insurance plan that is sold or offered for sale through the Exchange provides coverage for abortions, except for 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. The measure shall expire if any section, clause, provision, or portion of Title I, subtitle D of the Patient Protection and Affordable Care Act shall be repealed or held invalid or unconstitutional by any court of competent jurisdiction.

*Patron - Watkins*

**CSB516 Motor vehicle insurance; medical expense benefits; assignments.** Invalidates assignments of medical expenses benefits provided under a motor vehicle liability insurance policy. Medical expense benefits due to a covered injured person may be paid directly to a state or federal assistance program that provided benefits to such injured person that arose out of the ownership, maintenance, or use of a motor vehicle. The measure also provides that medical expense benefits may not be reduced because of any benefits paid, payable, or provided by a health insurance policy.

*Patron - Wagner*

**CSB518 Mandated health insurance benefits; essential benefits package.** Provides that health insurance plans will not be required, effective January 1, 2014, to provide coverage for state-mandated health benefits to the extent that the benefit is not an essential benefit that is required to be covered under a qualified health plan offered within a health benefit exchange established pursuant to the federal health reform law. The measure also provides that the entity operating a health benefit exchange for Virginia shall not condition its approval to the offering of a health plan within the health benefit exchange upon the plan's providing coverage for a state-mandated health benefit, to the extent that the state-mandated health benefit is not an essential benefit, that is required to be covered under a qualified health plan offered within the health benefit exchange.

*Patron - Wagner*

## Labor and Employment

### Passed

**PHB1136 Boiler and Pressure Vessel Safety Act; liquefied propane gas containers.** Exempts qualified stationary American Society of Mechanical Engineers (ASME) LP-Gas containers used exclusively in propane service from the Boiler and Pressure Vessel Safety Act until July 1, 2013. The measure also removes obsolete language.

*Patron - Ware, R.L.*

**PHB1200 Human trafficking hotline; posted notices.** Provides that any employer who operates a business that provides entertainment commonly called stripteasing or topless entertaining or entertainment that has employees who are not clad above or below the waist and who fails to post a specific notice in a clearly visible place on the premises thereof is subject to a \$500 civil penalty. The notice provides the telephone number of the National Human Trafficking Resource Center hotline.

*Patron - Bulova*

### Failed

**FHB167 Child labor; exemption for children employed in a family business.** Exempts children from certain provisions of the child labor laws if they are employed by (i) their parent or a person standing in place of their parent or (ii) an employer that is a business entity primarily owned by a family member or members and the parent or person standing in place of the parent consents.

*Patron - Cosgrove*

**FHB641 Employment certificates for children.** Increases the age at which children are required to have a work-training certificate or part-time employment certificate from 16 to 18, provided that any individual who has obtained a standard diploma, advanced studies diploma, or general achievement diploma shall not be required to have an employment certificate.

*Patron - Stolle*

**FHB1187 Noncompetition agreements.** Makes unlawful any contract that serves to restrict an employee or former employee from engaging in a lawful profession, trade, or business of any kind. Exceptions are created for persons selling a business, former partners in a partnership, and former members in a limited liability company, who agree to refrain from carrying on a similar business within a specified geographic area in which the original entity carries on business.

*Patron - Hope*

### Carried Over

**CHB1077 Day labor centers; use of E-Verify program.** Requires day labor centers to be enrolled in the E-Verify program by December 1, 2012, and to use the E-Verify program for each day laborer referred by the day labor center to a third-party employer for day labor employment on and after December 1, 2012.

*Patron - Hugo*

**CSB483 Asbestos workers; violations; penalties.** Requires the Commissioner of Labor and Industry to maintain a registry of employee complaints alleging the existence or imminent threat of an asbestos NESHAP violation. The measure prohibits employers from discharging or otherwise penalizing an employee who files a complaint in good faith. An employee who is subject to retaliation may bring an action against the employer for reinstatement and other remedies. The Commissioner is required to keep the identity of any employee filing a complaint confidential, and such information generally will be exempt from the Freedom of Information Act. The measure also provides that the amount of any noncompliance penalty for a violation shall not be less than \$2,000 per violation or more than \$25,000 for multiple violations.

*Patron - Favola*

## Libraries

### Passed

**PHB294 Public libraries; qualifications of librarian; use of state funds.** Increases from 13,000 to 15,000 the population of any locality that must meet the qualifications estab-

lished by the State Library Board in order to use state funds to pay for the position of professional librarian.

*Patron - Scott, E.T.*

## Failed

**FHB759 Public libraries; library boards; exceptions.** Adds the County of Middlesex to the localities that are not required to have public library boards. As a result, the public library can be operated as a department of local government.

*Patron - Hodges*

## Mechanics' and Certain Other Liens

### Passed

**PHB928 Mechanics' liens; site development improvements.** Allows contractors to obtain a mechanics' lien in the amount of the value of the work contracted for by the claimant for site development improvements and clarifies that common areas are not to be included in the fraction used to calculate allocation of the contract amount to each individual lot or unit. The bill also specifies that any payment made to the contractor for an undesignated lot shall be applied to any lot previously sold by the developer.

*Patron - Lingamfelter*

### Failed

**FHB317 Mechanics' lien agent; building permit.** Expands the requirement that the mechanics' lien agent, if one is named in the building permit, be notified of mechanics' liens before such liens may be perfected to cover any improvements to real estate for which the building permit application states a value of \$5 million or less. Currently, this requirement only applies to building permits for one- or two-family homes.

*Patron - Ingram*

### Carried Over

**CHB1265 Mechanics' lien notice.** Provides that any person intending to perfect a mechanics' lien against a one- or two-family residential dwelling unit must send the mechanics' lien agent designated on the building permit or, if no agent is designated, the property owner written notice of his intention at least 30 days before filing the memorandum of lien with the clerk of the court. The bill also provides that if no mechanics' lien agent is designated on the building permit, the permit shall contain the name and mailing address of the property owner.

*Patron - Purkey*

## Military and Emergency Laws

### Passed

**PHB20 Emergency services and disasters; constitutional rights.** Provides that nothing in the Emergency Services and Disaster Law shall be interpreted to limit or prohibit the otherwise lawful possession, carrying, transportation, sale, or transfer of firearms. This bill is identical to SB 245.

*Patron - Wilt*

**PHB1160 Unlawful detention of United States citizens.** Prevents any agency, political subdivision, employee, or member of the military of Virginia from assisting an agency of the armed forces of the United States in the conduct of the investigation, prosecution, or detention of a United States citizen in violation of the United States Constitution, Constitution of Virginia, or any Virginia law or regulation.

*Patron - Marshall, R.G.*

**PB245 Emergency services and disasters; constitutional rights.** Provides that nothing in the Emergency Services and Disaster Law shall be interpreted to limit or prohibit the otherwise lawful possession, carrying, transportation, sale, or transfer of firearms. This bill is identical to HB 20.

*Patron - Obenshain*

### Failed

**FHB820 Eligibility for service in the Virginia National Guard.** Declares a person ineligible to serve in the Virginia National Guard if he has committed any act that would be punishable under the Uniform Code of Military Justice where the maximum prescribed punishment for such offense included a term of confinement of five or more years and a forfeiture of all pay and allowances.

*Patron - Marshall, R.G.*

## Mines and Mining

### Passed

**PHB684 Coal mine safety.** Requires the operator of a coal mine to submit (i) a map of the mine to the Chief of the Division of Mines of the Department of Mines, Minerals and Energy before producing coal and (ii) any revisions that show directional changes whenever mining projections deviate more than 600 feet from the approved mine plan. The bill also allows instructors that are certified by the Board of Coal Mining Examiners to determine the fitness of a miner to detect explosive gas before the miner is put in charge of cutting, loading, drilling, continuous miner, or timbering machines. This bill is identical to SB 330.

*Patron - O'Quinn*

**PHB710 Use of mine voids.** Establishes the presumption that, unless specified by contract, the owner of the coal mineral estate retains the rights to extract any coal remaining in place and to use an underground void for any activity related to the removal of coal from the subject property or other properties. No injunction shall be allowed to prevent such uses where the void is governed by a mine permit. Where the void is

located within a sealed mine for which a mining permit no longer exists, the owner of the coal mineral estate must pay reasonable compensation for the consent of the void's owner, and the void's owner may not unreasonably withhold such consent.

*Patron - Kilgore*

**SB330 Coal mine safety.** Requires the operator of a coal mine to submit (i) a map of the mine to the Chief of the Division of Mines of the Department of Mines, Minerals and Energy before producing coal and (ii) any revisions that show directional changes whenever mining projections deviate more than 600 feet from the approved mine plan. The bill also allows instructors that are certified by the Board of Coal Mining Examiners to determine the fitness of a miner to detect explosive gas before the miner is put in charge of cutting, loading, drilling, continuous miner, or timbering machines. This bill is identical to HB 684.

*Patron - Carrico*

## Failed

**SB143 Mining permit, use of mine voids.** Requires an application for a mining permit to identify the owner of the underground space to be used.

*Patron - Puckett*

**SB144 Plats or maps; where map acreage differs from amount listed in county records.** Requires a surveyor or engineer to certify that the acreages shown on a map or plat produced under the Virginia Oil and Gas Act since January 1, 1990, match the acreages listed in the county records. Where a mapped acreage differs from that listed in the county records, the operator is required to commission a survey and record a deed of correction in order to reconcile the acreages. Submitting a plat in violation of the accuracy requirement will cause all damaged mineral owners in the unit to be deemed fully-paid participants in the unit. The bill has an effective date of January 1, 2013.

*Patron - Puckett*

**SB145 Pooling orders and coalbed methane drilling; application to activities since 1990.** Requires a well operator to obtain any required pooling order before applying for a well permit. Where an operator begins ground disturbing activity for a well without a required pooling order, any unleased mineral owners in the unit will be deemed fully paid participants in the unit. The bill applies to any ground disturbing activity for a well undertaken since January 1, 1990. The bill has an effective date of January 1, 2013.

*Patron - Puckett*

**SB152 Virginia Gas and Oil Act violations; penalties.** Provides civil and criminal penalties for operating without a permit, disregarding orders, or making false statements.

*Patron - Puckett*

**SB153 Records of pooled operations.** Requires each unit operator to maintain certain records and to provide them to participating and nonparticipating operators of gas or oil wells.

*Patron - Puckett*

## Motor Vehicles

### Passed

**HB72 Highway work zones.** Requires highway work zones to be clearly marked with warning signs and attached flashing lights for projects covered by contracts entered into on or after July 1, 2012.

*Patron - Bell, Richard P.*

**HB97 Driving two abreast in a single lane.** Allows two-wheeled motorcycles to drive two abreast in a single lane.

*Patron - Wilt*

**HB99 Registration of leased vehicles.** Requires DMV to obtain in applications for registration of leased vehicles the residence street address of individual lessees and the names and street addresses of lessees that are businesses.

*Patron - Loupassi*

**HB119 Golf carts; operation on the highways.** Allows the governing body of the Town of Urbanna to authorize the operation of golf carts on the highways of the Town, subject to the limits of general law.

*Patron - Hodges*

**HB171 Motor Vehicle Transaction Recovery Fund; bonding requirements.** Permits the Fund to drop below the previously mandated \$250,000 balance requirement but not to register a negative balance. The bill also allows the Board to await a positive balance in the Fund before paying claims so long as claims are not unpaid for more than 60 days. The bill further allows recovery against a dealer to include attorney fees.

*Patron - Cosgrove*

**HB187 Police check-points.** Prohibits the establishment of "motorcycle only" police check-points.

*Patron - Gilbert*

**HB194 Commercial driver's licenses.** Requires DMV to consider, to the extent not inconsistent with federal law, applicants' military training and experience in assessing their eligibility to receive a Virginia commercial driver's license.

*Patron - Lewis*

**HB235 Supplemental sales locations of motor vehicles.** Limits the number of supplemental sales licenses that can be issued for motor vehicle dealers, T&M vehicle dealers, and motorcycle dealers.

*Patron - Cosgrove*

**HB289 Handicapped parking.** Allows localities by ordinance to grant four hours free parking to vehicles exhibiting disabled parking indicia in some places while not granting such free parking in other places. This bill is identical to SB 454.

*Patron - Sherwood*

**HB353 Motor carrier and commercial driver's licensing.** Amends several motor carrier and commercial driver's licensing laws. The bill also authorizes the DMV Commissioner to designate members of his staff as motor carrier size and weight compliance agents to issue citations for civil violations of size and weight and other related statutes. The bill also authorizes the agents to issue citations for IFTA violations

and place holds on vehicles, which can be levied to recover outstanding debts against the Commonwealth.

*Patron - Cox, J.A.*

**HB498 Funeral processions; sheriff and police escorts.** Provides that either the sheriff or the police department in a locality may provide traffic control for funeral processions. Currently, sheriffs may only provide traffic control in localities that do not have a separate police department.

*Patron - Dance*

**HB541 Department of Motor Vehicles.** Makes numerous comprehensive DMV service and safety changes. The bill also makes technical amendments.

*Patron - Poindexter*

**HB545 Virginia Department of Transportation; incident management.** Allows VDOT to drive on a portion of the highway other than a roadway at, en route to, or from the scene of a traffic accident, without direction from law-enforcement officers. This bill is identical to SB 315.

*Patron - Comstock*

**HB647 Issuance of driver's licenses to minors.**

Requires that a licensee who is under the age of 18 at the time that the ceremony is held to issue an original driver's license be accompanied by a parent, guardian, spouse, or other person in loco parentis. Under current law, a licensee must be accompanied at the ceremony if he is under the age of 18 at the time the application for licensure is made. This bill is a recommendation of the Committee on District Courts. This bill is identical to SB 113.

*Patron - Habeeb*

**HB649 Odometer tampering.** Increases the minimum civil penalty for odometer tampering from \$1,500 to \$3,000. This bill is identical to SB 481.

*Patron - Habeeb*

**HB686 Special license plates; veterans of Operation Desert Shield or Operation Desert Storm.** Authorizes the issuance of special license plates to veterans of Operation Desert Shield or Operation Desert Storm and exempts those license plates from minimum prepaid order requirements.

*Patron - O'Quinn*

**HB746 Unregistered farm vehicles.** Restates the present gross vehicle weight ratings associated with exemptions from registration of certain farm vehicles (including trailers and semitrailers).

*Patron - Cline*

**HB774 Special license plates; centennial of Fort Belvoir.** Repeals the 2011 Act of Assembly that authorized the issuance of special license plates celebrating the centennial of Fort Belvoir.

*Patron - Landes*

**HB780 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 prior to the issuance of a title. The bill also provides for the titling and registration of and special equipment required for a converted electric vehicle. The bill contains technical amendments. The bill has a delayed effective date of October 1, 2012.

*Patron - Lopez*

**HB800 Nonsurface-treated highways.** Allows counties to adopt an ordinance that the speed limit on nonsurface-

treated roads shall be 35 miles per hour. Current law restricts the 35 mph speed limit to certain counties.

*Patron - Weibert*

**HB805 Emissions inspections.** Privatizes services now provided by the Department of Environmental Quality related to vehicle emissions inspections. The bill also updates authorized testing equipment and allows use of wireless systems and on-road emissions testing. The bill also has a delayed effective date and is identical to SB 502.

*Patron - May*

**HB806 Overweight vehicle permits and fees.** Provides a uniform method of assigning cost-based fees based on the amount that a vehicle is overweight. The bill also allocates payment of fees into specific funds. The bill has a delayed effective date of January 1, 2013.

*Patron - May*

**HB860 Local towing ordinances.** Allows localities in Northern Virginia by ordinance to regulate the towing of trespassing vehicles from the locality adopting the ordinance to another locality.

*Patron - Rust*

**HB861 Vehicle and trailer immobilization.** Makes all vehicles and trailers, in addition to motor vehicles, subject to removal or immobilization for outstanding parking violations. This bill is identical to SB 228.

*Patron - Rust*

**HB865 Local regulation of taxicabs.** Disallows counties, cities, and towns from reducing the number of taxicabs that are permitted or authorized under the local ordinance, except for non-use or cause as defined by the ordinance. This bill is identical to SB 231.

*Patron - Rust*

**HB870 Salvage vehicles.** Defines "repairable vehicles" as late model vehicles repaired by an insurance company and not accepted by their owners immediately prior to acquisition by the insurance company and exempts them from the provisions of Chapter 16 of Title 46.2 (Salvage, Nonrepairable, and Rebuilt Vehicles).

*Patron - Rust*

**HB875 Vehicle insurance.** Places time limits on appeals of DMV suspensions of driver's licenses, registration certificates, and license plates for neither having vehicle insurance nor having paid the uninsured vehicle fee. This bill is identical to SB 280.

*Patron - Rust*

**HB1042 Expiration of driver's licenses; active duty military.** Extends the grace period for driver's license expiration from 90 to 180 days after the return from service outside the United States of active duty military personnel, a member of the diplomatic service, or a civilian employee of the U.S. government or a federal agency or contractor.

*Patron - Keam*

**HB1043 Grace period for vehicle registration.** Extends the allowance of a grace period for replacement of plates or decals and for vehicle registration to the spouse and dependent children accompanying a member of the armed services of the United States, a member of the United States diplomatic corps, or a civilian employee of the United States or a federal agency or contractor who is serving outside the United States.

*Patron - Keam*

**HB1178 Offenders required to register prohibited from operating certain charter buses.** Provides that no person required to register on the Sex Offender and Crimes Against Minors Registry shall be permitted to operate a charter bus used to transport children to and from day care and certain children's activities.

*Patron - Webert*

**HB1290 Right-of-way of pedestrians; posting of signs in certain localities.** Adds Falls Church to the list of localities authorized to post highway signs requiring motorists to yield the right-of-way to pedestrians.

*Patron - Scott, J.M.*

**SB113 Issuance of driver's licenses to minors.** Requires that a licensee who is under the age of 18 at the time that the ceremony is held to issue an original driver's license be accompanied by a parent, guardian, spouse, or other person in loco parentis. Under current law, a licensee must be accompanied at the ceremony if he is under the age of 18 at the time the application for licensure is made. This bill is a recommendation of the Committee on District Courts. This bill is identical to HB 647.

*Patron - McDougale*

**SB155 Repairable vehicles.** Defines "repairable vehicle" and exempts repairable vehicles from Chapter 16 of Title 46.2 (Salvage, Nonrepairable, and Rebuilt Vehicles).

*Patron - Puckett*

**SB195 Local towing ordinances.** Allows localities in Northern Virginia by ordinance to require towing companies that tow trespassing vehicles within 10 miles of the tow origin from one locality to another to submit to inspection of their facilities by the locality from which such vehicles are towed.

*Patron - Marsden*

**SB228 Vehicle and trailer immobilization.** Makes all vehicles and trailers, in addition to motor vehicles, subject to removal or immobilization for outstanding parking violations. This bill is identical to HB 861.

*Patron - Herring*

**SB231 Local regulation of taxicabs.** Disallows counties, cities, and towns from reducing the number of taxicabs that are permitted or authorized under the local ordinance, except for non-use or cause as defined by the ordinance. This bill is identical to HB 865.

*Patron - Herring*

**SB280 Vehicle insurance.** Places time limits on appeals of DMV suspensions of driver's licenses, registration certificates, and license plates for neither having vehicle insurance nor having paid the uninsured vehicle fee. This bill is identical to HB 875.

*Patron - Smith*

**SB315 Virginia Department of Transportation; incident management.** Allows VDOT to drive on a portion of the highway other than a roadway at, en route to, or from the scene of a traffic accident, without direction from law-enforcement officers. This bill is identical to HB 545.

*Patron - Black*

**SB322 Insurance requirements for motor carriers.** Provides that the existing exemption of motor carriers from the laws in Chapter 21 of Title 46.2 for the transportation of property (i) between any point in Virginia and any point outside

Virginia and (ii) between points within any city or town does not apply to the chapter's insurance requirements.

*Patron - Carrico*

**SB335 Weight limits; haulers of sand, gravel, and crushed stone.** Extends the temporary increased weight limit for trucks hauling sand, gravel, or crushed stone in coal counties to January 1, 2013.

*Patron - Carrico*

**SB337 Department of Motor Vehicles.** Makes numerous comprehensive DMV service and safety changes. The bill also makes technical amendments.

*Patron - Newman*

**SB343 Motor carrier and commercial driver's licensing.** Amends several motor carrier and commercial driver's licensing laws. The bill also authorizes the DMV Commissioner to designate members of his staff as motor carrier size and weight compliance agents to issue citations for civil violations of size and weight and other related statutes. The bill also provides authority to the agents to issue citations for IFTA violations and place holds on vehicles, which can be levied to recover outstanding debts against the Commonwealth.

*Patron - Newman*

**SB364 Police-requested vehicular towing.** Allows "police-requested towing" to be initiated by uniformed employees of the local police department who are authorized to do so by the chief local law-enforcement officer.

*Patron - Deeds*

**SB421 Motor vehicle dealers; the Motor Vehicle Transaction Recovery Fund.** Provides a new mechanism whereby a person who purchases a vehicle from a dealer may recover the title to that vehicle if the title is in the possession of someone other than the dealer. The bill also provides a mechanism by which awards against dealers' bonds from the Motor Vehicle Transaction Recovery Fund will be adjusted to keep pace with inflation and allows recovery against a dealer to include attorney fees. The bill also permits the Fund to drop below the previously mandated \$250,000 balance requirement but not to register a negative balance and allows the Board to await a positive balance in the Fund before paying claims so long as they do not go unpaid for more than 60 days.

*Patron - Marsden*

**SB454 Handicapped parking.** Allows localities by ordinance to grant four hours free parking to vehicles exhibiting disabled parking indicia in some places while not granting such free parking in other places. This bill is identical to HB 289.

*Patron - Vogel*

**SB481 Odometer tampering.** Increases the minimum civil penalty for odometer tampering from \$1,500 to \$3,000. This bill is identical to HB 649.

*Patron - Garrett*

**SB502 Emissions inspections.** Privatizes services now provided by the Department of Environmental Quality related to vehicle emissions inspections. The bill also updates authorized testing equipment and allows use of wireless systems and on-road emissions testing. The bill also has a delayed effective date and is identical to HB 805.

*Patron - Saslaw*

**SB595 Railroad grade crossings.** Provides that where vehicles are required to stop for trains at railroad grade cross-

ings, they must stop for other self-propelled machinery or automobile type vehicles using the rails as well.

*Patron - Lucas*

**SB603 Nonpayment of jail fees; suspension of driver's licenses.** Allows suspension of or refusal to renew the driver's license of persons who do not pay fees that local correctional facilities or regional jails are allowed to charge to defray the cost of their keep. The bill allows the persons whose licenses are suspended to petition a district court for a one-year restricted permit. The bill also divides existing § 46.2-320 of the Code of Virginia, relating to other grounds for refusal to issue or renew a driver's license, into two sections; grounds relating to nonpayment of child support (subsections B through E) are moved verbatim to new § 46.2-320.1.

*Patron - McWaters*

**SB686 Department of Motor Vehicles; electronic titling.** Allows the Department of Motor Vehicles to establish an electronic titling program for new motor vehicles.

*Patron - McWaters*

## Failed

**HB7 Bicycles at traffic lights.** Provides the rider of a bicycle approaching an intersection controlled by traffic lights need not wait the two minutes required of the driver of a motorcycle or moped approaching the same intersection.

*Patron - Edmunds*

**HB106 Driver's licenses.** Requires that driver's licenses show the street address of the licensee's principal residence in Virginia.

*Patron - Loupassi*

**HB115 Smoking in cars with a minor present; civil penalty.** Makes it unlawful for a person to smoke in a motor vehicle with a child under the age of 13 present; punishable by a civil penalty of \$100.

*Patron - Morrissey*

**HB122 Driver's licenses; veterans.** Allows military veterans who are at least 21 years old to have their veteran status indicated on their driver's licenses.

*Patron - Morrissey*

**HB179 Uninsured motor vehicles; fees.** Raises the uninsured motor vehicle fee from \$500 to \$600.

*Patron - O'Bannon*

**HB303 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.*

**HB304 Department of Motor Vehicles; service charge.** Eliminates the \$5 statutory service charge fee for transactions carried out in DMV that could be carried out by mail, online, or over the telephone.

*Patron - Crockett-Stark*

**HB308 Department of Motor Vehicles; documents.** Requires that all documents issued by DMV that include a photograph of the person to whom issued must be produced by local DMV facilities and not by outside contractors.

*Patron - Crockett-Stark*

**HB310 Driver's licenses; diabetes and hearing or speech impairments.** Requires the Department of Motor Vehicles to prepare an informational brochure to inform driver's license applicants that they may designate insulin-dependent diabetes or a hearing or speech impairment on their driver's license or DMV-issued identification card and to mail such brochure with renewal notices.

*Patron - Crockett-Stark*

**HB376 Driver's licenses; storage of driver's license information.** Prohibits the retention of any information contained on a Virginia-issued driver's license for any purpose unless otherwise required by law.

*Patron - Pogge*

**HB388 Driver's licenses; veterans.** Allows military veterans to have their veteran status indicated on their driver's licenses.

*Patron - Gilbert*

**HB394 Use of handheld personal communications devices; exceptions; penalty.** Prohibits the use of handheld personal communications devices while operating a motor vehicle, bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped on the highways in the Commonwealth. The bill makes a violation of this prohibition a primary traffic offense.

*Patron - Howell, A.T.*

**HB404 Use of handheld personal communications devices while driving.** Prohibits the use of handheld personal communications devices for any purpose other than to make or receive phone calls.

*Patron - Torian*

**HB415 Operation of moving motor vehicle while distracted; penalties.** Prohibits the operation of a moving motor vehicle while engaged in other activities, such as using a wireless telephone or other wireless telecommunications device without a hands-free apparatus, searching for an item, or personal grooming. Current law specifically prohibits the use of a handheld personal communications device to send or read an email or text message while operating a moving motor vehicle. The bill allows for certain exceptions, including the use of a citizens band radio. The offense would be a secondary offense punishable by a \$40 fine on the first offense and a \$100 fine for each subsequent offense.

*Patron - Watts*

**HB497 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 - Dance*

**HB524 Medical examinations required of driver's license holders.** Allows transmission to DMV of the results of required medical examinations of driver's license holders to be by fax or other electronic means. The bill also provides that if any such transmission is lost or incomplete and, as a consequence, a licensee's license is suspended or revoked, such license shall be restored if it is discovered that the examination was performed as required and that the licensee was found to be competent to be licensed, and any record of the suspension or revocation must be expunged.

*Patron - Farrell*

**HB532 Operation of moving motor vehicles while distracted; penalty.** Prohibits the operator of a moving motor vehicle from being engaged in activities that are unnecessary to and that actually impair the operation of a motor vehicle. Certain exemptions apply. A violation of the statute would be a traffic offense.

*Patron - Orrock*

**HB533 Four-for-Life; substantive review.** Requires that a reallocation of moneys set aside from the Four-for-Life fees be made pursuant to legislation that has been reviewed by the House Health, Welfare and Institutions Committee and the Senate Committee on Education and Health. The bill includes technical amendments.

*Patron - Orrock*

**HB560 Driver's licenses.** Prohibits issuance of driver's licenses to any person less than 21 years old unless he is either a high school graduate or has earned a GED.

*Patron - Marshall, D.W.*

**HB568 Driver's licenses; veterans.** Allows military veterans to have their veteran status indicated on their driver's licenses.

*Patron - Marshall, D.W.*

**HB583 Traffic control preemption devices.** Allows local governments that control the highways within their boundaries the ability to control the use of traffic control signal preemption devices used to change traffic light signals.

*Patron - Watson*

**HB588 Maximum speed limit in an industrial park.** Provides that the maximum speed limit in an industrial park is 35 miles per hour.

*Patron - Merricks*

**HB652 Text messaging and emailing while driving; penalty.** Allows police officers to issue citations to violators who text message or email while operating a moving motor vehicle. Currently, police officers must have cause to stop or arrest a driver for some other violation before issuing a citation.

*Patron - Kory*

**HB685 Emergency lights.** Removes the limit of two warning lights allowed any member of a fire department, rescue squad, ambulance driver, or police chaplain on a vehicle he owns, when answering emergency calls.

*Patron - O'Quinn*

**HB688 Special driver's license required for convicted methamphetamine offenders.** Provides that any person convicted of a violation of § 18.2-248, 18.2-248.02, 18.2-248.03, 18.2-266, 29.1-738, or 46.2-341.24 when such offense involves the possession, manufacture, sale, or consumption of methamphetamine shall be required, if he is licensed to drive a motor vehicle in the Commonwealth, to have a special driver's license containing a unique identifying mark for a period of 18 months following his first licensure after the conviction indicating that he is a convicted methamphetamine offender. The same restriction would apply to a special identification card issued by the Department of Motor Vehicles.

*Patron - O'Quinn*

**HB689 Application for driver's license; social security number.** Allows issuance of a driver's license to an applicant who fails to provide a social security number on the application if such failure is due to a bona fide religious objec-

tion to providing a social security number for any reason not related to official social security tax or benefit purposes.

*Patron - O'Quinn*

**HB706 Pedestrians.** Requires vehicle drivers to stop for pedestrians crossing at marked crosswalks or at intersections not controlled by traffic signals.

*Patron - Filler-Corn*

**HB721 Board of Towing and Recovery Operators.** Abolishes the Board of Towing and Recovery Operators.

*Patron - Yancey*

**HB742 Farm use vehicles; distance limit.** Increases the maximum distance that an unregistered farm use vehicle may be driven on a highway to obtain agricultural or horticultural supplies from 30 to 200 miles and to transport farm produce or livestock from 50 to 300 miles.

*Patron - Fariss*

**HB762 Special license plates; Virginia's Eastern Shore.** Changes the special license plates promoting tourism on Virginia's Eastern Shore from nonrevenue sharing to revenue sharing.

*Patron - Lewis*

**HB784 Drivers to exercise due care.** Requires drivers to exercise due care to avoid colliding with a pedestrian or the operator of a human-powered vehicle.

*Patron - Lopez*

**HB785 Following too closely.** Includes bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, and mopeds among vehicles that the driver of a motor vehicle shall not follow more closely than is reasonable.

*Patron - Lopez*

**HB846 Use of compression brakes within the Town of St. Paul.** Authorizes the Town of St. Paul to regulate the use of compression brakes by operators of motor vehicles within the Town boundaries.

*Patron - Johnson*

**HB857 Bicycles in Blacksburg.** Authorizes the Town Council of Blacksburg to permit operation of bicycles in either direction on one-way streets. This bill is identical to SB 101.

*Patron - Yost*

**HB868 Plug-in electric-drive vehicles.** Provides that plug-in electric-drive vehicles may park free of charge in government owned or controlled parking space when the vehicles are recharging their batteries.

*Patron - Rust*

**HB874 Text messaging and emailing while driving; penalty.** Allows police officers to issue citations to violators who text message or email while operating a moving motor vehicle. Currently, police officers must have cause to stop or arrest a driver for some other violation before issuing a citation.

*Patron - Rust*

**HB884 Records of the Department of Motor Vehicles; privileged records of law-enforcement officers.** Provides that any records maintained by the Department of Motor Vehicles that contain the personal address and telephone number of a federal or state law-enforcement officer shall be considered privileged.

*Patron - Sickles*

**HB1025 Driver's licenses; veterans.** Allows military veterans to have their veteran status indicated on their driver's licenses.

*Patron - Englin*

**HB1038 Overweight and oversize vehicle permits and fees.** Allows temporary registration of overweight and oversize vehicles and assigns fees based on the amount that a vehicle is overweight or oversize. The bill also designates fees into specific funds. The bill has a delayed effective date of January 1, 2013.

*Patron - Keam*

**HB1053 Texting while driving.** Removes the "secondary enforcement" provision from the statute prohibiting sending or reading email or text messages while driving.

*Patron - Anderson*

**HB1072 Emissions inspections.** Privatizes services now provided by the Department of Environmental Quality related to vehicle emissions inspections. The bill also updates authorized testing equipment, allows use of wireless systems to increase convenience, and replaces program validation required by the Clean Air Act with randomly assigned free emissions tests performed when vehicles undergo state safety inspection. Savings generated are dedicated to transportation maintenance projects. The bill removes language related to emissions testing in the Richmond area and establishes an enhanced emissions inspection program for areas other than Northern Virginia. Surplus funds from the program are dedicated to transportation maintenance in those localities required to have basic emissions inspections.

*Patron - Hugo*

**HB1214 Driving on suspended license; when court may reduce charge.** Provides that, upon the trial of any person charged with driving while his license is suspended whose full privilege to operate a motor vehicle is restored prior to trial, the court in its discretion may find the accused not guilty of driving on a suspended license but guilty of driving without an operator's license in violation of § 46.2-300.

*Patron - Lewis*

**HB1296 Speed limit; Huguenot Bridge in Richmond.** Sets the speed limit on the Huguenot Bridge in Richmond at 35 mph.

*Patron - Loupassi*

**SB46 On-road clean screen program; vehicle emissions inspection.** Includes the on-road clean screen program and on-road emissions inspections as comparable equipment and devices to satisfy emissions inspections in the Commonwealth. The bill contains technical amendments.

*Patron - Watkins*

**SB101 Bicycles in Blacksburg.** Authorizes the Town Council of Blacksburg to permit operation of bicycles in either direction on one-way streets. This bill is identical to HB 857.

*Patron - Edwards*

**SB206 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*

**SB208 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*

**SB210 Provisional driver's license holders.** Changes from a secondary offense to a primary offense use of a cell phone by a provisional driver's license holder.

*Patron - Barker*

**SB264 Following too closely.** Includes bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, and mopeds among vehicles that the driver of a motor vehicle shall not follow more closely than is reasonable.

*Patron - Ebbin*

**SB289 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 - Locke*

**SB365 Judgments for motor vehicle accident damages; orders for suspension.** Provides that a suspension of a judgment debtor's driver's license shall not extend (i) beyond 10 years from the date of judgment for any civil judgment obtained in a general district court or (ii) beyond 20 years from the date of judgment for any civil judgment obtained in a circuit court.

*Patron - Deeds*

**SB397 Electric vehicles; emissions testing.** Exempts qualified plug-in electric on-road vehicles from emissions inspections.

*Patron - Hanger*

**SB500 Fines and fees for violations occurring on interstate highways.** Provides that when a warrant or summons is issued for a violation of law occurring on an interstate highway or a highway that receives federal-aid funds, a state statute must be charged.

*Patron - Watkins*

**SB587 Special license plates; Virginia's Eastern Shore.** Changes the special license plates promoting tourism on Virginia's Eastern Shore from nonrevenue sharing to revenue sharing.

*Patron - Northam*

**SB633 Bicycles helmets.** Makes the hitherto local-option bicycle helmet law applicable statewide.

*Patron - Barker*

**SB666 Fines and fees; disposition of fines in traffic cases.** Provides that an arrest or summons issued by a local law-enforcement officer for a violation of a motor vehicle law of the Commonwealth shall be issued under an applicable local ordinance, unless no such ordinance exists. The bill also clarifies that any fines collected by localities for a violation of a local ordinance shall not be paid into the state treasury.

*Patron - Garrett*

## Carried Over

**HB182 Special license plates; PEACE BEGINS AT HOME.** Authorizes the issuance of revenue-sharing special license plates bearing the legend PEACE BEGINS AT HOME

to support the programs of the Domestic Violence Action Alliance for the prevention of sexual and domestic violence in Virginia.

*Patron - O'Bannon*

**HB604 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 - LeMunyon*

**HB651 Special license plates; I SUPPORT ANIMAL RESCUE.** Authorizes the issuance of revenue-sharing special license plates to supporters of Homeless Animal Rescue Team and its programs of animal rescue.

*Patron - Kory*

**HB798 Salvage vehicles.** Heightens consumer awareness of issues that may arise in connection with the purchasing of motor vehicles at salvage auctions without fully understanding the disclaimers and waivers related to total-loss vehicles. The bill would allow consumers more readily to identify total-loss vehicles and imposes additional notice requirements in connection with the sale of salvage vehicles.

*Patron - Scott, E.T.*

**HB843 Special license plates; Trees Virginia.**

Authorizes the issuance of revenue-sharing special license plates to supporters of Trees Virginia.

*Patron - Johnson*

**HB891 Operation of vehicles equipped with mobile infrared transmitters; penalty.** Increases from a traffic infraction to a Class 4 misdemeanor any violation of the prohibition on operation of nonemergency vehicles equipped with mobile infrared transmitters used to change traffic light signals.

*Patron - Alexander*

**HB1040 Special license plates commemorating America's buffalo soldiers.** Authorizes the issuance of special license plates commemorating America's buffalo soldiers.

*Patron - Keam*

**HB1070 Definitions of all-terrain and utility vehicles.** Expands the definition of all-terrain vehicles to include six-wheeled vehicles and vehicles that can carry passengers and narrows the definition of all-terrain vehicles to exclude riding lawn mowers. The bill also expands the definition of utility vehicles to include those with more than 25 horsepower. The bill also makes numerous technical corrections.

*Patron - Hugo*

**HB1195 Tandem axle weight limit.** Increases the maximum tandem axle weight limit from 34,000 pounds to 40,000 pounds.

*Patron - Lewis*

**HB1236 Special license plates; U.S. Army Rangers.**

Authorizes the issuance of special license plates to members and former members of the U.S. Army Rangers.

*Patron - Cox, J.A.*

**SB27 Display of vehicle license plates.** Provides for display of a single license plate on registered vehicles.

*Patron - Locke*

**SB88 Notice of suspension or revocation of driver's licenses.** Requires the Department of Motor Vehicles to send initial notice of the suspension or revocation of a driver's license by certified mail.

*Patron - Howell*

**SB93 Special license plates; Reston.** Authorizes the issuance of special license plates for Reston bearing the word: "RESTON!" and the legend: "LIVE WORK PLAY."

*Patron - Howell*

**SB199 Pedestrians.** Requires vehicle drivers to stop for pedestrians crossing at marked crosswalks or at intersections not controlled by traffic signals.

*Patron - Marsden*

**SB225 Special license plates; PEACE BEGINS AT HOME.** Authorizes the issuance of revenue-sharing special license plates bearing the legend PEACE BEGINS AT HOME to support the programs of the Virginia Sexual and Domestic Violence Action Alliance for the prevention of sexual and domestic violence in Virginia.

*Patron - Herring*

**SB304 Display of vehicle license plates.** Provides for display of a single license plate on registered vehicles.

*Patron - Blevins*

**SB312 Four-for-Life; substantive review.** Requires that a reallocation of moneys set aside from the Four-for-Life fees be made pursuant to legislation that has been reviewed by the House Health, Welfare and Institutions Committee and the Senate Committee on Education and Health. The bill includes technical amendments.

*Patron - Blevins*

**SB333 Mopeds.** Prohibits the operation of mopeds on highways with posted speed limits in excess of 35 miles per hour.

*Patron - Carrico*

**SB334 Special license plates; supporters of NASCAR.** Authorizes the issuance of revenue-sharing special license plates to supporters of NASCAR. Revenues derived from sale of these plates will be shared with Richmond International Raceway CARES once a minimum of 1,000 plates are sold.

*Patron - Carrico*

**SB336 Definitions of all-terrain and utility vehicles.** Expands the definition of all-terrain vehicles to include six-wheeled vehicles and vehicles that can carry passengers and narrows the definition of all-terrain vehicles to exclude riding lawn mowers. The bill also expands the definition of utility vehicles to include those with more than 25 horsepower. The bill also makes numerous technical corrections.

*Patron - Newman*

**SB358 Infrared traffic light signal changers.** Allows local governments by ordinance to permit use of infrared traffic light signal changers by firefighting vehicles in nonemergency situations.

*Patron - Deeds*

**SB388 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*

**SB423 Motor vehicle license plates.** Provides that motor vehicles whose manufacturers do not provide, as original equipment, for a bracket or other device for displaying a license plate on the front of the vehicle will be required to display only single license plates, on the rear of the vehicle.

*Patron - Ruff*

**SB479 Weighing of vehicles.** Exempts vehicles owned or leased by the City of Suffolk from being weighed at DMV-controlled weigh-stations along U.S. Route 58 in Suffolk.

*Patron - Lucas*

## Notaries and Out-Of-State Commissioners

### Passed

**SB270 Fiduciaries; permission to notarize.** Clarifies that a notary named in a document for the purposes of receiving notices or as a fiduciary shall not be disqualified from notarizing the document for that reason alone. Currently, a notary so named is prohibited from acting as a notary, regardless of whether he is a party to or has a beneficial interest in the document. The bill also repeals the provision requiring those commissioned as electronic notaries to be sworn in twice, once as a notary and once as an electronic notary.

*Patron - Norment*

### Failed

**HB442 Notaries; conflict of interests; election petitions.** Prohibits a notary employed by a candidate campaign committee or referendum committee from performing any notarial act on any petition that names the candidate or the referendum. A violation of the prohibition constitutes official misconduct on the part of the notary and voids the portions of the petition affected by the notarial act.

*Patron - Brink*

## Pensions, Benefits, and Retirement

### Passed

**HB140 State Police Officers' Retirement System (SPORS); mandatory retirement; regional jail or jail farm superintendent.** Exempts regional jail or jail farm superintendents from the age 70 mandatory retirement requirement. Currently, gubernatorial appointees and elected officials are exempt from mandatory retirement. This bill contains an emergency clause.

*Patron - Cole*

**HB350 Virginia Retirement System; disability benefits.** Modifies the disability benefits provided to state employees by (i) no longer reducing such benefit by the amount of military disability benefits received and (ii) reflecting changes made in 2009 by the General Assembly limiting new employees to disability payments in an amount of 60 percent of their creditable compensation for the first 60 months of employment. The bill also makes some technical changes. The bill contains an emergency clause.

*Patron - Cox, M.K.*

**HB438 Virginia Retirement System; benefits for certain local law-enforcement employees.** Provides that if an employee who has at least five years in a position covered by the higher retirement benefits plan authorized for certain local law-enforcement employees becomes disabled and is unable to return to such position but eventually accepts another position with the same employer that is not covered by such higher benefits plan, he may, at the sole discretion of his employer, continue to be covered under such benefits plan even if the new position would not otherwise be eligible for such benefits.

*Patron - Tata*

**HB791 Virginia Retirement System.** Makes technical changes to programs administered by the Virginia Retirement System.

*Patron - Tata*

**HB792 Virginia Retirement System; deferred compensation plan for local employees.** Permits localities that choose to allow employees to participate in a deferred compensation plan to require new employees to join the plan on an opt-out basis.

*Patron - Tata*

**HB1130 Virginia Retirement System; hybrid defined contribution and defined benefit retirement program.** Creates a new hybrid retirement program, administered by the Virginia Retirement System, that contains a defined contribution and a defined benefit component. All new state employees, local employees, and judges commencing employment on or after January 1, 2014, would be required to participate in the hybrid plan. Employees in service on December 31, 2013, would be given the opportunity to make a one-time, irrevocable election to participate in the new hybrid program. The bill also creates a disability program for local employees participating in the hybrid plan.

The bill also makes adjustments to the existing defined benefit plan for nonvested employees, including lowering the retirement benefit multiplier from 1.7 to 1.65, basing average final compensation on 60 months of service instead of 36, and capping the cost-of-living adjustment at three percent. Any person with less than 20 years service who takes early retirement would not receive a cost-of-living adjustment until one year after he reaches normal retirement age. This bill is identical to SB 498.

*Patron - Howell, W.J.*

**SB171 Virginia Retirement System; certain local employees.** Permits localities to exempt firefighters, emergency medical technicians, and law-enforcement officers from the higher age and service requirements for normal and early retirement applicable to employees hired on or after July 1, 2010.

*Patron - Petersen*

**SB497 Virginia Retirement System employee contributions; local employees; school board employees.** Requires that persons employed by local government or school board

employers be required to pay the five percent employee contribution to the Virginia Retirement System. School board employees would be authorized to phase in the five percent contribution over a maximum of five years. Local employers and school boards would be required to provide employees with a raise to offset the employee contributions.

*Patron - Watkins*

**SB498 Virginia Retirement System; hybrid defined contribution and defined benefit retirement program.** Creates a new hybrid retirement program, administered by the Virginia Retirement System, that contains a defined contribution and a defined benefit component. All new state employees, local employees, and judges commencing employment on or after January 1, 2014, would be required to participate in the hybrid plan. Employees in service on December 31, 2013, would be given the opportunity to make a one-time, irrevocable election to participate in the new hybrid program. The bill also creates a disability program for local employees participating in the hybrid plan.

The bill also makes adjustments to the existing defined benefit plan for nonvested employees, including lowering the retirement benefit multiplier from 1.7 to 1.65, basing average final compensation on 60 months of service instead of 36, and capping the cost-of-living adjustment at three percent. Any person with less than 20 years service who takes early retirement would not receive a cost-of-living adjustment until one year after he reaches normal retirement age. This bill is identical to HB 1130.

*Patron - Watkins*

## Failed

**HB163 Mandatory judicial retirement.** Increases the mandatory retirement age under the Judicial Retirement System from 70 years of age to 73 years of age.

*Patron - Hope*

**HB257 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 - Stolle*

**HB318 Virginia Retirement System; general registrars.** Permits a general registrar who (i) is involuntarily separated and (ii) has 20 or more years of creditable service to retire with an unreduced allowance upon attaining age 50.

*Patron - Ingram*

**HB386 Virginia Retirement System; investments related to Iran.** Requires the Virginia Retirement System, under certain circumstances, to divest itself of investments in companies meeting certain criteria gauged to be related to support of the current regime in Iran.

*Patron - Gilbert*

**HB511 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*

**HB594 Virginia Retirement System; general registrars.** Permits a general registrar who (i) is involuntarily separated and (ii) has 20 or more years of creditable service to retire with an unreduced allowance upon attaining age 50.

*Patron - Crockett-Stark*

**HB636 Virginia Law Officers' Retirement System.** Adds attorneys for the Commonwealth and their assistants as members of the Virginia Law Officers' Retirement System.

*Patron - Iaquinto*

**HB702 Health insurance credit 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 - Filler-Corn*

**HB949 Virginia Retirement System; optional defined contribution retirement plan for state employees.** Establishes an optional defined contribution retirement plan that state employees may elect to join in lieu of the defined benefit retirement plan.

*Patron - Bell, Robert B.*

**HB1097 Mandatory judicial retirement.** Increases the mandatory retirement age under the Judicial Retirement System from 70 years of age to 72 years of age.

*Patron - Herring*

**HB1129 Virginia Retirement System; defined benefit plan.** Modifies several provisions of the defined benefit retirement plan. Beginning January 1, 2013, the bill changes the calculation of average final compensation to cover a period of 60 months rather than 36 months. Under current law, the use of a 60-month period applies only to those employees hired on or after July 1, 2010. However, current employees affected by this change in average final compensation may use the 36-month period of calculation for compensation received prior to January 1, 2013, if it is greater than the 60-month period of calculation.

Effective January 1, 2013, except for employees who are within five years of their unreduced retirement date at that time, the bill (i) restricts cost of living adjustments (COLA) to those employees who reach the age for unreduced retirement benefits and (ii) reduces the COLA to the first two percent of inflation plus one-half of the next two percent, for a maximum total of three percent. Under current law, the COLA is the first three percent of inflation plus one-half of the next four percent, for a maximum total of five percent.

Finally, for state and local employees hired on or after January 1, 2013, other than law-enforcement employees and judges, the bill reduces the multiplier from 1.7 to 1.6.

This bill was incorporated into HB 1130.

*Patron - Howell, W.J.*

**SB95 Mandatory judicial retirement.** Increases the mandatory retirement age under the Judicial Retirement System from 70 years of age to 73 years of age. This is a recommendation of the Judicial Council.

*Patron - Edwards*

**SB136 Virginia Retirement System; retirees hired as police chief in certain towns.** Provides that a retiree receiving retirement benefits may be hired as a police chief in any town

with a population less than 10,000 without interruption of his retirement benefits under certain conditions.

*Patron - Puller*

**SB198 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*

**SB298 Virginia Retirement System; fiscal impact analysis of employer contribution rates.** Requires the Board of the Virginia Retirement System to conduct a fiscal impact analysis whenever the appropriation for employer contribution rates included in the budget bill submitted by the Governor to the General Assembly is less than the Board-certified contribution rate, or when either house of the General Assembly adopts an amendment to the budget appropriating less than the Board-certified contribution rate.

*Patron - Howell*

**SB506 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*

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## Carried Over

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**HB208 Virginia Retirement System; retirees hired as school board security personnel.** Provides that retired law-enforcement officers may be hired as local school board security personnel without interruption of their retirement benefits under certain conditions.

*Patron - Miller*

**HB428 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*

**HB486 Virginia Retirement System; certain employees in the optional retirement plan for institutions of higher education.** Provides employees in the optional retirement plan for institutions of higher education the opportunity to purchase service credit in the defined benefit plan with accrued contributions and earnings, and thereafter be covered under the defined benefit plan.

*Patron - Ware, O.*

**HB1078 Fairfax County; retirement.** Requires Fairfax County to exclude members of its retirement system who are elected officials from participating in its Deferred Retirement Option Program ("DROP").

*Patron - Hugo*

**SB216 Virginia Retirement System; retirees hired as school board security personnel.** Provides that retired law-enforcement officers may be hired as local school board security personnel without interruption of their retirement benefits under certain conditions. The provisions of the bill would only apply to a person hired on or after July 1, 2012, but before July 1, 2017.

*Patron - Barker*

**SB331 Law-enforcement officers retirement; early retirement.** Requires that all employers electing to provide benefits equivalent to the State Police Officers' Retirement System for employees in hazardous duty positions consider employees eligible for full retirement after reaching the age of 50 and completing 25 years of service, for employees retiring on or after July 1, 2012. Under current law, certain employers could elect to provide for full retirement after employees complete 30 years of service.

*Patron - Carrico*

**SB357 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, 2012.

*Patron - Deeds*

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## Persons with Disabilities

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### Passed

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**SB557 Assistive Technology Loan Fund Authority; approval of loan applications.** Eliminates the requirement that the Board of Directors of the Assistive Technology Loan Fund Authority ratify the approval or denial of loan applications by a delegated committee established by the Board for such purpose.

*Patron - Howell*

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## Police (State)

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### Passed

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**HB1154 Department of State Police; access to electronic evidence.** Provides for access by the Department of State Police to certain electronic evidence, documentation, and related materials that may be physically located outside the Commonwealth but that may be accessed by insurance professionals conducting business within the Commonwealth. The bill also allows for the authentication of such records to make them admissible as business records.

*Patron - Poindexter*

**SB682 Service pistol of Trooper Kevin W. Humphries.** Transfers the service pistol of Trooper Kevin W. Humphries to his widow, Kristen P. Humphries.

*Patron - Norment*

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## Failed

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**HB984** 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.*

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## Carried Over

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**HB1001** 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 United States Department of Homeland Security, Immigration and Customs Enforcement, as authorized under 8 U.S.C. § 1357(g), to permit the State Police to perform federal immigration law-enforcement functions in the Commonwealth after arrest of an alien.

*Patron - Ramadan*

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## Prisons and Other Methods of Correction

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## Passed

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**HB263** Correctional enterprises; exemption from mandatory purchase provisions. Provides that state departments, institutions, and agencies may be granted an exemption from mandatory procurement of articles produced or manufactured by persons confined in state correctional facilities with the consent of both the Director of the Division of Purchases and Supply and the Chief Executive Officer of the Virginia Correctional Enterprises Program. The bill adds that an exemption may be granted if an identical article can be obtained at a verified lesser cost from the private sector, which is evidenced by a verified request for pricing. The bill requires that on or before November 30, 2012, the Director of the Department of General Services and the Director of the Department of Corrections report to the Governor and the General Assembly on the impact of the implementation of the provisions of the bill, including any cost savings to the Commonwealth, efficiencies realized, the impact on prisoner re-entry, and safety in correctional institutions. The Departments may include in the report recommendations for improvement in the process. HB 90 was incorporated into this bill.

*Patron - Peace*

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## Failed

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**HB16** 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, and the payment of all restitution, fines, costs, and fees assessed as a result of the felony conviction.

*Patron - Habeeb*

**HB90** Correctional enterprises; exemption from mandatory purchase provisions. Provides that any department, institution, or agency of the Commonwealth may use competitive sealed bidding in accordance with the Virginia Public Procurement Act (§ 2.2-4300 et seq.) for the procurement of furniture without first seeking an exemption from the provisions of § 53.1-47 from the Director of the Division of Purchases and Supply. Incorporated into HB263.

*Patron - Bell, Richard P.*

**HB165** Conditional release of geriatric prisoners. Allows any prisoner serving a sentence imposed for a felony offense, other than a Class 1 felony, who has reached the age of 60 or older to petition the Parole Board for conditional release without regard to the number of years of his sentence he has served. Current law allows a 60-year-old prisoner to petition the Board after serving at least 10 years and a 65-year-old prisoner to petition the Board after serving at least five years of his sentence.

*Patron - Hope*

**HB392** 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.*

**HB397** Virginia Parole Board; exceptions to the Freedom of Information Act. Requires guidance documents of the Board to be available as public records under the Freedom of Information Act. The bill has a delayed effective date to give the Freedom of Information Advisory Council an opportunity to review the legislation and report on its implementation.

*Patron - Hope*

**HB435** Juveniles imprisoned for felony offense eligible for parole. Provides that any person sentenced to a term of imprisonment upon conviction of a felony offense who was a juvenile at the time of the commission of the offense is eligible for parole.

*Patron - Tata*

**HB436** Certain juveniles imprisoned for life eligible for parole. Provides that any person sentenced to a term of imprisonment upon conviction of a felony offense, other than an offense set forth in Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2 (homicide offenses), who was a juvenile at the time of the commission of the offense is eligible for parole. This bill is in response to the U.S. Supreme Court decision in **Graham v. Florida**, 560 U.S. 130 S. Ct. 2011, 2034 (2010), in which the Court held that, pursuant to the 8th Amendment prohibition on cruel and unusual punishment, "[t]he Constitution prohibits the imposition of a life without parole sentence on a juvenile offender who did not commit homicide."

*Patron - Tata*

**HB683 Assessment for courthouse and courtroom security.** Increases from \$10 to \$15 the maximum sum that may be assessed as part of the costs in each criminal or traffic case in district or circuit court in which the defendant is convicted of a violation of any statute or ordinance, to be used to pay for courthouse and courtroom security.

*Patron - Surovell*

**HB836 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*

**HB1064 Conditional release of geriatric prisoners.** Removes the petition requirement for the Parole Board to consider a geriatric release.

*Patron - Sherwood*

**HB1098 Restoration of civil rights.** Provides for the automatic restoration of civil rights to persons convicted of nonviolent felonies (excepting election fraud crimes) upon completion of sentence, including any term of probation or parole, and the payment of all restitution, fines, costs, and fees assessed as a result of the felony conviction.

*Patron - Herring*

## Carried Over

**HB487 Collection by locality of cost of transporting prisoners.** Allows localities to charge persons convicted of violations of state law or ordinance for the costs of transporting them to jail or other holding facility.

*Patron - Ware, O.*

**HB586 Department of Corrections; confinement of local inmates in state correctional facilities.** Allows sheriffs and regional jail administrators to sign agreements with the Department of Corrections for the housing of local inmates in state prisons.

*Patron - Merricks*

**HB1279 Crimes by prisoners; penalties.** Provides that a prisoner may be charged under the Code sections that apply to crimes by prisoners, carrying a concealed weapon without a permit, and possession of a firearm by a felon.

*Patron - Stolle*

**SB247 Opportunities for work and career and technical education; child support.** Requires the Department to withhold child support payments out of moneys paid to prisoners who maintain a job within the Department. Child support payments owed will also be withheld from any inmate trust account established for the prisoner.

*Patron - Obenshain*

**SB290 Conditional release of geriatric prisoners.** Removes the petition requirement for the Parole Board to consider a geriatric release, and requires the Parole Board to report to the Chairman of the Senate Committee on Rehabilitation and Social Services not later than December 1, 2012, on the number of individuals considered for conditional release, the

number of individuals actually released, and the number of individuals conditionally released who are subsequently arrested and recommitted to the Department of Corrections.

*Patron - Lucas*

**SB586 Crimes by prisoners; penalties.** Provides that a prisoner may be charged under the Code sections that apply to crimes by prisoners, carrying a concealed weapon without a permit, and possession of a firearm by a felon.

*Patron - Northam*

## Professions and Occupations

### Passed

**HB98 Athletic training; definition.** Amends the definition of the practice of athletic training so that licensed physical therapists may no longer direct such practice.

*Patron - Bell, Richard P.*

**HB181 Registered nurse or physician assistant; authority to pronounce death.** Adds registered nurses employed by and physician assistants working at continuing care retirement communities to the list of individuals who may pronounce death under certain circumstances.

*Patron - O'Bannon*

**HB206 Real Estate Board; duties of real estate brokers and salespersons.** Requires the Real Estate Board to establish procedures for carrying over continuing education credits by real estate licensees. The bill also (i) authorizes the Board to regulate the permitted activities of unlicensed individuals employed by licensees or under the supervision of a broker; (ii) requires brokers to certify that their brokerage firms or sole proprietorships have been audited for compliance with real estate law and Board regulations; (iii) sets out duties for supervising brokers at each branch location with regard to supervising/training associate brokers and salespersons; (iv) clarifies the term "independent contractor"; (v) provides that licensees are not required to disclose whether an attorney or nonattorney will be providing settlement services; (vi) combines dual agency and dual representation disclosure forms for residential and commercial properties; and (vii) makes several changes to terminology related to dual and designated representation and agency relationships. The bill contains technical amendments.

*Patron - Miller*

**HB210 Regulation of real estate appraisal management companies.** Adds definitions of "appraisal services" and "appraiser" and provides exemptions from licensure for certain entities. The bill also (i) authorizes the Board, beginning July 1, 2014, to issue a license to a person or entity to do business as an appraisal management company in the Commonwealth provided such person or entity meets certain requirements set out in the bill; (ii) requires the Board to require an appraisal management company as a condition of licensure to execute a performance agreement and provide collateral to the Board in form of cash, letter of credit, or bond in an amount sufficient as reasonably determined by the Board to secure the payment of the obligations of the licensee for its transactions in the Commonwealth for a period not less than 12 months; (iii) increases the civil penalty from not more than \$2,500 to \$10,000 for willful violations by a real estate appraisal management company; and (iv) requires the disclosure on the settlement statement of any fees paid to a real estate appraisal management

company. The bill requires the Real Estate Appraiser Board to adopt emergency regulations to implement the provisions of the bill.

*Patron - Miller*

**HB265 Board of Health Professions; meetings.**

Requires the Board of Health Professions to meet at least annually, rather than quarterly.

*Patron - Peace*

**HB266 Definition of surgery.** Defines "surgery" and provides that no person shall perform surgery unless he is (i) licensed by the Board of Medicine as a doctor of medicine, osteopathy, or podiatry; (ii) licensed by the Board of Dentistry as a doctor of dentistry; (iii) jointly licensed by the Boards of Medicine and Nursing as a nurse practitioner; (iv) a physician assistant acting under the supervision of a doctor of medicine, osteopathy, or podiatry; (v) a midwife performing episiotomies during childbirth; or (vi) acting pursuant to the orders and under the appropriate supervision of a licensed doctor of medicine, osteopathy, podiatry, or dentistry. The bill is identical to SB 543.

*Patron - Peace*

**HB268 Practice of occupational therapy.** Provides that the definition of "practice of occupational therapy" is amended to make clear that "practice of occupational therapy" includes the therapeutic use of occupations for habilitation and rehabilitation to enhance physical health, mental health, and cognitive functioning and that it includes the design of adaptive equipment and assistive technologies and consultation concerning the adaptation of sensory and social, as well as physical, environments. The bill requires the Board of Medicine to promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment. This bill is identical to SB 340.

*Patron - Peace*

**HB275 Virginia Board of Accountancy; confidentiality of certain information.** Provides that tax returns, financial statements, and other financial information that is not generally available to the public through regulatory disclosure or otherwise, subdivision 3 of § 54.1-108 notwithstanding, provided to the Board by a complainant or as a result of an investigation of a licensee by the Board in response to a complaint shall be exempt from the provisions of the Virginia Freedom of Information Act.

*Patron - Peace*

**HB337 Professions and occupations; unlawful procurement of certificate, license, or permit.** Clarifies language prohibiting the use, disclosure, or release of questions and answers for examinations for certification or licensure.

*Patron - Wilt*

**HB344 Dental and dental hygiene school faculty; licensure.** Clarifies what patient care activities are allowed for a person enrolled in a Virginia dental education program who has a temporary license to practice dentistry while in the program, clarifies requirements for the Board to issue a faculty license to a qualified person from out of state to teach dentistry or dental hygiene in a Virginia dental school or program, and specifies that a restricted license for a foreign dentist to teach dentistry in Virginia is a temporary appointment and extends this restricted license expiration from one year to two years. This bill is identical to SB 384.

*Patron - O'Bannon*

**HB346 Practice of nurse practitioners; patient care teams.** Amends provisions governing the practice of nurse

practitioners. The bill provides that nurse practitioners shall only practice as part of a patient care team and shall maintain appropriate collaboration and consultation, as evidenced in a written or electronic practice agreement, with at least one patient care team physician licensed to practice medicine in the Commonwealth. The bill also establishes requirements for written or electronic practice agreements for nurse practitioners, provides that physicians practicing as part of a patient care team may require nurse practitioners practicing as part of that patient care team to be covered by professional malpractice insurance, and amends requirements related to the prescriptive authority of nurse practitioners practicing as part of a patient care team.

*Patron - O'Bannon*

**HB347 Prescription Monitoring Program; disclosures.** Modifies the Prescription Monitoring Program to (i) require dispensers of covered substances to report the method of payment for the prescription, (ii) require the Director of the Department of Health Professions to report information relevant to an investigation of a prescription recipient, in addition to a prescriber or dispenser, to any federal law-enforcement agency with authority to conduct drug diversion investigations, (iii) allow the Director to disclose information indicating potential misuse of a prescription by a recipient to the State Police for the purpose of investigation into possible drug diversion, and (iv) allow prescribers to delegate authority to access the Program to an unlimited number, rather than the current limit of two, of regulated health care professionals under their direct supervision. This bill is identical to SB 321.

*Patron - Miller*

**HB378 Funeral services licensees; continuing education requirements.** Changes the continuing education requirements for funeral services licensees, funeral directors, and embalmers from 10 hours every two years to five hours per year, and allows the one hour covering compliance with laws and regulations governing the profession to include federal or state law.

*Patron - Pogge*

**HB433 Real Estate Appraiser Board; continuing education.** Requires the Real Estate Appraiser Board to evaluate the development of a continuing education curriculum for licensees that includes the effects of the use of energy efficiency and renewable energy equipment on the determination of the fair market value in the appraisal of non-income-producing residential real estate. Under the bill, the Board is required to report its findings to the Chairmen of the House Committee on General Laws, the Senate Committee on General Laws and Technology, and the Housing Commission by November 1, 2012. This bill is identical to SB 507.

*Patron - Tata*

**HB439 Veterans; disposition of cremains.** Provides for a funeral director to provide the names and any other identifying information on unclaimed cremains to the Department of Veterans Services in order for the Department to determine if the unclaimed cremains are those of a veteran. Under the bill, commencing July 1, 2014, the Department shall notify the funeral director within 30 days of receipt of the information if the cremains are those of a veteran and whether such veteran is eligible for burial in a veterans cemetery. In addition, the bill provides that the names and any personal identifying information submitted by a funeral director to the Department are exempt from disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

*Patron - Tata*

**HB543 Licensed massage therapists.** Requires that massage therapists be licensed, rather than certified, by the Board of Nursing; includes "bodywork" in the definition of "massage therapy"; and identifies activities that do not constitute massage therapy and bodywork. The bill also allows the Board of Nursing to issue a provisional license valid until July 1, 2014, to any individual who meets the current requirements for certification as a massage therapist, and requires the Board of Nursing to promulgate regulations to implement the provisions of the act with 280 days.

*Patron - Robinson*

**HB609 Department of Professional and Occupational Regulation; duties of regulatory boards.** Requires a regulant of a regulatory board within the Department of Professional and Occupational Regulation to furnish, upon the request of a person to whom the regulant is providing or offering to provide service, satisfactory proof that the regulant (i) is duly licensed, certified, or registered and (ii) has obtained any required bond or insurance to engage in his profession or occupation. The bill defines the term "regulant" and contains technical amendments.

*Patron - LeMunyon*

**HB733 Pharmacists; compounding authority.** Increases pharmacists' authority to compound to allow the compounding of (i) a commercially manufactured drug whose manufacturer has notified the FDA that the drug is unavailable due to a current drug shortage or (ii) a commercially manufactured drug when the prescriber has indicated in the written or oral prescription for an individual patient that there is an emergent need for a drug that is not readily available within the time medically necessary.

*Patron - Jones*

**HB885 Nursing; licensure exemption.** Exempts from licensure any nurse who holds a current unrestricted license in another state, the District of Columbia, or a United States possession or territory while such nurse is in the Commonwealth temporarily and is practicing nursing in a summer camp or in conjunction with clients who are participating in specified recreational or educational activities. This bill is identical to SB 415.

*Patron - Hodges*

**HB937 Professions and occupations; expediting the issuance of licenses for spouses of military service members.** Requires a regulatory board within the Department of Professional and Occupational Regulation, the Department of Health Professions, or any board named in Title 54.1 to expedite the issuance of a license, permit, certificate, or other document, required for the practice of any business, profession, or occupation in the Commonwealth, of an applicant (i) holding the same or similar license, permit, certificate, or other document required for the practice of any business, profession, or occupation issued by another jurisdiction; (ii) whose spouse is the subject of a military transfer to the Commonwealth; and (iii) who left employment to accompany the applicant's spouse to Virginia if, in the opinion of the board, the requirements for the issuance of the license, permit, certificate, or other document in such other jurisdiction are substantially equivalent to those required in the Commonwealth. The bill provides for the issuance of a temporary permit under certain circumstances and limits to six months the duration of a temporary permit issued. The bill has a delayed effective date of July 1, 2014, for the provisions requiring the issuance of a temporary permit.

*Patron - Lingamfelter*

**HB938 Professions and occupations; qualifications for licensure; substantially equivalent military training and**

**education.** Requires the regulatory boards within the Department of Professional and Occupational Regulation, the Department of Health Professions, or any board named in Title 54.1 except the Board of Medicine and the Board of Dentistry, to accept the military training, education, or experience of a service member returning from active military service in the armed forces of the United States, to the extent that such training, education, or experience is substantially equivalent to the requirements established by law and regulations of the respective board for the issuance of any license, permit, certificate, or other document, however styled or denominated, required for the practice of any business, profession, or calling in the Commonwealth. The bill provides that to the extent that the service member's military training, education, or experience, or portion thereof, is not deemed substantially equivalent, the respective board shall credit whatever portion of the military training, education, or experience that is substantially equivalent toward meeting the requirements for the issuance of the license, permit, certificate, or other document. The bill authorizes a regulatory board to require the service member to provide such documentation of his training, education, or experience as deemed necessary to determine substantial equivalency. The bill defines the term "active military service."

*Patron - Lingamfelter*

**HB1020 Precious metal dealers; retention of purchases.** Increases from 10 to 15 calendar days from the date of local law enforcement's receipt of a copy of the bill of sale the period that precious metal dealers must retain all precious metals or gems purchased by the dealer before they may be sold. Precious metal dealers who perform the service of removing precious metals or gems must retain articles received and the precious metals or gems removed from the articles for 15 calendar days.

*Patron - Spruill*

**HB1106 Behavior analysts; licensure by Board of Medicine.** Gives the Board of Medicine authority to license behavior analysts and assistant behavior analysts. The bill also requires the Board to promulgate emergency regulations within 280 days of enactment and contains an emergency clause.

*Patron - Greason*

**HB1140 Carisoprodol added to list of Schedule IV controlled substances.** Adds carisoprodol to the list of Schedule IV controlled substances in the Drug Control Act.

*Patron - Hodges*

**HB1141 Ezogabine; add to Schedule V.** Adds ezogabine to Schedule V of the Drug Control Act.

*Patron - Hodges*

**HB1144 Board for Contractors; waiver of license requirement for Habitat for Humanity.** Adds the rehabilitation of single-family dwellings by Habitat for Humanity for which the Board for Contractors may waive the requirement for licensure. Currently, the authority of the Board to waive licensure is limited to the construction of single-family dwellings by Habitat for Humanity.

*Patron - Watson*

**HB1212 Storage of health records.** Replaces obsolete terminology and cross-references related to storage of health records, currently referred to as medical records or patient records.

*Patron - O'Bannon*

**HB1262 Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals; onsite sewage system installers.** Provides that regulations of

the Board of Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals shall include requirements for the division of sewage system installers into classes, one of which shall be restricted to the installation of conventional onsite sewage systems, and that the Board shall not require applications for initial licensure as a conventional onsite sewage system installer to pass an examination prior to the issuance of such license provided that the applicant satisfactorily demonstrates to the Board that he has been actively engaged in the performance of duties of a conventional onsite sewage system installer for at least eight years within the 12-year period immediately preceding the date of application for licensure. The bill sunsets on July 1, 2016. The bill is identical to SB 662.

*Patron - Poindexter*

**HB1277 Licensing of contractors by localities; civil penalty.** Permits a locality by ordinance to establish a civil penalty that may be assessed when a person or business falsely represents to a customer or prospective customer that such person or business has a valid contractor's license. Such civil penalty shall not exceed \$2,500.

*Patron - LeMunyon*

**SB106 Physician assistants; fluoroscopy.** Allows a licensed physician assistant who (i) is working under the supervision of a licensed doctor of medicine or osteopathy specializing in the field of radiology, (ii) has been trained in the proper use of equipment for the purpose of performing radiologic technology procedures, and (iii) has successfully completed the exam administered by the American Registry of Radiologic Technologists for physician assistants to use fluoroscopy for guidance of diagnostic and therapeutic procedures. The bill requires the Board of Medicine to promulgate emergency regulations to implement the provisions of this bill.

*Patron - Edwards*

**SB146 Dental hygienists; scope of practice.** Expands an earlier trial program to allow licensed dental hygienists employed by the Department of Health to provide educational and preventative dental care throughout the Commonwealth when such care is provided under the remote supervision of a dentist employed by the Department of Health and pursuant to a standing protocol adopted by the Board of Health. The bill also requires an annual report of services provided by such dental hygienists, including their impact upon the oral health of the citizens of the Commonwealth, to be prepared by the Department of Health and submitted to the Virginia Secretary of Health and Human Resources.

*Patron - Puckett*

**SB321 Prescription Monitoring Program; disclosures.** Modifies the Prescription Monitoring Program to (i) require dispensers of covered substances to report the method of payment for the prescription, (ii) require the Director of the Department of Health Professions to report information relevant to an investigation of a prescription recipient, in addition to a prescriber or dispenser, to any federal law-enforcement agency with authority to conduct drug diversion investigations, (iii) allow the Director to disclose information indicating potential misuse of a prescription by a recipient to the State Police for the purpose of investigation into possible drug diversion, and (iv) allow prescribers to delegate authority to access the Program to an unlimited number, rather than the current limit of two, of regulated health care professionals under their direct supervision. This bill is identical to HB 347.

*Patron - Carrico*

**SB340 Practice of occupational therapy.** Provides that the definition of "practice of occupational therapy" is

amended to make clear that it includes the therapeutic use of occupations for habilitation and rehabilitation to enhance physical health, mental health, and cognitive functioning and that it includes the design of adaptive equipment and assistive technologies and consultation concerning the adaptation of sensory and social, as well as physical, environments. The bill requires the Board of Medicine to promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment. This bill is identical to HB 268.

*Patron - Newman*

**SB384 Dental and dental hygiene school faculty; licensure.** Clarifies what patient care activities are allowed for a person enrolled in a Virginia dental education program who has a temporary license to practice dentistry while in the program, clarifies requirements for the Board to issue a faculty license to a qualified person from out of state to teach dentistry or dental hygiene in a Virginia dental school or program, and specifies that a restricted license for a foreign dentist to teach dentistry in Virginia is a temporary appointment and extends this restricted license expiration from one year to two years. This bill is identical to HB 344.

*Patron - McEachin*

**SB415 Nursing; licensure exemption.** Exempts from licensure any nurse who holds a current unrestricted license in another state, the District of Columbia, or a United States possession or territory while such nurse is in the Commonwealth temporarily and is practicing nursing in a summer camp or in conjunction with clients who are participating in specified recreational or educational activities. This bill is identical to HB 885.

*Patron - Blevins*

**SB433 Determination of status of unclaimed cremains belonging to veterans.** Provides for a funeral director to provide the names and any other identifying information on unclaimed cremains to the Department of Veterans Services in order for the Department to determine if the unclaimed cremains are those of a veteran. Under the bill, commencing July 1, 2014, the Department shall notify the funeral director within 30 days of receipt of the information if the cremains are those of a veteran and whether such veteran is eligible for burial in a veterans cemetery. In addition, the bill provides that the names and any personal identifying information submitted by a funeral director to the Department are exempt from disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

*Patron - Reeves*

**SB507 Real Estate Appraiser Board; continuing education.** Requires the Real Estate Appraiser Board to evaluate the development of a continuing education curriculum for licensees that includes the effects of the use of energy efficiency and renewable energy equipment on the determination of the fair market value in the appraisal of non-income-producing residential real estate. Under the bill, the Board is required to report its findings to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology and the Housing Commission by November 1, 2012. This bill is identical to HB 433.

*Patron - Wagner*

**SB517 Nursing education programs; due process.** Requires the Board of Nursing to comply with certain due process procedures in cases in which the Board places a nursing education program on conditional approval with terms and conditions that include a restriction on enrollment in the program following an informal fact-finding proceeding.

*Patron - Wagner*

**SB543 Definition of surgery.** Defines "surgery" and provides that no person shall perform surgery unless he is (i) licensed by the Board of Medicine as a doctor of medicine, osteopathy, or podiatry; (ii) licensed by the Board of Dentistry as a doctor of dentistry; (iii) jointly licensed by the Boards of Medicine and Nursing as a nurse practitioner; (iv) a physician assistant acting under the supervision of a doctor of medicine, osteopathy, or podiatry; (v) a midwife performing episiotomies during childbirth; or (vi) acting pursuant to the orders and under the appropriate supervision of a licensed doctor of medicine, osteopathy, podiatry, or dentistry. This bill is identical to HB 266.

*Patron - Martin*

**SB556 Pawnbrokers; holding period for purchases.** Makes technical changes to the provisions addressing how long goods purchased by pawnbrokers must be retained before they can be sold by the pawnbroker.

*Patron - Miller, Y.B.*

**SB638 Cemeteries; perpetual care trust fund.** Clarifies that no portion of the perpetual care trust fund shall be used to pay any personal obligation or debt of any officer or owner of the cemetery or any tax obligation incurred by the cemetery or for any purpose other than the general care, maintenance, administration, and embellishment of the cemetery.

*Patron - Stuart*

**SB662 Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals; onsite sewage system installers.** Provides that regulations of the Board of Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals shall include requirements for the division of sewage system installers into classes, one of which shall be restricted to the installation of conventional onsite sewage systems, and that the Board shall not require applications for initial licensure as a conventional onsite sewage system installer to pass an examination prior to the issuance of such license provided that the applicant satisfactorily demonstrates to the Board that he has been actively engaged in the performance of duties of a conventional onsite sewage system installer for at least eight years within the 12-year period immediately preceding the date of application for licensure. The bill sunsets on July 1, 2016. The bill is identical to HB 1262.

*Patron - Smith*

## Failed

**HB100 Lawyers; client accounts.** Repeals the provision prohibiting the Supreme Court of Virginia from adopting a disciplinary rule requiring that lawyers deposit client funds in an interest-bearing account.

*Patron - Loupassi*

**HB260 Regulation of health care providers; prohibited acts.** Provides that any person who is licensed, registered, certified, or otherwise subject to the oversight of a health regulatory board who knowingly or intentionally makes any false statement or includes any false information in a patient's medical record shall be guilty of a Class 1 misdemeanor, and that any individual who knowingly or intentionally makes a false statement or provides false information related to the subject of an investigation to investigative personnel of the Department of Health Professions engaged in the investigation of a complaint shall be guilty of a Class 1 misdemeanor.

*Patron - Cole*

**HB372 Pawnbrokers; records required to be maintained; digital images.** Requires pawnbrokers to take a digital image of (i) the person involved in the transaction, (ii) the form of identification used by the person involved in the transaction, and (iii) the article or thing pawned or pledged or received on account of money loaned.

*Patron - Pogge*

**HB373 Regulation of locksmiths.** Transfers the regulatory authority for the licensing of locksmith businesses and those who perform locksmith services from the Department of Criminal Justice Services to the Department of Professional and Occupational Regulation and requires employees of such businesses to be registered with the Locksmith Board, which is created in the bill.

*Patron - Pogge*

**HB379 Funeral services; alkaline hydrolysis prohibited; penalty.** Prohibits any person from offering alkaline hydrolysis, which is the chemical process to dissolve human tissue, human remains, or a dead human body involving heat, high pressure, water, and potassium hydroxide, or an alternative alkaline solution. A violation is a Class 1 misdemeanor.

*Patron - Pogge*

**HB506 Definition of surgery.** Defines "surgery" and provides that no person other than a licensed doctor of medicine, osteopathy, or dentistry, a licensed nurse practitioner, or a person who is acting pursuant to the orders and under the appropriate supervision of a licensed doctor of medicine, osteopathy, or dentistry shall perform surgery.

*Patron - Garrett*

**HB711 Nursing education programs; due process.** Requires the Board of Nursing to develop regulations detailing the due process procedures to be followed before restricting the enrollment of any nursing education program.

*Patron - Kilgore*

**HB858 Tramadol added to list of Schedule IV controlled substances.** Adds tramadol, an opiate painkiller, to the list of Schedule IV controlled substances.

*Patron - Yost*

**HB985 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.

*Patron - Scott, J.M.*

**HB1056 Determination of status of unclaimed cremains belonging to veterans.** Provides that prior to the disposal of any unclaimed cremains, a funeral director must submit the name and any other identifying information for such cremains to the Department of Veterans Services for the purposes of determining whether the unclaimed cremains are those of a veteran. Under the bill, the names and any personal identifying information submitted by a funeral director to the Department of Veterans Services are exempt from disclosure

under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

*Patron - Anderson*

**HB1206 Requirements of preneed funeral contracts.** Eliminates the requirement that, in cases in which a life insurance or annuity contract is used to fund the contract, the insurance or annuity contract must provide for adjustment of the face value of the insurance or annuity or for a benefit payable at death that will equal or exceed the sum of all premiums paid for the contract plus interest or dividends.

*Patron - Rust*

**SB44 Virginia State Bar admission for full-time law school professors.** Allows a full-time law professor to be admitted as an active member of the Virginia State Bar without examination provided that (i) he has been engaged in the full-time practice of law for five of the seven years immediately preceding application for membership to the Virginia State Bar; (ii) he is employed as a full-time professor at an American Bar Association accredited Virginia law school; and (iii) he meets all other requirements for admission to the Virginia State Bar. The bill provides that membership is limited to the period of employment as a full-time professor.

*Patron - Marsh*

**SB157 Virginia Board for Asbestos, Lead, Mold, and Home Inspectors; examination; initial asbestos worker license applicants.** Requires the Virginia Board for Asbestos, Lead, Mold, and Home Inspectors to administer an examination of initial applicants for an asbestos worker license.

*Patron - Favola*

**SB192 Pawnbrokers; records required to be maintained; digital images.** Requires pawnbrokers to take a digital image of (i) the person involved in the transaction, (ii) the form of identification used by the person involved in the transaction, and (iii) the article or thing pawned or pledged or received on account of money loaned.

*Patron - Miller, J.C.*

**SB205 Collection of forensic evidence; consent.** Allows the collection of forensic evidence in cases of suspected sexual assault where the alleged victim may not be legally capable of giving consent.

*Patron - Barker*

**SB380 Birth control; definition.** Adds a definition of birth control. The bill provides that "birth control" means contraceptive methods that are approved by the U.S. Food and Drug Administration and is not considered abortion for the purposes of Title 18.2 of the Code of Virginia.

*Patron - McEachin*

**SB482 Virginia Board for Asbestos, Lead, Mold, and Home Inspectors; examination; initial asbestos worker license applicants.** Provides for the Board for Asbestos, Lead, Mold, and Home Inspectors to require initial applicants for an asbestos worker license to pass a Board-administered examination or an examination administered by a testing organization acting on behalf of the Board. The bill also requires employers to provide each licensed asbestos worker with a written notice containing the following information: (i) that the worker has the right to work in a safe environment, (ii) a summary of basic safety rules for handling asbestos, and (iii) information on how to file a complaint with the Board. In addition, the bill empowers the Board to summarily suspend the license of an asbestos contractor if the Board finds that the asbestos contractor's conduct poses a substantial danger to the public health or safety. The bill further authorizes the Board to suspend, revoke, or

deny renewal of an existing license of any asbestos contractor who is shown to have a substantial identity of interest with an asbestos contractor whose license has been revoked.

*Patron - Favola*

**SB584 Kinesiotherapists; licensure required.**

Requires the Board of Medicine to license and regulate kinesiotherapists.

*Patron - Miller, Y.B.*

**SB592 Tramadol added to list of Schedule IV controlled substances.** Adds tramadol, an opiate painkiller, to the list of Schedule IV controlled substances.

*Patron - Puckett*

## Carried Over

**HB158 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 1 misdemeanor.

*Patron - Hope*

**HB267 Dental laboratories; register with the Board of Dentistry.**

Requires any individual or business entity engaged in the manufacture or repair of dental prosthetic appliances to register with the Board of Dentistry. The bill also requires the Board to develop regulations governing the operation of dental laboratories.

*Patron - Peace*

**HB345 Licensure of dietitians.** Requires the Board of Medicine to promulgate regulations for the licensure of dietitians in the Commonwealth; provides that it shall be unlawful for any person to practice as or hold himself out to be a dietitian or to use in conjunction with his name the letters or words "dietitian," "L.D.," or "Licensed Dietitian" without a license issued by the Board of Medicine beginning July 1, 2013; and establishes the Advisory Board for Dietitians to advise the Board of Medicine regarding the regulation of dietitians in the Commonwealth.

*Patron - O'Bannon*

**HB459 Pawnbrokers and precious metal dealers; records required to be maintained; digital images.**

Requires pawnbrokers and precious metal dealers to take a digital image of (i) the form of identification used by the person involved in the transaction, which identification must bear a photograph of the person pawning or selling the goods, and (ii) the article or thing pawned, pledged, or sold.

*Patron - BaCote*

**HB724 False advertising; liability of real estate brokers and salespersons; exemption.**

Exempts a licensed real estate broker or salesperson from criminal and civil liability for making an advertisement that contains any promise, assertion, representation, or statement of fact that is untrue, deceptive, or misleading if the information was (i) provided to such broker or salesperson by his client; (ii) obtained from a governmental entity; (iii) obtained from a nongovernmental person or entity that obtained the information from a governmental entity; or (iv) obtained from a person licensed, certified, or registered to provide professional services in the Commonwealth, upon which such broker or salesperson relies, and such broker or

salesperson did not (a) have actual knowledge that the information was false or (b) act in reckless disregard of the truth.

*Patron - Yancey*

**HB1289 Impaired health care providers.** Amends definition of "impairment."

*Patron - Jones*

**SB313 Surgical assistants and surgical technologists; licensure and certification by the Board of Medicine.** Requires surgical assistants to be licensed and surgical technologists to be certified by the Board of Medicine. The bill also grandfatheres in surgical assistants and surgical technologists practicing at any time during the six months prior to July 1, 2012, and allows a 12-month grace period in order to meet licensure and certification requirements for those completing a training program between July 1, 2012, and July 1, 2013.

*Patron - Blevins*

**SB320 Prescribing Schedule II, Schedule III, or Schedule IV controlled substances.** Requires any prescriber who prescribes to a patient a controlled substance included in Schedule II, III, or 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 - Carrico*

**SB342 Dental laboratories; register with the Board of Dentistry.** Requires any individual or business entity engaged in the manufacture or repair of dental prosthetic appliances to register with the Board of Dentistry. The bill also requires the Board to develop regulations governing the operation of dental laboratories.

*Patron - Newman*

**SB634 Health Practitioners' Monitoring Program; impaired health care providers.** Provides that the term "impairment" includes psychological and behavioral disabilities, including the mismanagement of countertransference, for the purposes of determining eligibility for the Health Practitioners' Monitoring Program.

*Patron - Vogel*

## Property and Conveyances

### Passed

**HB229 Doctrine of necessaries.** Provides that a lien arising out of a judgment under the doctrine of necessaries shall not attach to the principal residence of a husband and wife that was held by the spouses as tenants by the entireties prior to the death of either spouse where the tenancy terminated as a result of such death.

*Patron - Habeeb*

**HB233 Time-Share Act; resale revisions.** Requires any reseller, defined in the bill, of a time-share in Virginia to be registered with the Common Interest Community Board and therefore subject to the regulatory authority of the Board. The bill requires time-share resellers to make written disclosures to purchasers concerning the time-share being resold and requires that a separate buyer's acknowledgment form must be provided to each time-share purchaser disclosing certain information, including whether or not the developer owns a buyback pro-

gram and making it clear that the purchaser is buying a time-share for personal use, rather than investment purposes or resale potential. Under the bill, a willful violation of the registration, acknowledgment, or disclosure provisions is a Class 1 misdemeanor.

*Patron - Cosgrove*

**HB234 Time-Share Act; advertising foreclosed time-share properties.** Provides the option of a more streamlined advertisement of the time-shares being foreclosed by requiring publication of the time, place, and date of sale; identification of the time-share being sold; contact information for obtaining further information about the sale; and a website address where more complete information and documentation can be obtained.

*Patron - Cosgrove*

**HB240 Amherst County; conveyance of certain property by DCR.** Authorizes the Department of Conservation and Recreation to convey a 31.153-acre parcel at State Route 1004 to Amherst County while requiring that the land remain open to the public.

*Patron - Cline*

**HB377 Condominium Act; sale at auction.** Provides that a disposition of a unit through a sale at auction, where the resale certificate was made available as part of the auction package for prospective purchasers prior to the auction, is exempt from certain provisions of the Condominium Act.

*Patron - Pogge*

**HB410 Condominium and Property Owners' Association Act; recovery of costs and interest.** Provides that in cases in which the prevailing party is the association in an action against an owner for nonpayment of assessments in which the owner has failed to pay assessments levied by the association on more than one unit or lot, or when the unit or lot owner has had legal actions taken against him for nonpayment of any prior assessment, the award of reasonable attorney fees, costs, and interest on the judgment is mandatory with the court. The bill also provides in such instances that reasonable attorney fees, costs expended in the matter, and interest can be recovered even if the proceeding is settled prior to judgment. Finally, the bill provides that the delinquent owner is personally responsible for all reasonable costs and attorney fees incurred by the association whether any judicial proceedings are filed.

*Patron - Watts*

**HB423 Common Interest Community Board; duties.** Requires the Common Interest Community Board to develop and publish best practices for declarations and develop a model declaration consistent with the best practices and the requirements of the Condominium Act (§ 55-79.39 et seq.), the Real Estate Cooperative Act (§ 55-424 et seq.), and the Property Owners' Association Act (§ 55-508 et seq.) of Title 55.

*Patron - Bulova*

**HB502 Receipt required for certain rental payments; upon request.** Requires that a landlord provide a tenant with a written receipt, upon the tenant's request, whenever the tenant pays rent in the form of cash or a money order. This bill is recommended by the Virginia Housing Commission.

*Patron - Dance*

**HB902 Condominium Act; time limits for expansion, contraction, or conversion of condominium.** Increases from seven years to 10 years from the date of recordation of the declaration the time limit in which a declarant/developer of a

condominium must exercise his rights to expand, contract, or convert a condominium.

*Patron - Minchew*

**HB1110 Landlord and tenant law; dwelling units.** Allows a plaintiff in an unlawful detainer action to submit copies of the lease under certain circumstances. The bill also (i) removes the four-residential-unit limitation on the exemption from licensure as a mold inspector or remediator; (ii) revises the definition of dwelling unit; (iii) allows a tenant to stay in the dwelling unit after foreclosure of the property containing the dwelling unit under certain circumstances; (iv) provides that in unlawful detainer actions, the proceeding shall be dismissed if the tenant pays the landlord or his attorney or pays into court all (a) rent due and owing as of the court date, (b) damages and other charges contracted for in the rental agreement, (c) late charges contracted for in the rental agreement, (d) reasonable attorney fees, and (e) costs of the proceeding; and (v) allows the landlord to recover from the tenant the tenant's prorated share of the actual costs of other insurance coverages provided by the landlord relative to the premises, including the landlord's administrative or other fees associated with the administration of such coverages.

*Patron - Greason*

**HB1219 Common Interest Community Board; Virginia Condominium Act; Virginia Real Estate Time-Share Act; common interest communities.** Authorizes the Common Interest Community Board to terminate inactive condominium or time-share registrations. In addition, the bill clarifies the authority of the Common Interest Community Ombudsman to assist individual members of common interest communities regarding rights and processes available under applicable laws and regulations. The bill also makes technical amendments. The bill is identical to SB 472.

*Patron - Fariss*

**HB1224 Transfer of property by VDOT; emergency.** Authorizes VDOT to convey certain real property located in Tazewell County controlled by the Department.

*Patron - Morefield*

**HB1261 Landlord and tenant law; energy submetering.** Provides that energy submetering equipment, energy allocation equipment, water and sewer submetering equipment, or a ratio utility billing system may be used in a campground if clearly stated in the rental agreement or lease for the leased premises or dwelling unit. The bill defines campground and campsite.

*Patron - Ware, R.L.*

**HB1270 Transfer of certain property in the City of Hampton.** Provides that the Department of General Services, on behalf of the Department of Education and the Commonwealth of Virginia, with the approval of the Governor, is authorized to convey its interest in certain property located in the City of Hampton.

*Patron - Ward*

**SB11 Self-settled spendthrift trusts; creation of.** Provides for the creation of self-settled spendthrift trusts, which protect trust assets against the claims of a settlor who is also a trust beneficiary. This bill allows a settlor to transfer assets to an irrevocable trust to be held for the joint benefit of the settlor and at least one other beneficiary. Currently, a spendthrift clause is ineffective to shield the beneficiary from creditors when the beneficiary is also the settlor. Current law allows the creation of trusts that are protected from the claims of creditors

against trust beneficiaries, and this bill extends that policy to trusts of which the settlor is also a discretionary beneficiary.

*Patron - Stuart*

**SB34 Landlord accounting of tenant credits and debts; upon request.** Compels a landlord, upon the written request of a tenant, to produce a written accounting of charges and payments from the tenant over the tenancy or the past 12 months, whichever is shorter. This bill is recommended by the Virginia Housing Commission.

*Patron - Locke*

**SB35 Recovery of possession by landlord.** Clarifies that an unlawful detainer action and the execution of a writ of possession is needed to evict a tenant from a residential rental unit. A provision in a rental agreement saying otherwise is unenforceable. "Dwelling unit" and "residential dwelling unit" are defined. This bill is recommended by the Virginia Housing Commission.

*Patron - Locke*

**SB109 Land trusts; successor trustee.** Provides that the beneficiaries of a land trust, by majority decision, shall name a successor trustee when the trustee named in the deed of conveyance creating the trust is unable to serve if no successor trustee is named in the deed or designated by the trust instrument or no procedure to designate a successor trustee is set forth in the deed or trust instrument.

*Patron - Edwards*

**SB110 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*

**SB164 Fraudulent and voluntary conveyances; power of court to set aside; sanctions.** Authorizes the court to set aside a fraudulent or voluntary conveyance during an action brought by a creditor to execute on a judgment, either on the motion of the creditor or on its own motion. The bill also allows the court to assess sanctions, including attorney fees, against any party over which it has jurisdiction who is found to have participated in the conveyance with the intent to defraud.

*Patron - Petersen*

**SB180 Protection of certain trustees from liability.** Provides for the protection of a trustee from liability when he follows the directions of a trust director or fails to act while awaiting directions from a trust director. The bill specifies that the trust director must be fiduciary and have the power to direct the trustee on any matter. The provisions of this bill only apply upon incorporation into the trust instrument.

*Patron - Stuart*

**SB432 Grantor trusts; settlor's creditors; payment of taxes.** Prohibits creditors from compelling the trustee of a grantor trust to exercise his discretionary authority to pay income taxes on trust income.

*Patron - Stuart*

**SB472 Common Interest Community Board; Virginia Condominium Act; Virginia Real Estate Time-Share Act; common interest communities.** Authorizes the Common Interest Community Board to terminate inactive condominium or time-share registrations. In addition, the bill clarifies the authority of the Common Interest Community Ombudsman to assist individual members of common interest communities regarding rights and processes available under

applicable laws and regulations. The bill also makes technical amendments.

*Patron - Locke*

**SB628 Virginia Property Owners' Association Act; limitation on certain contracts and leases by declarant.**

Limits any management contract or employment contract that is entered into during the period of declarant control to five years. The bill also provides that any such contract or agreement entered into on or after July 1, 2012, may be terminated without penalty by the association or its board of directors upon not less than 90 days' written notice to the other party given not later than 60 days after the expiration of the period of declarant control contemplated by the governing documents. In addition, the bill requires the declarant to include, with other information provided upon transfer of control to the association, the number of lots that may be subject to the declaration upon completion of development and the number of members of the board of directors and number of such directors appointed by the declarant together with names and contact information of members of the board of directors.

*Patron - Herring*

## Failed

**HB28 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 county or city 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 (a) knowingly makes, uses, or causes to be made or used any false or fraudulent record, document, or statement or (b) 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 on.

*Patron - Marshall, R.G.*

**HB291 Notice for cutting timber.**

Requires the owner of any property on which timber is to be cut to send written notice to all adjoining property owners at least 60 days before cutting timber and to send written certification to the State Forester that such notice was sent at least 45 days before cutting timber.

*Patron - Johnson*

**HB297 Condominium Act and Property Owners' Association Act; charges for rules violations.** Increases from \$50 to \$100 the charge that may be assessed by an association for a rules violation for a single offense.

*Patron - Scott, E.T.*

**HB401 Landlord and tenant law; landlord obligations; receipt required for certain rent payments.** Requires a landlord to provide, upon request, a written receipt whenever a tenant pays rent in the form of cash or money orders. The bill also requires written rental or lease agreements to include a notice of the tenant's right to receive the written receipt beginning January 1, 2013. The notice is not required for leases entered into prior to January 1, 2013, that are subsequently renewed by the parties.

*Patron - Hope*

**HB411 Condominium and Property Owners' Association Acts; recovery of costs and interest.**

Requires the award to the prevailing party in an action brought under the Condominium and Property Owners' Association Acts for non-compliance with the declaration of reasonable attorney fees, costs expended in the matter, and interest on the judgment. In cases where the prevailing party is the association in an action against an owner for nonpayment of assessments and, except for the instant case, the owner has not previously been in arrears in the payment of assessments, the award of reasonable attorney fees, costs expended in the matter, and interest on the judgment is discretionary with the court.

*Patron - Watts*

**HB412 Condominium Act; Property Owners' Association Act; foreclosure on lien for unpaid assessments; priority of certain liens.**

Provides that a property owner 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 directly 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 real estate taxes. The bill contains technical amendments.

*Patron - Watts*

**HB418 Condominium and Property Owners' Association Acts; assessments; imposition of late fees.**

Authorizes condominium and property owners' associations, except to the extent the declaration provides otherwise, to impose a late fee of not more than \$15 or such other amount as may be determined by the board of directors, not to exceed \$50, for any assessment or installment thereof that is not paid on the due date for payment of the assessment or installment.

*Patron - Watts*

**HB605 Virginia Property Owners' Association Act; board of directors; duty of care; enforcement of rules.**

Establishes a duty of care for officers and members of the board of directors. The bill also authorizes a board to increase the total charges that may be assessed in the case of a member's continuing failure to comply with architectural guidelines pertaining to the renovation or expansion of a structure to an amount equal to 20 percent of the increase in the value resulting from the renovation or expansion.

*Patron - LeMunyon*

**HB668 Condominium and Property Owners' Association Acts; posting of documents on association website.**

Requires the board of directors to post on any website maintained by the association a copy of the declaration, any articles of incorporation, and all rules and regulations adopted by the board of directors.

*Patron - Surovell*

**HB821 Wrongful foreclosure; civil action.** Creates a civil cause of action for the owner of any residential real property against any person who wrongfully asserts that he is, or has the authority to act as, the holder of the obligation secured by a deed of trust or mortgage on such property and who wrongfully initiates any foreclosure proceeding upon the property. The owner is entitled to recover actual damages incurred as a result of the wrongful foreclosure, in addition to reasonable attorney fees and costs.

*Patron - Marshall, R.G.*

**HB822 Mortgage modification; application; limitations on foreclosure.** Provides that if a borrower has submitted an application to modify the terms of a loan securing a debt on any residential real property that serves as the primary residence of the borrower, a mortgage lender or mortgage servicer may not initiate foreclosure on such property until (i) it has denied the application or (ii) if the modification was granted, the borrower has defaulted under the terms of the modification. A mortgage lender or mortgage servicer shall also notify in writing the borrower of its denial of an application for modification and its reasons therefor within 30 days after receipt.

*Patron - Marshall, R.G.*

**HB901 Condominium and Property Owners' Association Acts; suspension of certain owner rights for rules violations.** Gives condominium and property owners' association 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*

**HB979 Virginia Property Owners' Association Act; adoption and enforcement of rules.** Authorizes the board of directors or its agents to enter onto a lot subject to the declaration as may be reasonably necessary to remedy the failure of the lot owner to comply with the declaration or rules and regulations of the association. The authority may be used only after the board has exhausted all other internal efforts to achieve compliance, including an opportunity for the lot owner to take corrective action, and reasonable notice is provided.

*Patron - Scott, J.M.*

**HB1213 Virginia Condominium Act; assessment of charges for violations; lien for assessments.** Removes the cap on charges that a unit owners' association may assess against any unit for a violation of the condominium instruments or rules or regulations. Currently such charges are limited to \$50 for a single offense and \$10 per day for up to 90 days for any offense of a continuing nature. Under the bill, such charges must be reasonable in consideration of the seriousness of the violation and the history of previous violations. The bill authorizes the unit owners' association to file a lien on a condominium unit for current and future unpaid assessments.

*Patron - Scott, J.M.*

**SB150 Presumption of ownership of mineral rights.** Adds the rights to transport coal, gas, and oil to those rights

presumed to be held by the owner of the shell. Current law provides only the right to transport minerals.

*Patron - Puckett*

**SB163 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 shall be liable to the injured party. Upon proof of both a violation and damages, the injured party shall be entitled to appropriate equitable relief and compensatory damages. If compensatory damages are awarded, an injured party 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*

**SB548 Property conveyance.** Authorizes the Department of General Services, with the approval of the Governor and in a form approved by the Attorney General, to convey to the County of Accomack for the nominal consideration of \$1 a parcel of land with improvements consisting of approximately 0.83 acres (Tax Map # 86A1-A-11) located in the Town of Accomack.

*Patron - Northam*

## Carried Over

**CHB280 Correcting errors in deeds; affidavit.**

Allows, in the event that a recorded deed or other instrument contains an obvious description error, the recordation of a corrective affidavit by an attorney, settlement agent, or title insurance company involved in the transaction that resulted in the recordation of the deed or other instrument needing correction. Obvious description errors include (i) errors transcribing courses and distances, (ii) errors incorporating previously recorded plat or deed references, (iii) errors incorporating tax map or other identification numbers, and (iv) omitted exhibits that supply property parcel descriptions. Before a corrective affidavit may be recorded, all parties to the deed or other instrument and, if necessary, the title insurance company must be provided with a copy of the affidavit and such parties have 30 days to object in writing to the recordation of the corrective affidavit. If a corrective affidavit is recorded, the title insurance company shall amend the title insurance policy and deliver a copy of the amended policy to all parties to the policy.

*Patron - Iaquinto*

**CHB890 Mortgage foreclosure; right to reinstatement.** Provides that the grantor under a first priority deed of trust securing a loan on residential real property may, at any time up to the date of the sale of the property, cure any default, de-accelerate, and reinstate the loan by paying all sums that would have been due in the absence of default, paying other fees and costs incurred by the trustee and beneficiary in connection with the 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 only once.

*Patron - Alexander*

**CHB1008 Condominium and Property Owners' Association Acts; rights of owners.** Provides that no provision of the declaration or rules or regulations adopted pursuant thereto shall prohibit an owner or any person entitled to occupy a unit or lot from exercising his constitutionally protected right of freedom of speech upon property to which the owner or per-

son entitled to occupy has a separate ownership interest or a right to exclusive possession. The bill further provides that any provision of a declaration or rule or regulation adopted pursuant thereto that prohibits the exercise of such right upon such property shall be void as against public policy. The bill allows, however, an association to establish reasonable time, place, and manner restrictions on such property provided the restrictions are necessary to protect a substantial interest of the association. In any action brought by an association for a violation of such restriction, the association bears the burden of proof that such time, place, or manner restriction is necessary to protect a substantial interest of the association. Finally, the bill provides that the association may restrict an owner's exercise of freedom of speech upon the common areas.

*Patron - Ramadan*

**HB1209 Virginia Real Estate Time-Share Act; developer control period.** Provides that, except to the extent the time-share instruments expressly provide otherwise, the developer control period shall terminate when the developer (i) transfers to purchasers legal or equitable ownership of at least 90 percent of the time-share estates, excluding any reacquisition by the developer; (ii) is no longer the beneficiary on deeds of trust secured of at least 10 percent of the time-share estates; or (iii) has completed all of the promised common elements and facilities comprising the time-share estate project, whichever occurs later.

*Patron - Cosgrove*

**HB1256 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, deeds of trust, or mortgages, regardless of when recorded, on the unit or lot. The bill contains technical amendments.

*Patron - Sickles*

## Public Service Companies

### Passed

**HB232 Renewable energy.** Expands the definition of renewable energy to include landfill gas. The measure also provides that the RPS Goals under the renewable energy portfolio standard program may be composed of renewable thermal energy equivalents. A renewable thermal energy equivalent is the thermal energy output from a renewable-fueled combined heat and power generation facility that is (i) constructed, or renovated and improved, after January 1, 2012, (ii) located in the Commonwealth, and (iii) utilized in industrial processes other than the combined heat and power generation facility, where thermal energy is expressed as an equivalent number of megawatt hours. This bill is identical to SB 492.

*Patron - Cosgrove*

**HB455 Wireless E-911 Fund; distribution.** Transfers the administration of the distribution of the Wireless E-911 Fund revenues for public safety answering point operators (PSAPs) to the Department of Taxation. The bill also bases the distribution percentages on the average pro rata distribution for fiscal years 2007-2012, taking into account funding adjust-

ments for overpayments and underpayments. The measure directs that the distribution percentage be recalculated every five years based on cost and call load data of the PSAP, which data shall continue to be received by the E-911 Services Board and then reported to the Department of Taxation. This bill is identical to SB 495.

*Patron - Ware, R.L.*

**HB559 Natural gas utility infrastructure.** Permits a natural gas utility to construct the necessary facilities of a qualifying project and to recover the eligible infrastructure development costs necessary to develop the eligible infrastructure for designated projects in future rates. Eligible infrastructure development costs include planning, development, and construction costs and, if applicable, an allowance for funds used during construction, in addition to a return on investment, a revenue conversion factor, depreciation, and property taxes. A qualifying project is an economic development project requiring natural gas service as to which the natural gas utility has made a good faith determination that (i) it is located in an area where adequate natural gas infrastructure is not available; (ii) eligible infrastructure will provide opportunities for increased natural gas usage and economic development benefits in the area of the eligible infrastructure in addition to those provided by the subject project; (iii) either the developer or occupant of the proposed project shall provide, prior to the initiation of service, a binding commitment to the natural gas utility regarding capacity needed for a period of at least five years from the date gas is made available, which commitment covers a level of service no less than 50 percent of the capacity of the gas facilities to serve such project, or the natural gas utility receives a financial guaranty from the developer or state or local government in the amount of at least 50 percent of the estimated investment to be made by the natural gas utility in the proposed project; (iv) the natural gas utility has negotiated with the project's developer or occupant in an attempt to reach agreement on a commitment for the entire aid to construction otherwise required to cover the cost of the necessary eligible infrastructure; and (v) the projected non-gas revenues from the proposed project will not be sufficient to cover the cost of service associated with the necessary eligible infrastructure after accounting for any aid to construction contributed by the developer of the project or the person that will occupy the proposed project. Natural gas utilities are required to account for the actual monthly eligible infrastructure development costs incurred on the cumulative investment in eligible infrastructure in excess of any aid to construction contributed by the developer of the project or the person that will occupy the proposed project as a deferred cost until new base rates and charges that incorporate eligible infrastructure development costs become effective for the utility. Transportation and storage quantities of contracts entered into by a natural gas utility for the acquisition of upstream pipeline capacity to meet the reasonably anticipated service requirements of a qualifying project and other service requirements to be served through the eligible infrastructure shall be deemed prudent and reasonable. This bill is identical to SB 511.

*Patron - Marshall, D.W.*

**HB564 Electric utility ratemaking incentives; landfill gas.** Authorizes investor-owned electric utilities to earn an enhanced rate of return, equal to 200 basis points above the authorized rate of return, on their investments in generation facilities that are fired by methane or other combustible gas produced in a solid waste management facility licensed by the Waste Management Board. The facility includes the equipment used in collecting, drying, treating, and compressing the landfill gas and in transmitting the landfill gas from the solid waste

management facility where it is collected to the generation facility where it is combusted.

*Patron - Marshall, D.W.*

**HB587 Electric transmission lines; approval process.** Eliminates the requirement that an electric transmission line of 138 kV obtain State Corporation Commission approval, based on findings that the line is needed and that its corridor or route will reasonably minimize adverse impact on the scenic assets, historic districts, and environment of the area concerned, if a certificate of public convenience and necessity for the line is not required. The measure provides that such a certificate is not required for such a line if the public utility has obtained approval pursuant to requirements regarding local planning commission approval of the comprehensive plan and applicable local zoning ordinances by the locality or localities in which the transmission line will be located. This bill is identical to SB 418.

*Patron - Merricks*

**HB893 E-911 Services Board; Commonwealth Interoperability Coordinator to serve as advisor.** Establishes that the Commonwealth Interoperability Coordinator serve as an advisor to the E-911 Services Board to ensure that enhanced wireless emergency telecommunications services and technologies are compliant with the statewide interoperability strategic plan.

*Patron - Wilt*

**HB894 Utility energy efficiency programs.** Provides that an energy efficiency program proposed by an electric utility is in the public interest if, among other factors, the net present value of the benefits exceeds the net present value of the costs as determined by the Commission upon consideration of the following four tests: (i) the Total Resource Cost Test; (ii) the Utility Cost Test (also referred to as the Program Administrator Test); (iii) the Participant Test; and (iv) the Ratepayer Impact Measure Test. The Commission's determination shall include an analysis of all four tests, and a program or portfolio of programs shall not be rejected based solely on the results of a single test. An electric utility's energy efficiency program may be deemed to be in the public interest if it provides measurable and verifiable energy savings to low-income customers or elderly customers. The current standard for what constitutes a cost-effective conservation and energy efficiency program conducted by a natural gas utility is revised to conform to these new provisions for electric utilities. Finally, the measure expands the definition of "energy efficiency program" with regard to electric utilities to include customer engagement programs that result in measurable and verifiable energy savings that lead to efficient use patterns and practices. The bill contains an emergency clause.

*Patron - Ware, R.L.*

**HB1102 Renewable energy portfolio standard program; credits for investments.** Allows any investor-owned electric utility that participates in the renewable energy portfolio standard program to meet up to 20 percent of an RPS Goal through certificates evidencing the utility's expenses in conducting research and development activities in Virginia related to renewable or alternative energy sources. To qualify, such expenses shall either (i) be designed to enhance the participating utility's understanding of emerging energy technologies and their potential impact on and value to the utility's system and customers within the Commonwealth; (ii) promote economic development within the Commonwealth; (iii) supplement customer-driven alternative energy or energy efficiency initiatives; (iv) supplement alternative energy and energy efficiency initiatives at state or local governmental facilities in the Commonwealth; or (v) be designed to mitigate the environ-

mental impacts of renewable energy projects. The State Corporation Commission shall issue certificates to utilities making qualified investments based on the prices for renewable energy certificates in the interconnection region of the regional transmission entity of which the utility is a member. Qualified investments are stated to be reasonable and prudent operating expenses of a participating utility. A participating utility is not authorized to recover the costs associated with qualified investments through rate adjustment clauses and is not authorized to earn a return on its qualified investments. A participating utility is not eligible for a research and development tax credit for qualified investments made under this measure.

*Patron - Miller*

**HB1166 Renewable portfolio standard program; reporting.** Requires each utility participating in the renewable portfolio standard program to identify, in its annual report to the State Corporation Commission, the states where purchased or owned renewable energy was generated, the decades in which the renewable energy generating units were placed in service, and the fuel types used to generate the renewable energy. This bill is identical to SB 382.

*Patron - McClellan*

**HB1186 Attachments by cable television systems and telecommunications service providers to poles of electric cooperatives.** Authorizes the State Corporation Commission to determine just and reasonable rates, and certain terms and conditions of service, for attachments to electric cooperative poles by telecommunications service providers and cable television systems. The authority may be exercised if, after good faith negotiations, the parties cannot reach an agreement regarding the attachment. Fees may be assessed to allow the Commission to recover appropriate costs of such proceedings. This bill is identical to SB 652.

*Patron - May*

**SB382 Renewable portfolio standard program; reporting.** Requires each utility participating in the renewable portfolio standard program to identify, in its annual report to the State Corporation Commission, the states where the purchased or owned renewable energy was generated, the decades in which the renewable energy generating units were placed in service, and the fuel types used to generate the renewable energy. This bill is identical to HB 1166.

*Patron - McEachin*

**SB413 Renewable energy portfolio standard program; credits for investments.** Allows any investor-owned electric utility that participates in the renewable energy portfolio standard program to meet up to 20 percent of an RPS Goal through certificates evidencing the utility's expenses in conducting research and development activities in Virginia related to renewable or alternative energy sources. To qualify, such expenses shall either (i) be designed to enhance the participating utility's understanding of emerging energy technologies and their potential impact on and value to the utility's system and customers within the Commonwealth; (ii) promote economic development within the Commonwealth; (iii) supplement customer-driven alternative energy or energy efficiency initiatives; (iv) supplement alternative energy and energy efficiency initiatives at state or local governmental facilities in the Commonwealth; or (v) be designed to mitigate the environmental impacts of renewable energy projects. The State Corporation Commission shall issue certificates to utilities making qualified investments based on the prices for renewable energy certificates in the interconnection region of the regional transmission entity of which the utility is a member. Qualified investments are stated to be reasonable and prudent operating expenses of a participating utility. A participating utility is not

authorized to recover the costs associated with qualified investments through rate adjustment clauses and is not authorized to earn a return on its qualified investments. A participating utility is not eligible for a research and development tax credit qualified investments made under this measure. The measure also provides that a utility shall receive double credit toward meeting the program's goals for energy from facilities in the Commonwealth fueled primarily by animal waste.

*Patron - Norment*

**SB418 Electric transmission lines; approval process.** Eliminates the requirement that an electric transmission line of 138 kV obtain State Corporation Commission approval, based on findings that the line is needed and that its corridor or route will reasonably minimize adverse impact on the scenic assets, historic districts, and environment of the area concerned, if a certificate of public convenience and necessity for the line is not required. The measure provides that such a certificate is not required for such a line if the public utility has obtained approval pursuant to requirements regarding local planning commission approval of the comprehensive plan and applicable local zoning ordinances by the locality or localities in which the transmission line will be located. This bill is identical to HB 587.

*Patron - Stanley*

**SB492 Renewable energy.** Expands the definition of renewable energy to include landfill gas. The measure also provides that the RPS Goals under the renewable energy portfolio standard program may be composed of renewable thermal energy equivalents. A renewable thermal energy equivalent is the thermal energy output from a renewable-fueled combined heat and power generation facility that is (i) constructed, or renovated and improved, after January 1, 2012, (ii) located in the Commonwealth, and (iii) utilized in industrial processes other than the combined heat and power generation facility, where thermal energy is expressed as an equivalent number of megawatt hours. This bill is identical to HB 232.

*Patron - Watkins*

**SB493 Utility energy efficiency programs.** Provides that an energy efficiency program proposed by an electric utility is in the public interest if among other factors, the net present value of the benefits exceeds the net present value of the costs as determined by the Commission upon consideration of the following four tests: (i) the Total Resource Cost Test; (ii) the Utility Cost Test (also referred to as the Program Administrator Test); (iii) the Participant Test; and (iv) the Ratepayer Impact Measure Test. The Commission's determination shall include an analysis of all four tests, and a program or portfolio of programs shall not be rejected based solely on the results of a single test. An electric utility's energy efficiency program may be deemed to be in the public interest if it provides measurable and verifiable energy savings to low-income customers or elderly customers. The current standard for what constitutes a cost-effective conservation and energy efficiency program conducted by a natural gas utility is revised to conform to these new provisions for electric utilities. Finally, the measure expands the definition of "energy efficiency program" with regard to electric utilities to include customer engagement programs that result in measurable and verifiable energy savings that lead to efficient use patterns and practices.

*Patron - Watkins*

**SB495 Wireless E-911 Fund; distribution.** Transfers the administration of the distribution of the Wireless E-911 Fund revenues for public safety answering point operators (PSAPs) to the Department of Taxation. The bill also bases the distribution percentages on the average pro rata distribution for fiscal years 2007-2012, taking into account funding adjust-

ments for overpayments and underpayments. The measure directs that the distribution percentage be recalculated every five years based on cost and call load data of the PSAP, which data shall continue to be received by the E-911 Services Board and then reported to the Department of Taxation. This bill is identical to HB 455.

*Patron - Watkins*

**SB511 Natural gas utility infrastructure.** Permits a natural gas utility to construct the necessary facilities of a qualifying project and to recover the eligible infrastructure development costs necessary to develop the eligible infrastructure for designated projects in future rates. Eligible infrastructure development costs include planning, development, and construction costs and, if applicable, an allowance for funds used during construction, in addition to a return on investment, a revenue conversion factor, depreciation, and property taxes. A qualifying project is an economic development project requiring natural gas service as to which the natural gas utility has made a good faith determination that (i) it is located in an area where adequate natural gas infrastructure is not available; (ii) eligible infrastructure will provide opportunities for increased natural gas usage and economic development benefits in the area of the eligible infrastructure in addition to those provided by the subject project; (iii) either the developer or occupant of the proposed project shall provide, prior to the initiation of service, a binding commitment to the natural gas utility regarding capacity needed for a period of at least five years from the date gas is made available, which commitment covers a level of service no less than 50 percent of the capacity of the gas facilities to serve such project, or the natural gas utility receives a financial guaranty from the developer or state or local government in the amount of at least 50 percent of the estimated investment to be made by the natural gas utility in the proposed project; (iv) the natural gas utility has negotiated with the project's developer or occupant in an attempt to reach agreement on a commitment for the entire aid to construction otherwise required to cover the cost of the necessary eligible infrastructure; and (v) the projected non-gas revenues from the proposed project will not be sufficient to cover the cost of service associated with the necessary eligible infrastructure after accounting for any aid to construction contributed by the developer of the project or the person that will occupy the proposed project. Natural gas utilities are required to account for the actual monthly eligible infrastructure development costs incurred on the cumulative investment in eligible infrastructure in excess of any aid to construction contributed by the developer of the project or the person that will occupy the proposed project as a deferred cost until new base rates and charges that incorporate eligible infrastructure development costs become effective for the utility. Transportation and storage quantities of contracts entered into by a natural gas utility for the acquisition of upstream pipeline capacity to meet the reasonably anticipated service requirements of a qualifying project and other service requirements to be served through the eligible infrastructure shall be deemed prudent and reasonable. This bill is identical to HB 559.

*Patron - Wagner*

**SB632 Wireless E-911 Fund; distribution of funds.** Requires CMRS providers to submit requests for payment from the Wireless E-911 Fund no later than four months after the end of the fiscal year in which the costs were incurred. If the Fund is not sufficient to pay for all of the costs, the unpaid costs may not be carried over for repayment to a future year. The bill also provides that any funds remaining in the Fund at the end of a fiscal year may be designated for a reserve fund.

*Patron - Watkins*

**SB652 Attachments by cable television systems and telecommunications service providers to poles of electric cooperatives.** Authorizes the State Corporation Commission to determine just and reasonable rates, and certain terms and conditions of service, for attachments to electric cooperative poles by telecommunications service providers and cable television systems. The authority may be exercised if, after good faith negotiations, the parties cannot reach an agreement regarding the attachment. Fees may be assessed to allow the Commission to recover appropriate costs of such proceedings. This bill is identical to HB 1186.

*Patron - Stanley*

## Failed

**HB69 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. Failure to meet the required percentages will result in the assessment of alternative compliance payments, which 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 - Englin*

**HB70 Energy conservation and efficiency goal.** Establishes a statewide goal of reducing the consumption of electric energy within the Commonwealth, through energy conservation and efficiency actions taken by government, electric utilities, and retail customers, by 2025 to a level that is 19 percent less than the quantity of electricity that would reasonably be projected to be consumed in the Commonwealth in 2025 in the absence of such actions. The measure specifies percentages of the reductions in consumption that are to be attained through elements including energy performance improvements resulting from enhancements to the Statewide Building Code and appliance efficiency standards, improved energy performance of publicly owned buildings, energy performance improvements in the industrial sector, and combined heat and power. Investor-owned utilities are required to address their energy efficiency and demand response management programs in their annual conservation reports. The measure also requires electric cooperatives to file assessments of impediments to their implementation of certain rate initiatives.

*Patron - Englin*

**HB109 Personal Localized Alerting Network.** Requires each provider of wireless service that elects to transmit emergency alerts through the federal Personal Localized Alerting Network to offer its Virginia subscribers the capability of preventing the receipt of Presidential Alerts on their mobile devices. Federal law requires wireless carriers to give subscribers the option to block Child Abduction Emergency/AMBER Alerts or Imminent Threat Alerts, but does not allow Presidential Alerts to be blocked.

*Patron - Marshall, R.G.*

**HB312 Utility energy efficiency programs.** Provides that an energy efficiency program proposed by an electric utility is in the public interest if the net present value of the benefits exceeds the net present value of the costs as determined by any three of four benefit cost tests. The four tests to be considered are the Total Resource Cost Test, the Utility Cost Test (also referred to as the Program Administrator Test), the Participant Test, and the Ratepayer Impact Measure Test. An electric utility's energy efficiency program may be deemed to be in the public interest if it provides measurable and verifiable energy savings to low-income customers or elderly customers. The current standard for what constitutes a cost-effective conservation and energy efficiency program conducted by a natural gas utility is revised to conform to these new provisions for electric utilities. Finally, the measure expands the definition of "energy efficiency program" with regard to electric utilities to include customer engagement programs that result in measurable and verifiable energy savings that lead to efficient use patterns and practices.

*Patron - Ware, R.L.*

**HB425 Telephone carriers; third-party billing.** Prohibits a telephone company that issues a telephone bill to its customers from including on its bill charges for any products, goods, or services, other than those provided by the telephone company or its affiliate, unless the billing carrier has received (i) from the service provider or billing agent documentation evidencing that the service provider or billing agent provided the customer with disclosure of all material terms and conditions of their sale, including the fact that such charges shall appear on the customer's telephone bill, and (ii) from the customer a communication authorizing the billing carrier to bill him for the products, goods, or services on his telephone bill. The measure also requires both the billing carrier and the service provider or billing agent to verify the customer's authorization for such billing through an independent third party. Any charges for products, goods, or services that are included on the telephone bill without the customer's authorization are void and unenforceable.

*Patron - Bulova*

**HB448 Net energy metering program; standby charges.** Revises the requirement, enacted in 2011, that a customer-generator pay a monthly standby charge that allows its supplier to recover a portion of its infrastructure costs. The revisions provide that a supplier shall not assess standby charges until it has 1,000 customer-generators and that a supplier has the option not to assess standby charges on its customer-generators.

*Patron - Toscano*

**HB590 Renewable energy facilities; eligibility for incentives.** Establishes a requirement that electricity generated from renewable sources be generated from a facility located in the Commonwealth, or a facility off the Commonwealth's coastline if it is an offshore wind facility, in order to qualify as renewable energy for purposes of the renewable energy portfolio standard program. The measure also makes renewable powered generation facilities located outside of the Commonwealth, except offshore wind facilities located in waters off the Commonwealth's shoreline, ineligible for certain cost recovery and enhanced rate of return incentives in the Virginia Electric Utility Regulation Act.

*Patron - Merricks*

**HB645 Renewable energy.** Expands the definition of renewable energy to include landfill gas. The measure also provides that the RPS Goals under the renewable energy portfolio standard program may be composed of renewable thermal energy equivalents. A renewable thermal energy equivalent is

the thermal energy output from a renewable-fueled combined heat and power generation facility that is (i) constructed, or renovated and improved, after January 1, 2012, (ii) located in the Commonwealth, and (iii) utilized in industrial processes other than the combined heat and power generation facility, where thermal energy is expressed as an equivalent number of megawatt hours.

*Patron - Cosgrove*

**HB657 Electric utilities; renewable energy portfolio standard program.** Adjusts the mix of energy sources that qualify as satisfying the requirements of the renewable energy portfolio standard program. The measure limits the amount of renewable energy generated outside Virginia or its coastal waters that can qualify for the program. Wind or solar power generated outside Virginia in the interconnection region of the regional transmission entity of which the participating utility is a member will not be eligible if it is purchased through a power purchase agreement entered into after July 1, 2012. The measure allows renewable energy certificates issued by an affiliate of the regional transmission entity to be used to meet the RPS Goals if the energy is from sources with an in-service date of or after July 1, 2007. Nuclear energy is ineligible for credit in meeting certain RPS Goals. The measure requires utilities to permanently retire one renewable energy certificate for each megawatt hour or renewable energy certificate claimed for compliance with RPS Goals. The measure requires that after 2017 at least 20 percent of the energy or certificates in a utility's compliance demonstration be attributable to a combination of energy derived from sunlight, onshore wind, or offshore wind; the minimum percentage increases in 2023 to 40 percent. Finally, the measure removes a provision that allowed a utility to apply excess renewable energy sales in any period to the requirements for any future RPS Goal.

*Patron - Rust*

**HB672 Distributed electric generation; community solar gardens.** Authorizes the establishment of community solar gardens, which are required to be owned by a subscriber organization that has at least 10 subscribers. Subscribers will receive credits on their utility bills from energy generated at the solar facility in proportion to the size of their subscription. The output and renewable energy credits from a solar garden shall be purchased by the utility in the form of net metering credits allocated to the subscribers. To the extent that a subscriber's net metering credit exceeds the subscriber's electric bill in any billing period, the credit will be applied against future bills. If the electricity output of the community solar garden is not fully subscribed, the utility is required to purchase the unsubscribed renewable energy at a rate equal to the utility's average hourly incremental cost of electricity supply over the immediately preceding calendar year.

*Patron - Surovell*

**HB789 Electrical utility facilities; consideration of stability of fuel prices.** Requires the State Corporation Commission, when required to approve the construction of any electrical utility facility, to consider the long-term price stability of any fuels used in the generation of energy from the facility.

*Patron - Lopez*

**HB911 Renewable energy; community net metering and renewable energy certificates.** Requires the State Corporation Commission to establish a program of community net metering, which will allow a group of residential, commercial, industrial, and other customers to establish an "eligible community customer" to act collectively to generate renewable energy for their own use. Members of an eligible community customer may develop a net metered system that provides that

excess generation by some members of the group will be used to offset consumption by other members within the group. The generating capacity of an eligible community customer's facility shall not exceed two megawatts at a single site. If electricity generated by the generation facility or facilities within the eligible community customer group in a year exceeds the net electricity consumption by members of the group, the utility shall reduce the eligible community customer's bill for the next monthly billing period by the amount of the excess. An eligible community customer will be exempt from the requirement that he install two-way metering equipment if the electrical generating system from which the eligible community customer obtains electricity is not physically attached to or an integral part of the building or structure where he consumes electricity, provided metering equipment measures the excess electricity from the generation facility. The measure also requires the Commission to establish a process for issuing or recognizing renewable energy certificates. The process will provide for the issuance, monitoring, transferring, and use of renewable energy certificates.

*Patron - Minchew*

**HB1017 Renewable energy portfolio standard program.** Eliminates the Performance Incentive provision in the renewable energy portfolio standard program that entitles any investor-owned electric utility to a 50 basis point increase in its authorized combined rate of return on common equity if it meets the program's RPS Goals. The measure retains provisions that allow a utility to recover its costs associated with meeting the RPS Goals, but provides that a utility that exceeds the RPS Goals shall not recover the incremental costs associated with exceeding the RPS Goals unless it demonstrates that the decision to exceed the RPS Goals was reasonable and prudent.

*Patron - Poindexter*

**HB1028 Approval of electrical utility facilities.** Requires the State Corporation Commission, when considering requests for approval to construct electrical utility facilities, to consider the public health impacts of the electrical utility facility that have been identified in the applicant's most recent integrated resource plan. The measure also requires an electric utility's integrated resource plan to take into consideration public health impacts.

*Patron - Englin*

**HB1191 Pole attachments; cable television systems and cooperatives.** Requires cable television systems and cooperatives to negotiate in good faith to resolve certain issues, including the rates, terms, and conditions of contracts permitting attachments by a cable television system to a cooperative's poles. If an issue cannot be resolved, either party may petition the State Corporation Commission to resolve the issue. In adjudicating the issue, the Commission shall ensure that the cooperative is compensated by the cable television system for certain costs. Annually commencing July 1, 2012, cable television systems are required to pay an annual fee to the Commission equal to \$1.00 for each attachment to a cooperative's pole. Each cooperative is required to make a survey of cable television system attachments on its poles every 36 months. Beginning in 2013, cooperatives will be required to report to the Commission on the number of each cable television system's attachments. In addition, if any cable television system attachment interferes with, obstructs, or delays the service or operations of a cooperative or creates a safety hazard, the cooperative may take immediate action to remedy the situation at the cable television system's expense.

*Patron - Merricks*

**SB316 Dulles Greenway; tolls.** Requires the SCC, if it grants a toll increase for use of the Greenway, to vary the amount of the toll in accordance with vehicle miles traveled. The bill also requires the SCC to hold a public hearing in Loudoun County prior to granting a toll increase.

*Patron - Black*

**SB381 Electric utilities; integrated resource plans.** Provides that an electric utility's integrated resource plan should identify a portfolio of electric generation supply resources that is most likely to provide the electric generation supply needed to meet forecasted demand, net of any reductions from demand side programs, so that over the long term the utility will continue to provide reliable service at reasonable prices that take into consideration public health impacts.

*Patron - McEachin*

**SB469 Public-Private Transportation Act of 1995 (PPTA).** Requires the approval by transportation planning organizations (TPOs) of PPTA comprehensive agreements dealing with projects within the boundaries of one of the TPO's constituent localities.

*Patron - Northam*

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## Carried Over

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**HB129 Electric utilities; retail competition; purchases from net metering sellers.** Authorizes individual retail customers who are eligible customer-generators under Virginia's net energy metering program to purchase electricity provided 100 percent from renewable energy exclusively for their own consumption from a net metering seller. A net metering seller is a person, other than a utility or licensed supplier, that owns or operates a renewable energy electricity generation source on premises that is owned, leased, or otherwise controlled by an eligible customer-generator and sells the electricity generated from the renewable generation source exclusively to the eligible customer-generator under a power purchase agreement. This exception to the incumbent electric utility's exclusive service territory applies even if the utility offers an approved tariff for electric energy provided 100 percent from renewable energy.

*Patron - Kilgore*

**HB162 Telephone services for incarcerated persons.**

Authorizes the State Corporation Commission to exercise jurisdiction over rates and charges of telecommunication services that enable correctional inmates to originate calls at pay telephones or other telephones that are designated for prisoners' personal use.

*Patron - Hope*

**HB231 Gas pipeline safety; information disclosures.**

Prohibits employees and members of the State Corporation Commission from disclosing to any person any investigative notes and other correspondence and information furnished in confidence by a public service company with respect to a gas pipeline safety inspection or investigation. The prohibition applies to information produced by, obtained by, or disclosed to any employee or member of the Commission before or after the measure's effective date.

*Patron - Cosgrove*

**HB429 Telephone bills; blocking third-party charges.** Prohibits a billing carrier from including in a customer's bill charges for products, goods, or services submitted by a service agent or service provider after the customer has requested the billing carrier to block such billings. Billing car-

riers are also prohibited from entering into agreements to bill for a service provider or billing agent with respect to a customer who has requested the billing carrier to block such billings. Finally, the measure provides that a customer is not liable for an amount charged through a billing carrier after the billing carrier has received and processed a request from the customer that the billing carrier block such billings. A customer may submit a request in writing, orally, or electronically.

*Patron - Bulova*

**HB1246 Dulles Greenway; outdoor advertising; tolls.** Allows the Dulles Greenway to lease property under its control for purposes of outdoor advertising. The bill also requires that the amount of toll vary according to distance traveled and take into consideration any income generated by the advertising leases.

*Patron - Ramadan*

**SB582 Net energy metering; stand-by charges.** Requires the State Corporation Commission, when determining whether to approve a utility's proposed standby charge methodology, to find that (i) the methodology utilized by the supplier is generally accepted in the industry for making such determinations, (ii) the methodology proposed by the supplier calculates costs based upon sample statistics derived solely from the class of residential eligible customer-generators, and (iii) the quantity of the class of residential eligible customer-generators represents a sufficient base to form reasonable statistical conclusions. These criteria are in addition to the existing requirement that the standby charges collected from eligible customer-generators allow the supplier to recover only the portion of the supplier's infrastructure costs that are properly associated with serving eligible customer-generators. The measure also provides that the supplier's infrastructure costs include, in addition to the direct costs associated with the supplier's infrastructure, an offset for any benefits derived from any net energy metering provided by eligible customer-generators to the supplier. Finally, the measure requires the Commission to deny a utility's application for standby charges if its methodology fails to consider all four of the criteria.

*Patron - Edwards*

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## Religious and Charitable Matters; Cemeteries

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### Passed

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**HB306 Cemeteries; abandoned interment rights; notice.** Provides that when no address is known or reasonably ascertainable for a record owner of interment rights, a cemetery owner shall publish a 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 before such interment rights may be declared abandoned.

*Patron - Crockett-Stark*

**SB86 Solicitation of contributions; registration of charitable organizations.** Provides that any charitable organization whose annual gross revenue would qualify it to file Form 990-N with the Internal Revenue Service (IRS) may submit a balance sheet and income and expense statement verified under oath or affirmation by the treasurer of the organization. The IRS recently raised the threshold for organizations allowed to file Form 990-N from \$25,000 to \$50,000. Currently, Vir-

ginia law sets the annual gross revenue threshold at \$25,000. The bill will allow the state threshold for filing the form to track the threshold set by the IRS.

*Patron - Saslaw*

## Failed

**SB675 Confederate Memorial Chapel; state war memorial.** Provides for the Governor to designate the Confederate Memorial Chapel an official state war memorial.

*Patron - Ruff*

## Taxation

## Passed

**HB35 Collection of state taxes; period of limitation.** Reduces the period of limitation for the collection of state taxes from 10 years to seven years. The bill also provides that if no contact has been made with a delinquent taxpayer for a period of six years after the assessment, then interest and penalty would no longer be added to the delinquent tax liability. Under current law, if no contact has been made for a period of seven years, then interest and penalty are no longer added to the delinquent tax liability.

*Patron - Cole*

**HB41 Personal property tax; situs of certain motor vehicles.** Provides that when a motor vehicle is normally garaged in a location different from the domicile of the owner of the vehicle due to its use by a student attending an institution of higher education, then the situs is the owner's domicile. Under current law, the situs of such vehicle is the owner's domicile only if the student is the owner.

*Patron - Tata*

**HB52 Disclosure of certain tax information by the Attorney General.** Permits the Attorney General to disclose certain information related to the sale and taxation of cigarettes and other tobacco products.

*Patron - Albo*

**HB80 Real property tax; assessment of wetlands.** Requires the local assessing official to separately assess the fair market value of wetlands on real property, if requested by the property owner.

*Patron - Orrock*

**HB81 Real property tax; land use valuation.** Provides that prior use of any property shall not be considered in determining its current use for land use valuation purposes. The bill contains technical amendments.

*Patron - Orrock*

**HB103 Consumer utility tax; natural gas.** Exempts public utilities and electric cooperatives from the consumer utility tax on natural gas when the natural gas is used to generate electricity at a power station. This bill is identical to SB 519.

*Patron - Loupassi*

**HB154 Apportionment of corporate income tax; retail companies.** Requires retail companies to use a formula for apportioning taxable income to the Commonwealth based on multiplying their income by the sales factor. The provisions

of the bill would be effective for tax years beginning on or after July 1, 2012, and would be phased in with the apportionment formula having a 100 percent sales factor by 2015. This bill is identical to SB 49.

*Patron - Ware, R.L.*

**HB190 Real property tax exemption for disabled veterans.** Requires the Commissioner of the Department of Veterans Services to promulgate rules and regulations for the administration and implementation of the real property tax exemption for disabled veterans. Such rules and regulations shall include written guidance for veterans and commissioners of the revenue concerning eligibility for the exemption. The bill also authorizes the Commissioner of the Department of Veterans Services to hear and decide appeals concerning denials of eligibility for the exemption. The bill contains an emergency clause.

*Patron - O'Bannon*

**HB202 Real estate with delinquent taxes or liens; City of Hampton.** Adds the City of Hampton to a list of localities authorized to have a special commissioner appointed to execute the necessary deeds to convey certain real estate to the locality when the delinquent taxes or liens, including penalties and interest, exceed 35 percent of the assessed value or when the taxes alone exceed 15 percent of the assessed value. This bill is identical to SB 33.

*Patron - Ward*

**HB216 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 by extending it to tenants of the centers, and by including jobs created not only by the data center operator but also by the tenants of the data center in collectively meeting the level of new jobs required for eligibility for the exemption. This bill is identical to SB 112.

*Patron - Comstock*

**HB255 Warrants maintained by treasurers.** Specifies that the information regarding warrants that shall not be disclosed includes any invoice that has been presented to a locality for payment, which the locality has attempted to pay, but the payment has not been completed because electronic payment has failed or a check was mailed but not cashed.

*Patron - Stolle*

**HB277 Local cigarette tax stamps.** Requires that beginning January 1, 2013, any local tax stamp or meter impression required to be used to evidence payment of the local cigarette tax shall be of the same stamp technology that is used or required by the Commonwealth for the state cigarette tax stamp. This bill is identical to SB 394.

*Patron - Peace*

**HB298 Machinery and tools tax; car washing businesses.** Classifies machinery and tools used to clean motor vehicles by a motor vehicle cleaning business as a separate class of property for tax rate purposes.

*Patron - Scott, E.T.*

**HB299 Sales and use tax exemption; certain educational materials.** Extends the sunset date from July 1, 2012, to July 1, 2017, on the sales and use tax exemption for textbooks and other educational materials withdrawn from inventory at book-publishing distribution facilities for free distribution to professors and other individuals who have an educational focus. This bill is identical to SB 37.

*Patron - Scott, E.T.*

**HB314 Roll-your-own cigarette machines.** Declares that any person who maintains, operates, or rents a roll-your-own cigarette machine at a retail establishment for use by a consumer is a manufacturer of cigarettes, and resulting products from the machine are cigarettes. Under the bill, a person who purchases a cigarette rolling machine for personal use to make cigarettes for personal consumption would not be deemed a manufacturer. This bill is identical to SB 74.

*Patron - Ware, R.L.*

**HB321 Tax credits; assistance to low-income families, scholarships for K through 12 students attending private schools.** Establishes a credit beginning in taxable year 2013 for individuals, business entities, and corporations making monetary donations to nonprofit organizations providing education improvement scholarships to students whose family's annual household income is not in excess of 300 percent of the current poverty guidelines and certain students with disabilities, 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 each donation in the form of scholarships to such students. The credit would equal 65 percent of the donation made. Any unused credit for the taxable year could be carried forward for five years. There is an annual cap of \$25 million in tax credits for the scholarship program. The Department of Education would administer the tax credit program.

The bill also expands the current Neighborhood Assistance Act Tax Credit program by increasing the tax credit percentage from 40 to 65 percent; raising the total cap on the program from \$11.9 million to \$15 million and raising the cap on education proposals from \$4.9 million to \$8 million; expanding the eligibility criteria for programs qualifying for tax credits to encompass programs providing services to certain students with disabilities and individuals whose family's annual household income is not in excess of 300 percent of the poverty guidelines; raising the cap on tax credits for neighborhood organizations and affiliates to \$825,000; allowing unused credits at the end of the year to be distributed to neighborhood organizations that had previously met the cap on tax credits; and extending the sunset for the program to July 1, 2017.

*Patron - Massie*

**HB336 Virginia Land Conservation Fund; distribution of revenues.** Provides that in distributing the revenues in the Virginia Land Conservation Fund generated by the sale of land conservation tax credits, funds shall not be distributed to federal governmental entities.

*Patron - Wilt*

**HB368 Neighborhood assistance tax credits; eligibility of certain mediators.** Provides that mediators certified under guidelines of the Judicial Council of Virginia who provide mediation services, without charge, at the direction of an approved neighborhood organization that provides court referred mediation services would be eligible for neighborhood assistance tax credits.

*Patron - Webert*

**HB406 Local incentives for defense contractors.** Authorizes a local government to provide local incentives and regulatory flexibility to defense contractors located within a defense production and support services zone established by the local government. The bill defines defense contractors as businesses primarily engaged in providing services in support of national defense.

*Patron - Torian*

**HB408 Real property tax exemption for the elderly and disabled.** Provides more flexibility to localities in determining the income and financial worth of the elderly and disabled, for those localities that choose to have caps on income and financial worth in establishing eligibility for the real property tax exemption.

*Patron - Watts*

**HB460 Corporate income tax; single sales factor apportionment for income of manufacturers.** Repeals the penalties that would have been assessed on any manufacturer that elected the single sales factor apportionment for income and that did not maintain certain employment levels. The bill also would only require a manufacturer that elected the single sales factor apportionment to pay additional taxes and interest if its average annual employment falls below 90 percent of the base year employment, or if the average wage of its employees is less than the state or local average weekly wage.

*Patron - Byron*

**HB479 Contraband and tax-paid cigarettes; penalties.** Establishes legal limits and imposes criminal and civil penalties for possession with intent to distribute contraband tax-paid cigarettes by parties outside the legitimate distribution chain. This bill is identical to SB 347.

*Patron - Albo*

**HB509 Recordation tax.** Clarifies that the recordation tax for deeds of trust is based on the value of the security interest created by the deed of trust, not just on the amount of the obligations described in the deed of trust. Therefore, the amount subject to tax does not include any amount that is unsecured because the value of the property conveyed by the deed of trust is inadequate to secure the full amount of obligations described in the deed of trust.

*Patron - Garrett*

**HB513 Sales and use tax exemptions; extension of sunset dates.** Extends the sunset dates for the limited sales and use tax exemption periods for hurricane preparedness equipment and for certain energy-efficient products from July 1, 2012, to July 1, 2017.

*Patron - Purkey*

**HB516 Income taxes.** Advances the date as of which Virginia income tax laws conform with the Internal Revenue Code from December 31, 2010, to December 31, 2011; restores conformity to certain provisions of the federal earned income tax credit for taxable year 2011 for purposes of Virginia's low-income taxpayer income tax credit; and reinstates the age deduction for individuals born on or before January 1, 1939, that was inadvertently deleted by Chapter 851 of the Acts of Assembly of 2011. The bill contains an emergency clause. This bill is identical to SB 463.

*Patron - Purkey*

**HB531 Historic rehabilitation tax credit.** Provides that any gain or income under federal law relating to the allocation or application of a historic rehabilitation tax credit would not be gain or income for Virginia tax purposes. The bill's provisions are declaratory of existing law. This bill is identical to SB 444.

*Patron - Cole*

**HB536 Motor fuels tax.** Removes the requirement that bulk users and retailers of undyed diesel fuel be licensed. The bill also gives the Commissioner of the Department of Motor Vehicles discretion to seize and lock or seal a tank or other storage receptacle holding illegally imported, transported, delivered, stored, acquired, or sold fuel until the fuels

tax and related penalties and interest are assessed and paid. Under current law, the Commissioner is required to seize and lock or seal the tank or other storage receptacle holding such fuel.

*Patron - Orrock*

**HB551 Telework expenses tax credit.** Extends the telework expenses tax credit for employers through December 31, 2016. The credit currently expires on December 31, 2013. The bill also makes other clarifying changes concerning expenses eligible for the credit. This bill is identical to SB 238.

*Patron - Comstock*

**HB581 Authorized tourism project; sales and use tax revenues.** Clarifies that the amount of revenue to which the authorized tourism project is entitled is equal to the amount of revenue generated by a one percent sales and use tax on transactions taking place on the premises of the project. This bill is identical to SB 414.

*Patron - Watson*

**HB714 Major business facility job tax credit.** Extends the expiration of the period during which the major business facility job tax credit may be taken within a two-year allowance from December 31, 2012, to December 31, 2014. This bill is identical to SB 368.

*Patron - Kilgore*

**HB734 Recordation tax.** Requires that a deed or other document regarding conveyance of real property state on its first page the actual consideration for the conveyance before it can be admitted to record.

*Patron - Jones*

**HB743 Personal property tax; farm vehicles.** Allows a county, city, or town to exempt, partially exempt, or set a lower tax rate for motor vehicles used exclusively for farming.

*Patron - Fariss*

**HB841 Major business facility job tax credits and enterprise zone job creation grants.** Allows a business creating permanent, full-time positions to be eligible for both the major business facility job tax credit and enterprise zone job creation grants. However, the bill prohibits both the tax credit and the grant being allowed for the same job created.

*Patron - James*

**HB842 Applications for local business license or land use authorization; conditions.** Permits localities to condition issuance of a local business license or land use authorization on payment of certain delinquent taxes, fees, or other charges owed by the applicant to the locality. This bill is identical to SB 308.

*Patron - James*

**HB876 Motor vehicle fuels sales tax.** Transfers the administration and collection of the motor vehicle fuels sales tax imposed in certain transportation districts from the Department of Taxation to the Department of Motor Vehicles, effective July 1, 2013. This bill is identical to SB 503.

*Patron - Rust*

**HB879 Income tax; subtraction for certain death benefit payments.** Clarifies that the current subtraction applies only to death benefit payments (i) paid to a beneficiary that are pursuant to an annuity contract between an annuitant and an insurance company and (ii) paid solely by lump sum.

The bill reflects the current manner in which the Department of Taxation is implementing the subtraction.

*Patron - Sickles*

**HB919 Personal property tax; distraint and sale of personal property for delinquent taxes.** Provides that a locality is not required to obtain a certificate of title when motor vehicles are distrained for sale to satisfy delinquent taxes. The bill clarifies that any penalties and interest owed by the taxpayer are paid out of the proceeds of the sale. Finally, the bill requires the party conducting the sale provide the purchaser with a sales receipt or affidavit that the purchaser can use to apply for a certificate of title from the Department of Motor Vehicles.

*Patron - Brink*

**HB922 Real property tax exemption for disabled veterans.** Provides that the tax exemption for the primary residence of a disabled veteran, a disabled veteran and his spouse, or a surviving spouse of a disabled veteran includes real property (i) held in a revocable inter vivos trust over which the veteran, the veteran and his spouse, or the surviving spouse hold the power of revocation; (ii) held in an irrevocable trust under which a veteran alone or in conjunction with his spouse possesses a life estate or an estate for joint lives, or enjoys a continuing right of use or support; or (iii) held by a veteran alone or in conjunction with his spouse as tenant or tenants for life or joint lives. The bill also provides that the exemption for the surviving spouse of a disabled veteran includes property held in any of these ways. Finally, the bill establishes a formula for pro rating the amount of the exemption in the event there are owners in addition to the disabled veteran. This bill is identical to SB 540.

*Patron - Lingamfelter*

**HB933 Real property tax; exemption for disabled veterans.** Provides that the real property tax exemption for disabled veterans for property acquired after January 1, 2011, begins on the date of acquisition and that the previous owner of the property is entitled to a pro rata refund of any taxes paid for any period of the tax year coming after the date of acquisition. The bill also provides that a veteran or spouse otherwise qualified for the exemption does not lose the exemption solely because of extended stays at hospitals, nursing homes, or other convalescent facilities as long as the real property is not leased to another person.

*Patron - Lingamfelter*

**HB959 Sales and use tax; public transportation companies.** Clarifies that the sales and use tax is not applicable to any company that is owned, operated, or controlled by any county, city, or town and provides public transportation services. This bill is identical to SB 40.

*Patron - Bell, Robert B.*

**HB1013 Income tax; capital gains subtraction.** Extends the subtraction from individual and corporate taxable income of capital gains from investments in qualified businesses from June 30, 2013, to June 30, 2015. This bill is identical to SB 226.

*Patron - Comstock*

**HB1068 Real property tax; commercial and industrial property in localities in Northern Virginia.** Extends the sunset date from June 30, 2013, to June 30, 2018, on the reduction in the tax rate for the special real property tax on commercial and industrial property in the localities encompassed by the Northern Virginia Transportation Authority from

25 cents (\$0.25) per \$100 of assessed value to 12.5 cents (\$0.125) per \$100 of assessed value.

*Patron - Hugo*

**HB1073 Real property tax; valuation of residential rental apartments.** Requires that, in any appeal to a board of equalization concerning the fair market value of residential apartments in excess of four units, the board use the income approach to valuation, unless certain specified exceptions exist. Criteria to be used in making this determination include actual gross income generated, losses due to vacancies, collection losses, and rent concessions, as well as actual operating expenses and expenditures. The bill contains an emergency clause and is effective for tax years beginning on or after January 1, 2012. The bill is identical to SB 73.

*Patron - Hugo*

**HB1116 Entitlement to sales and use tax revenues; development of regional impact.** Entitles the City of Bristol to retain certain sales and use taxes generated on the premises of a development of regional impact located in the City, to pay bonds issued for the development. The bill sets forth numerous criteria that a development must meet in order to qualify. The bill is identical to SB 607.

*Patron - O'Quinn*

**HB1128 Delinquent real property taxes.** Modifies procedures governing delinquent real property taxes by (i) requiring the attorney for a locality who handles delinquent real property taxes to request the commissioner of the revenue to correct land records that incorrectly report property as having delinquent taxes, and requiring the attorney, if necessary to petition the court to make such correction; (ii) requiring the owner of real property to pay all delinquent town taxes, in addition to paying delinquent county taxes under current law, in order to stop a judicial sale of the property; and (iii) conditioning a court's referral of a judicial sale to a commissioner of chancery for a ruling prior to sale, upon a proper objection having been made by an interested party.

*Patron - Johnson*

**HB1148 Tangible personal property; volunteer deputy sheriffs.** Allows motor vehicles owned by volunteer deputy sheriffs to be classified as a separate class of tangible personal property for local taxation purposes for tax years beginning on or after January 1, 2013. The classification currently includes motor vehicles owned by auxiliary, reserve, or special deputy sheriffs. This bill is identical to SB 534.

*Patron - Dudenhefer*

**HB1153 Income tax; conformity with § 199 of the Internal Revenue Code.** Allows the entire amount of the deduction allowed for domestic production activities pursuant to § 199 of the Internal Revenue Code to be deducted for Virginia income tax purposes for taxable years beginning on and after January 1, 2013. This bill is identical to SB 462.

*Patron - Massie*

**HB1192 Coalfield employment enhancement tax credit; sunset date.** Extends from January 1, 2015, to January 1, 2017, the sunset date for the coalfield employment enhancement tax credit. This bill is identical to SB 609.

*Patron - O'Quinn*

**HB1233 Local license tax ordinances for the severance of minerals.** Requires certain localities that imposed local severance taxes for the 2008, 2009, 2010, or 2011 license year to amend their local ordinances to adopt or include certain local license tax uniform ordinance provisions into the local ordinance with an effective date retroactive to the 2008 license

year. Each such locality would be required to allow taxpayers upon whom local severance taxes were imposed to avail themselves of the appeal procedures included as part of the local license tax uniform ordinance provisions. In addition, within 60 days of the effective date of the bill, each such locality would be required to provide written notice to taxpayers upon whom the locality imposed local severance taxes for the 2008, 2009, 2010, or 2011 license year that the locality has adopted or will adopt the uniform ordinance provisions retroactive to the 2008 license year and for each license year thereafter. Each such ordinance so amended within 90 days of the effective date of the bill would be deemed valid and properly enacted for purposes of any local severance tax imposed for license year 2008, 2009, 2010, 2011, or 2012. The bill also provides that any person assessed with a local severance tax for license year 2008, 2009, 2010, 2011, 2012, or 2013 would be allowed to file an administrative or judicial appeal of the same only during the period beginning July 1, 2013, and ending July 1, 2014. In addition, for any assessment of additional license tax for license year 2008, 2009, 2010, or 2011 collection activity would be suspended until July 1, 2013. Collection activity would be suspended until July 1, 2013, on any assessment of additional license tax for license year 2012 or 2013 if the taxpayer in filing a severance tax return includes with the return a good faith payment of the tax due or a good faith estimate of the tax due. The bill contains an emergency clause. This bill is identical to SB 658.

*Patron - Kilgore*

**HB1248 Transportation construction, operation and maintenance, and funding.** Provides for the construction, maintenance, and funding of transportation by (i) increasing transportation's share of year-end surpluses to 67 percent, and (ii) authorizing the Commonwealth Transportation Board (CTB) to name highways, bridges, interchanges, and other transportation facilities for private entities if an annual naming rights fee is paid, with the revenue dedicated to highway maintenance and operation. The bill also charges the CTB with greater responsibilities involving integration of land use and transportation planning and authorizes the CTB to withhold federal and state funds for certain local or regional capital improvement projects if those projects are inconsistent with the Statewide Transportation Plan or the Six-Year Improvement Program. Provision is made for use of "revenue-sharing" funds for secondary highway system maintenance projects carried out by local governments. The bill provides for special allocations by the CTB for bridge reconstruction, high priority highway projects, and reconstruction of highways with particularly deteriorated pavements. Finally, the bill establishes an annual \$50 license tax for electric motor vehicles registered in the Commonwealth. This bill is identical to SB 639.

*Patron - Lingamfelter*

**SB22 Real property tax; exemption for disabled veterans.** Provides that the real property tax exemption for veterans whose disability rating occurs after January 1, 2011, begins on the date of the rating. The bill also clarifies that a locality is not liable for interest on any refund due to the veteran for taxes paid prior to the filing of the affidavit or written statement concerning the veteran's disability.

*Patron - Stuart*

**SB33 Real estate with delinquent taxes or liens; City of Hampton.** Adds the City of Hampton to a list of localities authorized to have a special commissioner appointed to execute the necessary deeds to convey certain real estate to the locality when the delinquent taxes or liens, including penalties and interest, exceed 35 percent of the assessed value or when

the taxes alone exceed 15 percent of the assessed value. This bill is identical to HB 202.

*Patron - Locke*

**SB37 Sales and use tax exemption; certain educational materials.** Extends the sunset date from July 1, 2012, to July 1, 2017, on the sales and use tax exemption for textbooks and other educational materials withdrawn from inventory at book-publishing distribution facilities for free distribution to professors and other individuals who have an educational focus. This bill is identical to HB 299.

*Patron - Reeves*

**SB40 Sales and use tax; public transportation companies.** Clarifies that the sales and use tax is not applicable to any company that is owned, operated, or controlled by any county, city, or town and provides public transportation services. This bill is identical to HB 959.

*Patron - Reeves*

**SB49 Apportionment of corporate income tax; retail companies.** Requires retail companies to use a formula for apportioning taxable income to the Commonwealth based on multiplying their income by the sales factor. The provisions of the bill would be effective for tax years beginning on or after July 1, 2012, and would be phased in with the apportionment formula having a 100 percent sales factor by 2015. This bill is identical to HB 154.

*Patron - Watkins*

**SB73 Real property tax; valuation of residential rental apartments.** Requires that, in any appeal to a board of equalization concerning the fair market value of residential apartments in excess of four units, the board use the income approach to valuation, unless certain specified exceptions exist. Criteria to be used in making this determination include actual gross income generated, losses due to vacancies, collection losses, and rent concessions, as well as actual operating expenses and expenditures. The bill contains an emergency clause and is effective for tax years beginning on or after January 1, 2012. The bill is identical to HB 1073.

*Patron - Watkins*

**SB74 Roll-your-own cigarette machines.** Declares that any person who maintains, operates, or rents a roll-your-own cigarette machine at a retail establishment for use by a consumer is a manufacturer of cigarettes, and resulting products from the machine are cigarettes. Under the bill, a person who purchases a cigarette rolling machine for personal use to make cigarettes for personal consumption would not be deemed a manufacturer. This bill is identical to HB 314.

*Patron - Watkins*

**SB103 Transient occupancy tax; Roanoke County.** Authorizes Roanoke County to impose a transient occupancy tax at a rate not to exceed seven percent. Under its charter, Roanoke County currently is authorized to impose a transient occupancy tax at a rate not to exceed five percent. The additional revenues generated shall be used solely for advertising the Roanoke metropolitan area as an overnight tourist destination by members of the Roanoke Valley Convention and Visitors Bureau.

*Patron - Edwards*

**SB112 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 by extending it to tenants of the centers, and by including jobs created not only by the data center operator but also by the tenants of the data

center in collectively meeting the level of new jobs required for eligibility for the exemption. This bill incorporates SB 232. This bill is identical to HB 216.

*Patron - McDougle*

**SB131 Tax credits; assistance to low-income families; scholarships for K through 12 students attending private schools.** Establishes a credit beginning in taxable year 2013 for individuals, business entities, and corporations making monetary donations to nonprofit organizations providing education improvement scholarships to students whose family's annual household income is not in excess of 300 percent of the current poverty guidelines and certain students with disabilities, 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 such donations in the form of scholarships to such students. The credit would equal 65 percent of the donation made and any unused credit for the taxable year could be carried forward for five years. There is an annual cap of \$25 million in tax credits for the scholarship program. The Department of Education would administer the tax credit program.

The bill also expands the current Neighborhood Assistance Act Tax Credit program by increasing the tax credit percentage from 40 to 65 percent; raising the cap on education proposals from \$4.9 million to \$8 million, which has the effect of raising the total cap on the program from \$11.9 million to \$15 million; expanding the eligibility criteria for programs qualifying for tax credits to encompass programs providing services to certain students with disabilities and individuals whose family's annual household income is not in excess of 300 percent of the poverty guidelines; allowing unused credits at the end of the year to be distributed to neighborhood organizations that had previously met the \$500,000 cap on tax credits; and extending the sunset for the program to July 1, 2017. This bill incorporates SB 241.

*Patron - Stanley*

**SB226 Income tax; capital gains subtraction.** Extends the subtraction from individual and corporate taxable income of capital gains from investments in qualified businesses from June 30, 2013, to June 30, 2015. This bill is identical to HB 1013.

*Patron - Herring*

**SB238 Telework expenses tax credit.** Extends the telework expenses tax credit for employers through December 31, 2016. The credit currently expires on December 31, 2013. The bill also makes other clarifying changes concerning expenses eligible for the credit. This bill is identical to HB 551.

*Patron - Herring*

**SB308 Applications for local business license or land use authorization; conditions.** Permits localities to condition issuance of a local business license or land use authorization on payment of certain delinquent taxes, fees, or other charges owed by the applicant to the locality. This bill is identical to HB 842.

*Patron - Blevins*

**SB347 Contraband and tax-paid cigarettes; penalties.** Establishes legal limits and imposes criminal and civil penalties for possession with intent to distribute contraband tax-paid cigarettes by parties outside the legitimate distribution chain. This bill is identical to HB 479.

*Patron - McDougle*

**SB368 Major business facility job tax credit.** Extends the expiration of the period during which the major

business facility job tax credit may be taken within a two-year allowance from December 31, 2012, to December 31, 2014. This bill is identical to HB 714.

*Patron - Reeves*

**SB393 Media-related tax exemptions.** Extends, until 2017, the sunset on media-related tax exemptions for catalogs, letters, brochures, reports, and other similar printed materials when stored for 12 months or less in the Commonwealth and distributed for use outside the Commonwealth.

*Patron - Hanger*

**SB394 Local cigarette tax stamps.** Requires that beginning January 1, 2013, any local tax stamp or meter impression required to be used to evidence payment of the local cigarette tax shall be of the same stamp technology that is used or required by the Commonwealth for the state cigarette tax stamp. This bill is identical to HB 277.

*Patron - Hanger*

**SB409 Recordation tax.** Eliminates the recordation tax exemption for certain deeds of trust securing a refinanced obligation and establishes a reduced tax for all refinancing deeds of trust or mortgages that is equal to a maximum of 18 cents (\$0.18) per \$100 of the amount refinanced. Under current law, there is an exemption for a deed of trust or mortgage that is refinanced with the same lender on the principal amount of the original debt; all other such instruments of refinancing are subject to the tax at rates higher than the new rates established in the bill.

*Patron - Hanger*

**SB414 Authorized tourism project; sales and use tax revenues.** Clarifies that the amount of revenue to which the authorized tourism project is entitled is equal to the amount of revenue generated by a one percent sales and use tax on transactions taking place on the premises of the project. This bill is identical to HB 581.

*Patron - Norment*

**SB444 Historic rehabilitation tax credit.** Provides that any gain or income under federal law relating to the allocation or application of a historic rehabilitation tax credit would not be gain or income for Virginia tax purposes. The bill's provisions are declaratory of existing law. This bill is identical to HB 531.

*Patron - Vogel*

**SB462 Income tax; conformity with § 199 of the Internal Revenue Code.** Allows the entire amount of the deduction allowed for domestic production activities pursuant to § 199 of the Internal Revenue Code to be deducted for Virginia income tax purposes for taxable years beginning on and after January 1, 2013. This bill is identical to HB 1153.

*Patron - Stosch*

**SB463 Income taxes.** Advances the date as of which Virginia income tax laws conform with the Internal Revenue Code from December 31, 2010, to December 31, 2011; restores conformity to certain provisions of the federal earned income tax credit for taxable year 2011 for purposes of Virginia's low-income taxpayer income tax credit; and reinstates the age deduction for individuals born on or before January 1, 1939, that was inadvertently deleted by Chapter 851 of the Acts of Assembly of 2011. The bill contains an emergency clause. This bill is identical to HB 516.

*Patron - Stosch*

**SB503 Motor vehicle fuels sales tax.** Transfers the administration and collection of the motor vehicle fuels sales

tax imposed in certain transportation districts from the Department of Taxation to the Department of Motor Vehicles, effective July 1, 2013. This bill incorporates SB 138 and is identical to HB 876.

*Patron - Saslaw*

**SB519 Consumer utility tax; natural gas.** Exempts public utilities and electric cooperatives from the consumer utility tax on natural gas when the natural gas is used to generate electricity at a power station. This bill is identical to HB 103.

*Patron - Wagner*

**SB534 Tangible personal property; volunteer deputy sheriffs.** Allows motor vehicles owned by volunteer deputy sheriffs to be classified as a separate class of tangible personal property for local taxation purposes. The classification currently includes motor vehicles owned by auxiliary, reserve, or special deputy sheriffs. The bill is effective for tax years beginning on or after January 1, 2013. This bill is identical to HB 1148.

*Patron - Stuart*

**SB540 Real property tax exemption for disabled veterans.** Provides that the tax exemption for the primary residence of a disabled veteran, a disabled veteran and his spouse, or a surviving spouse of a disabled veteran includes real property (i) held in a revocable inter vivos trust over which the veteran, the veteran and his spouse, or the surviving spouse hold the power of revocation; (ii) held in an irrevocable trust under which a veteran alone or in conjunction with his spouse possesses a life estate or an estate for joint lives, or enjoys a continuing right of use or support; or (iii) held by a veteran alone or in conjunction with his spouse as tenant or tenants for life or joint lives. The bill also provides that the exemption for the surviving spouse of a disabled veteran includes property held in any of these ways. Finally, the bill establishes a formula for prorating the amount of the exemption in the event there are owners in addition to the disabled veteran. This bill incorporates SB 529.

*Patron - Puller*

**SB562 Transient occupancy tax; Campbell County.** Adds Campbell County to the list of counties authorized to impose a transient occupancy tax not to exceed five percent.

*Patron - Ruff*

**SB597 Retail sales and use tax; presumption for registration for collection of the tax.** Creates a legal presumption to require registration by a dealer for collection of retail sales and use taxes if any commonly controlled person maintains a distribution center, warehouse, fulfillment center, office, or similar location within the Commonwealth that facilitates the delivery of property sold by the dealer to its customers. The presumption can be rebutted by demonstrating that the activities conducted by the commonly controlled person in the Commonwealth are not significantly associated with the dealer's ability to establish or maintain a market in the Commonwealth for the dealer's sales. The effective date of the bill depends upon whether federal legislation passes authorizing states to require remote sellers to collect sales taxes on sales to in-state purchasers and the effective date of such federal legislation.

*Patron - Wagner*

**SB607 Entitlement to sales and use tax revenues; development of regional impact.** Entitles the City of Bristol to retain certain sales and use taxes generated on the premises of a development of regional impact located in the City, to pay bonds issued for the development. The bill sets forth numerous

criteria that a development must meet in order to qualify. The bill is identical to HB 1116.

*Patron - Carrico*

**SB609 Coalfield employment enhancement tax credit; sunset date.** Extends from January 1, 2015, to January 1, 2107, the sunset date for the coalfield employment enhancement tax credit. This bill incorporates SB 616. This bill is identical to HB 1192.

*Patron - Carrico*

**SB614 Local sales tax distribution; correction of erroneous payments.** Requires the state to make adjustments in the next month's distribution of sales tax revenues to a locality after it is discovered that an error in payment was made. Current law allows the adjustment to be made over a period of six months.

*Patron - Edwards*

**SB639 Transportation construction, operation and maintenance, and funding.** Provides for the construction, maintenance, and funding of transportation by (i) increasing transportation's share of year-end surpluses to 67 percent, and (ii) authorizing the Commonwealth Transportation Board (CTB) to name highways, bridges, interchanges, and other transportation facilities for private entities if an annual naming rights fee is paid, with the revenue dedicated to highway maintenance and operation. The bill also charges the CTB with greater responsibilities involving integration of land use and transportation planning and authorizes the CTB to withhold federal and state funds for certain local or regional capital improvement projects if those projects are inconsistent with the Statewide Transportation Plan or the Six-Year Improvement Program. Provision is made for use of "revenue-sharing" funds for secondary highway system maintenance projects carried out by local governments. The bill provides for special allocations by the CTB for bridge reconstruction, high priority highway projects, and reconstruction of highways with particularly deteriorated pavements. Finally, the bill establishes an annual \$50 license tax for electric motor vehicles registered in the Commonwealth. This bill is identical to HB 1248.

*Patron - Wagner*

**SB658 Local license tax ordinances for the severance of minerals.** Requires certain localities that imposed local severance taxes for the 2008, 2009, 2010, or 2011 license year to amend their local ordinances to adopt or include certain local license tax uniform ordinance provisions into the local ordinance with an effective date retroactive to the 2008 license year. Each such locality would be required to allow taxpayers upon whom local severance taxes were imposed to avail themselves of the appeal procedures included as part of the local license tax uniform ordinance provisions. In addition, within 60 days of the effective date of the bill, each such locality would be required to provide written notice to taxpayers upon whom the locality imposed local severance taxes for the 2008, 2009, 2010, or 2011 license year that the locality has adopted or will adopt the uniform ordinance provisions retroactive to the 2008 license year and for each license year thereafter. Each such ordinance so amended within 90 days of the effective date of the bill would be deemed valid and properly enacted for purposes of any local severance tax imposed for license year 2008, 2009, 2010, 2011, or 2012. The bill also provides that any person assessed with a local severance tax for license year 2008, 2009, 2010, 2011, 2012, or 2013 would be allowed to file an administrative or judicial appeal of the same only during the period beginning July 1, 2013, and ending July 1, 2014. In addition, for any assessment of additional license tax for license year 2008, 2009, 2010, or 2011 collection activity would be suspended until July 1, 2013. Collection activity

would be suspended until July 1, 2013, on any assessment of additional license tax for license year 2012 or 2013 if the taxpayer in filing a severance tax return includes with the return a good faith payment of the tax due or a good faith estimate of the tax due. The bill contains an emergency clause. This bill is identical to HB 1233.

*Patron - Puckett*

**SB680 Neighborhood Assistance Act Tax Credit.** The bill lowers the threshold, from 50 percent to 40 percent, for the percentage of impoverished people to whom a neighborhood assistance organization that submits a proposal to the State Board of Social Services must provide services to in order to be eligible to participate in the program.

*Patron - Wagner*

**SB681 Definition of income tax.** Provides a definition of "income tax" for purposes of certain individual income tax credits for taxes paid to another state or a foreign country. The provisions of the bill are retroactive for taxable years 2007 through 2011 and prospective beginning with taxable year 2012. The bill contains an emergency clause.

*Patron - Stosch*

**SB684 Entitlement to sales and use tax revenues; City of Winchester and the City of Lynchburg.** Adds the City of Winchester and the City of Lynchburg to the list of localities that are entitled to sales and use tax revenues generated at certain public facilities for the repayment of bonds related to the public facilities.

*Patron - Vogel*

## Failed

**HB18 Transfer of certain income tax revenue generated by space flight entities to the Virginia Commercial Space Flight Authority.** Clarifies that the revenue transferred to the Virginia Commercial Space Flight Authority attributable to the sale of commercial human spaceflights or commercial space flight training by space flight entities (i) is the income tax revenue generated from such sale and (ii) is not determined solely by the point of sale or where the space flight takes place. The bill also expands such space flight entities to include limited liability companies. This bill was incorporated into HB 813.

*Patron - Kilgore*

**HB19 Individual income tax deduction for certain purchases from space flight entities.** Provides an individual income tax deduction in the amount paid for a prepaid contract entered into with a commercial space flight entity to place the taxpayer's cremated remains in earth or lunar orbit. The deduction shall not exceed \$8,000 in total and shall not exceed \$2,500 in any one tax year. The bill is effective for taxable years beginning on or after January 1, 2013, but before January 1, 2021.

*Patron - Kilgore*

**HB23 Sales and use tax revenue dedicated to the Transportation Trust Fund.** Increases the amount of sales and use tax revenue dedicated to the Transportation Trust Fund from an amount generated by a 0.5 percent tax rate under current law to an amount generated by a one percent tax rate, phased in by a 0.1 percent increase each year for five years, or over a longer period of time if there is a lack of growth in general fund revenues.

*Patron - Cole*

**HB24 BPOL tax; certain localities required to assess on Virginia taxable income.** Requires that the local license (BPOL) tax be imposed on the Virginia taxable income of a business for any locality that did not impose a BPOL tax in license year 2011 and subsequently elects to impose a BPOL tax. Under current law, the tax base upon which the local license tax is imposed is the gross receipts or gross income of businesses with a place of business in the locality.

*Patron - Cole*

**HB31 Real property tax valuation; property's use restricted by law.** Prohibits attributing any value to any unlawful use of real property when determining fair market value

*Patron - Marshall, R.G.*

**HB53 Tangible personal property tax relief.**

Requires that beginning with tax year 2013 the reimbursement paid by the Commonwealth to localities for providing tangible personal property tax relief would be apportioned approximately in an equal dollar amount among all vehicles in the county, city, or town qualifying for the tax relief.

*Patron - Albo*

**HB105 Machinery and equipment recyclable materials tax credit.** Provides that beginning January 1, 2012, machinery and equipment used in a manufacturing facility or plant unit that produces methane gas for sale through anaerobic digestion would be eligible for the tax credit.

*Patron - Loupassi*

**HB117 Local taxes; interest on refunds and delinquent taxes.** Authorizes localities not to pay interest on the refund of local taxes when the refund is due to errors made by the taxpayer. This bill has technical amendments.

*Patron - Wilt*

**HB124 Plastic bag tax.** Imposes a tax of 20 cents (\$0.20) on plastic bags used by purchasers to carry tangible personal property purchased in grocery stores, convenience stores, or drug stores. 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 five cents (\$0.05) of the 20-cent (\$0.20) tax or seven cents (\$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*

**HB145 Sales and use tax on watercraft.** Removes the \$2,000 cap on the amount of tax imposed under the sales and use tax on watercraft.

*Patron - Englin*

**HB160 Cigarette and other tobacco products; tax rates.** Increases the cigarette tax rate from 30 cents (\$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 taxes is distributed as follows: (i) four percent to the Virginia Department of Health for the Virginia state tobacco quitline, (ii) four percent to the Virginia Foundation for Healthy Youth to prevent tobacco use, and (iii) the remaining amount to increase appropriations to localities for car tax relief.

*Patron - Hope*

**HB201 Real property tax exemption; elderly and disabled.** Removes the requirement that "income" be restricted to that which is taxable under federal income tax laws, for purposes of a locality that elects to have income caps in determining eligibility of the elderly and disabled for tax relief.

*Patron - Ward*

**HB236 Sales and use tax exemption; hurricane preparedness products and energy-efficient or water-efficient products.** Merges the sales and use tax holiday for energy-efficient or water-efficient products with the sales and use tax holiday for hurricane preparedness products so that both occur during the same seven days previously reserved for only hurricane preparedness products. The bill also removes the sunset for these sales tax holidays.

*Patron - Cosgrove*

**HB247 Sales and use tax exemption; computers.** Adds computers and related computer equipment with an aggregate sales price of \$3,500 or less to the school supplies and clothing that are exempt from sales and use tax each year for a three-day period in August.

*Patron - Cline*

**HB276 Neighborhood assistance tax credits; eligibility of certain mediators.** Provides that mediators certified under guidelines of the Judicial Council of Virginia who provide mediation services, without charge, at the direction of an approved neighborhood organization that provides court referred mediation services would be eligible for neighborhood assistance tax credits. This bill is identical to HB 368.

*Patron - Peace*

**HB290 Local taxes; interest on refunds and delinquent taxes.** Authorizes localities not to pay interest on the refund of local taxes when the refund is due to errors made by the taxpayer. This bill also has technical amendments.

*Patron - Sherwood*

**HB322 Motor vehicle rental tax; exclusions from the tax.** Provides exclusions from the gross rental proceeds upon which the motor vehicle rental tax is imposed. The exclusions include cash discounts taken on a rental contract; finance, carrying, and other service charges; charges for motor fuels; charges for optional accidental death insurance; and other specified exclusions.

*Patron - Massie*

**HB323 Bank franchise tax; apportionment.** Provides that the bank franchise tax for banks operating in multiple states shall be apportioned according to the proportion of the bank's deposits held in the Commonwealth.

*Patron - Massie*

**HB335 Individual and corporate income taxes; subtraction for investment in small businesses.** Grants an individual and corporate income tax deduction for any income taxed (i) as a gain for federal income tax purposes attributable to an investment in a small business held for a period of at least five years or (ii) as investment services partnership interest income for federal income tax purposes attributable to an investment in a small business. The bill defines a small business as a business having (a) a principal office or facility in the Commonwealth and (b) immediately after and at all times prior to the investment, aggregate assets that totaled less than \$50 million in cash plus the aggregate adjusted bases of all other property held by the business. The bill applies to investments in small businesses made on or after January 1, 2012. The deduction is limited to any gain or investment services partner-

ship interest income attributable to the first \$500,000 invested by the individual or corporation in the respective small business.

*Patron - Villanueva*

**HB340 Neighborhood assistance tax credits.** Provides that an auxiliary, subsidiary, or subordinate of a § 501(c)(3) or 501(c)(4) nonprofit is a neighborhood organization that may submit a proposal for an allocation of neighborhood assistance tax credits, regardless of whether the auxiliary, subsidiary, or subordinate holds a ruling that it is exempt from income taxation under the provisions of §§ 501(c)(3) and 501(c)(4). The auxiliary, subsidiary, or subordinate would be subject to all other conditions and requirements that neighborhood organizations must meet for an allocation of tax credits. As part of any tax credit proposal, the auxiliary, subsidiary, or subordinate would be required to include information that clearly establishes the § 501(c)(3) or 501(c)(4) nonprofit under which it is controlled. The auxiliary, subsidiary, or subordinate would be deemed an affiliate of the § 501(c)(3) or 501(c)(4) organization under which it is controlled for purposes of any limitation on the aggregate amount of tax credits that can be approved to a grouping of neighborhood organization affiliates.

*Patron - Wilt*

**HB393 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.*

**HB419 Estate tax reinstated.** Reinstates the estate tax for persons dying on or after July 1, 2012. No estate tax will be imposed on a gross estate if the majority of the assets of the estate is an interest in a closely held business or a working farm. The revenues from the estate tax would first be used for funding staffing standards in nursing homes required to be established under the bill, which staffing standards would require a minimum period of time of direct care services to each resident per 24-hour period.

*Patron - Watts*

**HB422 Transportation funding and administration.** Provides additional funding for transportation by (i) imposing a motor fuels sales tax rate of five percent, phased in over five 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) adding an additional 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, 2011. 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. 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*

**HB446 Termination of certain coal tax credits.** Repeals the Virginia coal employment and production incen-

tive tax credit and the coalfield employment enhancement tax credit.

*Patron - Toscano*

**HB461 Local taxes; interest and penalties.** Provides that the rate of interest set by localities that is charged on delinquent local taxes, and paid on refunds of local taxes, for the first year shall not exceed the "Underpayment Rate" established pursuant to § 6621(a)(2) of the Internal Revenue Code. After the first year, the cap on the rate increases by two percent. Under current law, such interest rate shall not exceed the rate established pursuant to § 6621(a)(2) of the Internal Revenue Code or 10 percent, whichever is greater. The bill also repeals a statute that automatically imposed an interest rate of 10 percent in any locality that does not enact an ordinance setting the interest rate. Finally, the bill authorizes the waiver of interest and penalty for good cause. The current law requiring the interest charged on delinquent taxes to be the same as the interest paid on tax refunds, is maintained. The bill contains technical amendments.

*Patron - Byron*

**HB512 Intangible personal property tax; machinery and tools.** Classifies as intangible personal property, and therefore subject solely to state taxation, machinery and tools purchased on or after July 1, 2012, that have not been in service for more than three years.

*Patron - Purkey*

**HB565 Sales and use tax exemption; computers.** Adds computers and related computer equipment with an aggregate sales price of \$3,500 or less to the school supplies and clothing that are exempt from sales and use tax each year for a three-day period in August.

*Patron - Marshall, D.W.*

**HB664 Publication of names of taxpayers claiming state tax credits.** Requires the Tax Commissioner to annually report on and publish on the Department of Taxation's website the following for certain state tax credits: a brief description of the tax credit, the name of each taxpayer claiming at least \$1,000 of the respective credit, the dollar amount of the credit claimed by such taxpayer, and a reference to the Code of Virginia section (referenced with specificity) that establishes the credit.

*Patron - Surovell*

**HB671 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 or the underpaying business taxpayer's income exceeds \$500,000, and the amount in question exceeds \$50,000.

*Patron - Surovell*

**HB712 Coal severance tax.** Codifies the manner in which the coal severance tax is calculated and is declarative of existing local practice.

*Patron - Kilgore*

**HB783 Microenterprise investment tax credits.** Creates a tax credit for individuals who make a qualified investment in a microenterprise in tax years beginning on or after January 1, 2012, but before January 1, 2017. The amount of the credit shall be 25 percent of an investment in a green business microenterprise or a microenterprise located in a Historically Underutilized Business Zone, or 20 percent of an

investment in any other microenterprise. An individual may receive a credit up to \$12,500, and the total aggregate amount of credits available in a calendar year is capped at \$2.5 million.

*Patron - Lopez*

**HB795 Food and beverage tax; Floyd County.**

Authorizes Floyd County to impose a food and beverage tax at a rate not to exceed four percent, provided that (i) the local governing body unanimously votes to impose it and (ii) the local governing body decreases the real property tax rate to a level that will reduce its real property tax revenues by an amount equal to the estimated amount of revenue to be generated by the food and beverage tax.

*Patron - Rush*

**HB801 Board of equalization; Loudoun County.**

Allows the Loudoun County board of supervisors to appoint the members of the Loudoun County board of equalization. Currently, the members are appointed by the circuit court.

*Patron - May*

**HB802 Transportation funding and administration; Virginia Pump Toll ("FareShare").**

Imposes the Virginia Pump Toll ("FareShare"), in the amount of (i) \$0.50 on each use of a retail motor fuels pump and an additional \$0.50 when purchasing 35 or more gallons; (ii) \$1.00 on each 12-gallon sale of gasoline (other than for resale) from a transport truck or tank wagon and on each 60-gallon sale of diesel fuel (other than for resale) from a transport truck or tank wagon; (iii) an amount to be determined by the Commissioner of the Department of Motor Vehicles on the bulk purchase of clean fuel other than electricity at a rate equivalent to \$1.00 times the volume of clean fuel required to fill the average size fuel tank to three quarters full; and (iv) \$0.50 on each sale of clean fuel at an electric vehicle charging service facility. Revenue from the FareShare shall be used for highway maintenance and operation in the highway construction district in which the motor fuel is sold. The amount of the FareShare increases by 10 percent every five years. The bill has a delayed effective date of January 1, 2013.

*Patron - May*

**HB811 Corporate tax credit; taxes paid in another state.**

Allows an entity that pays corporate income tax in Virginia based upon 100 percent of its sales to receive a tax credit equal to the amount of income tax paid in another state for sales in that state. The tax credit would apply to tax years beginning on or after January 1, 2012.

*Patron - May*

**HB892 Taxes on fuels; issuance of bonds.**

Makes the retail sale of gasoline, diesel fuel, and other fuels subject to the general five percent retail sales and use tax and reduces the fuels tax on such fuels by \$0.05 per gallon from \$0.175 per gallon to \$0.125 per gallon. Under current law, the sale of fuels is exempt from the general retail sales and use tax, but fuels are subject to a fuels tax imposed at the rate of \$0.175 per gallon. Of the net additional revenues generated each year under the bill, \$250 million would be deposited into the Highway Maintenance and Operating Fund and the remainder would be deposited into the Highway Construction Projects Trust Fund created under the bill.

Moneys deposited into the Highway Construction Projects Trust Fund would be used to finance or fund the construction, acquisition, reconstruction, or replacement of or improvements or additions to highway projects determined necessary by the Commonwealth Transportation Board. The bill also authorizes the issuance of up to \$5 billion in bonds for such highway projects with the bonds and the interest thereon to be repaid from

the net additional revenues generated by the bill and deposited into the Fund.

The Commonwealth Transportation Board is charged with ensuring that of the net additional revenues over the long term approximately 38 percent of such revenues would be used for projects in the Northern Virginia construction district, 31 percent for projects in the Hampton Roads construction district, and 31 percent for projects in all other construction districts in the Commonwealth.

*Patron - Alexander*

**HB898 Transportation funding.**

Dedicates to the Highway Maintenance and Operating Fund (i) one-third of the total revenue from the insurance license tax and (ii) the amount of current state sales and use tax revenue attributable to a 0.25 percent sales and use tax rate.

*Patron - Albo*

**HB899 Transportation funding; motor fuels tax and sales and use tax revenue.**

Provides funds for statewide transportation by indexing the motor fuels tax rate to the National Highway Construction Cost Index. The bill also allocates a portion of current sales and use tax revenue by (i) dedicating the revenue equal to a one-quarter percent sales and use tax in Northern Virginia for transportation projects in Northern Virginia, and (ii) dedicating the revenue equal to a one-quarter percent sales and use tax in Hampton Roads for transportation projects in Hampton Roads.

*Patron - Albo*

**HB983 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.*

**HB1023 Tax credit for hiring certain individuals released from incarceration.**

Establishes beginning January 1, 2012, an individual and corporate income tax credit for taxpayers hiring individuals released from incarceration into new jobs paying an annual salary of at least \$50,000. Individuals released from incarceration are persons who were released from incarceration for conviction of a felony within the five years immediately preceding the date on which the person was hired into the new job. The tax credit would equal \$500 each year for five years for each such employee holding the new job continuously throughout the year. No credit would be allowed for any year in which the number of full-time employees of the taxpayer is less than the average annual number of full-time employees of the taxpayer in the immediately preceding three years.

*Patron - Englin*

**HB1027 Local motor fuels tax.**

Permits two or more localities that are constructing or operating high capacity transit systems to impose a local motor fuels tax at the rate of 2.1 percent of the wholesale price of fuels sold to retailers. The revenue generated from the tax shall be used to construct or operate high capacity transit systems.

*Patron - Englin*

**HB1030 Minimum corporate income tax.** Establishes a \$250 minimum corporate income tax beginning January 1, 2012. Corporations would not be allowed to claim any tax credit to reduce the corporate income tax below \$250.

*Patron - Englin*

**HB1046 Real property tax exemption; elderly and disabled.** Removes the requirement that "income" be restricted to that which is taxable under federal income tax laws, for purposes of a locality that elects to have income caps in determining eligibility of the elderly and disabled for tax relief.

*Patron - Keam*

**HB1082 Recordation tax.** Eliminates the recordation tax exemption for certain deeds of trust securing a refinanced obligation, and establishes a reduced tax for all refinancing deeds of trust or mortgages that is equal to a maximum of 18 cents (\$0.18) per \$100 of the amount refinanced. Under current law, there is an exemption for a deed of trust or mortgage that is refinanced with the same lender on the principal amount of the original debt; all other such instruments of refinancing are subject to the tax at rates higher than the new rates established in the bill.

*Patron - Hugo*

**HB1157 Local government taxing authority.** Equalizes city and county taxing authority beginning January 1, 2013, by granting counties the same authority available to cities. In general, cities are not subject to maximum tax rates that may be imposed on meals, transient room rentals, cigarettes, and admissions to events. In general, counties are subject to maximum rates for these taxes.

*Patron - Merricks*

**HB1204 Incentive payments for use of domestic tobacco by nonparticipating manufacturers.** Extends through 2014 the incentive payments made to certain nonparticipating manufacturers using domestic tobacco to manufacture cigarettes. Incentive payments in 2013 and 2014 would equal the amount paid by the nonparticipating manufacturer for domestic tobacco that was used by the manufacturer in manufacturing cigarettes in the respective year, but not to exceed five percent of the amount that the manufacturer paid into a qualified escrow account in the preceding year to escrow funds for potential future claims against the manufacturer.

Current law provides that a manufacturer eligible for an incentive payment is a person or entity that (i) does not participate under the tobacco Master Settlement Agreement, (ii) is in compliance with all obligations imposed on nonparticipating manufacturers, and (iii) has made an irrevocable assignment to the Commonwealth of the moneys it paid into the qualified escrow account.

*Patron - O'Quinn*

**HB1239 Retail sales and use tax increase.** Increases the state retail sales and use tax from four percent to five percent beginning January 1, 2013, subject to a statewide referendum on the same. The increase in the state retail sales and use tax would result in a combined state and local retail sales and use tax of six percent. One-half of the revenues generated would be deposited into a new special fund, the Supplemental Highway Construction and Maintenance Fund, and one-half of the revenues generated would be used in accordance with the general appropriation act for the provision of mental health services, public K through 12 education, and public higher education.

Of the sales and use tax revenues deposited into the Supplemental Highway Construction and Maintenance Fund, \$200 million each fiscal year would be used for the construction of secondary system roads. The remaining sales and use tax revenues deposited into the Fund would be distributed to the Highway Maintenance and Operating Fund to be used (i) to repair bridges that are structurally deficient or functionally obsolete and (ii) for maintenance of the Commonwealth's highways.

*Patron - Putney*

**HB1241 Motor fuels tax; indexed.** Requires that the motor fuels tax rate be indexed on January 1, 2014, and each year thereafter, to the average percentage change in the U.S. Department of Transportation's Transportation Services Index for the three years ending October 31 of the year immediately preceding the affected year.

*Patron - Purkey*

**HB1264 Extension of time to file individual income tax return; penalty for late payment of tax.** Provides that for individual income tax returns filed electronically under an extension of time allowed or elected, no late payment penalty would be imposed if the full amount of tax due is paid by the last day by which the taxpayer would have been required to file the return under the extension, regardless of whether the income tax return was filed prior to the full amount of the tax being paid.

*Patron - Toscano*

**SB48 Assessment of residential rental properties.** Establishes criteria by which an assessor shall determine fair market value for real estate used in whole or in part as residential rental property as defined by ordinance or the locality. Criteria include actual gross income generated, losses due to vacancies, collection losses, and rent concessions as well as actual operating expenses and expenditures. Evidence as to fair market value presented by the property owner shall be considered by the real estate assessor in his property assessment.

*Patron - Watkins*

**SB78 Corporate tax credit; taxes paid in another state.** Allows an entity that pays corporate income tax in Virginia based upon 100 percent of its sales to receive a tax credit equal to the amount of income tax paid in another state for sales in that state. The tax credit would apply to tax years beginning on or after January 1, 2012.

*Patron - Watkins*

**SB138 Motor vehicle fuel sales tax.** Transfers the administration and collection of the motor vehicle fuel sales tax imposed in certain transportation districts from the Department of Taxation to the Department of Motor Vehicles, effective July 1, 2013. This bill was incorporated into SB 503.

*Patron - Puller*

**SB154 License tax; uniform ordinances.** Declares that in order to meet the existing requirement that a local ordinance levying a license tax must include provisions "substantially similar" to those set forth in the uniform ordinance provisions of subsection A of § 58.1-3703.1, the ordinance may incorporate or adopt the provisions by reference. This bill contains technical amendments.

*Patron - Puckett*

**SB162 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.

This bill was incorporated into SB 631.

*Patron - Petersen*

**SB232 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 by extending it to tenants of the centers, and by including jobs created not only by the data center operator but also by the tenants of the data center in collectively meeting the level of new jobs required for eligibility for the exemption. This bill was incorporated into SB 112.

*Patron - Herring*

**SB241 Tax credits; assistance to low-income families, scholarships for K through 12 students attending private schools.** Establishes a credit beginning in taxable year 2012 for certain business entities making monetary donations to nonprofit organizations providing education improvement scholarships to students whose family's annual household income is not in excess of 300 percent of the current poverty guidelines and certain students with disabilities, 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 tax-credit-derived funds in the form of scholarships to such students. The credit would equal 84 percent of the donation made by the business entity and any unused credit for the taxable year would be refundable. There is an annual cap of \$50 million in tax credits for the scholarship program. The Department of Education would administer the tax credit program.

The bill also expands the current Neighborhood Assistance Act Tax Credit program by increasing the tax credit percentage from 40 to 64 percent; expanding the eligibility criteria for programs qualifying for tax credits to encompass programs providing services to certain students with disabilities and individuals whose family's annual household income is not in excess of 300 percent of the poverty guidelines; and repealing the July 1, 2014, sunset for the program. Current law provides that programs qualifying for tax credits must provide services to individuals whose family's annual household income is not in excess of 200 percent of the current poverty guidelines.

The bill was incorporated into SB 131.

*Patron - Obenshain*

**SB262 Microenterprise investment grant program.** Creates a grant program for individuals who make a qualified investment in a microenterprise. The amount of the credit shall be 25 percent of an investment in a green business microenterprise or a microenterprise located in a Historically Underutilized Business Zone or 20 percent of an investment in any

other microenterprise. An individual may receive a credit up to \$12,500. The microenterprise investment grant program is contingent upon an appropriation of general funds effectuating the provisions of the bill.

*Patron - Ebbin*

**SB306 Tax increment financing; blighted areas.** Specifies that only a blighted area may be designated as a development project area for purposes of tax increment financing.

*Patron - Blevins*

**SB352 Land conservation income tax credit; transfer in the event of death.** Allows the executor or administrator of an estate or the trustee of a revocable living trust to transfer the credit of the deceased taxpayer to another taxpayer.

*Patron - Deeds*

**SB355 Land preservation tax credits; information about approved credits.** Requires the Department of Taxation to publish and annually update a list that indicates the aggregate number of acres in each county or city for which tax credits were issued. The list shall also indicate the assessed value, the appraised value, and the amount of credits issued for each piece of property, or interest in property, awarded a land preservation tax credit.

*Patron - Deeds*

**SB401 Local taxes; interest on refunds and delinquent taxes.** Authorizes localities not to pay interest on the refund of local taxes when the refund is due to errors made by the taxpayer. This bill has technical amendments.

*Patron - Hanger*

**SB404 Riparian forest buffers; grant program and tax credit.** Sunsets the existing riparian forest tax credit on December 31, 2012. In its place, the bill creates a grant program to be administered by the State Forester. A person would be eligible for a grant equal to \$17,500, or 25 percent of the value of the timber retained as a buffer, whichever is less. The creation of the grant program and the sunset of the existing tax credit are contingent upon an appropriation of General Funds effectuating the provisions of the program.

*Patron - Hanger*

**SB529 Real property tax exemption for disabled veterans.** Provides that the tax exemption for the primary residence of a disabled veteran, a disabled veteran and his spouse, or a surviving spouse of a disabled veteran includes real property (i) held in a revocable inter vivos trust over which the veteran, the veteran and his spouse, or the surviving spouse hold the power of revocation; (ii) held in an irrevocable trust under which a veteran alone or in conjunction with his spouse possesses a life estate or an estate for joint lives, or enjoys a continuing right of use or support; or (iii) held by a veteran alone or in conjunction with his spouse as tenant or tenants for life or joint lives. The bill also provides that the exemption for the surviving spouse of a disabled veteran includes property held in any of these ways. Finally, the bill establishes a formula for pro rating the amount of the exemption in the event there are owners in addition to the disabled veteran. This bill was incorporated into SB 540.

*Patron - Marsden*

**SB616 Coalfield employment enhancement tax credit.** Eliminates the sunset on the coalfield employment enhancement tax credit. Currently the credit is set to expire on January 1, 2015.

*Patron - Puckett*

**SB618 Incentive payments for use of domestic tobacco by nonparticipating manufacturers.** Extends through 2014 the incentive payments made to certain nonparticipating manufacturers using domestic tobacco to manufacture cigarettes. Incentive payments in 2013 and 2014 would equal the amount paid by the nonparticipating manufacturer for domestic tobacco that was used by the manufacturer in manufacturing cigarettes in the respective year, but not to exceed five percent of the amount that the manufacturer paid into a qualified escrow account in the preceding year to escrow funds for potential future claims against the manufacturer.

Current law provides that a manufacturer eligible for an incentive payment is a person or entity that (i) does not participate under the tobacco Master Settlement Agreement, (ii) is in compliance with all obligations imposed on nonparticipating manufacturers, and (iii) has made an irrevocable assignment to the Commonwealth of the moneys it paid into the qualified escrow account.

*Patron - Puckett*

**SB620 Federal government contractor grant program.** Establishes a federal government contractor grant fund and program beginning January 1, 2013, for federal contractors with at least 250 full-time employees that subcontract with small or minority-owned, veteran-owned, or women-owned businesses to perform federal government contract work. The grant would equal five percent of the amount paid by the federal contractor under the subcontract to the small or minority-owned, veteran-owned, or women-owned business. The small or minority-owned, veteran-owned, or women-owned business would be required to perform all subcontract work in a Historically Underutilized Business Zone or a state enterprise zone. The federal government contractor grant program is contingent upon an appropriation of general funds effectuating the provisions of the bill.

The aggregate amount of grants would be capped at \$10 million each fiscal year.

*Patron - Petersen*

**SB631 Motor fuels tax; indexed.** Requires that the motor fuels tax rate be indexed each year to the percentage change in the U.S. Department of Labor's Producer Price Index for Other Nonresidential Construction from January 1 through December 31 of the year immediately preceding the affected year. This bill incorporates SB 162.

*Patron - Watkins*

## Carried Over

**HB10 BPOL tax; maximum fee and tax rates established.** Prohibits a locality from increasing its local license (BPOL) fees or taxes above the rates of its BPOL fees and taxes imposed for the 2011 license year. The prohibition on increasing BPOL fees and taxes expires beginning with the 2015 license year. The bill also authorizes a locality to impose the BPOL tax on (i) gross receipts or (ii) the Virginia taxable income of a corporation, the net income of a sole proprietorship, and the net income of a pass-through entity.

*Patron - Cole*

**HB82 Real property tax; land use valuation.** Provides that roll-back taxes shall not apply to real property that loses its designation as devoted to agricultural or horticultural use because of excavation of sand or gravel on it, provided that

such property returns to agricultural or horticultural use within two years after commencement of the extraction.

*Patron - Orrock*

**HB111 Small business job creation tax credit.** Creates an individual and corporate income tax credit beginning January 1, 2012, for small businesses creating new full-time jobs in the Commonwealth. The credit would equal \$1,000 for each new job created. A small business would be allowed the credit for an aggregate of 50 jobs. The provisions of the bill would expire on January 1, 2015.

*Patron - Bell, Richard P.*

**HB130 Individual income tax; military retirement pay subtraction.** Establishes an individual income tax subtraction for annual retirement compensation received for service as a member of the Armed Forces of the United States or the Virginia National Guard. The subtraction is effective beginning with the 2012 taxable year.

*Patron - Kilgore*

**HB131 Individual income tax credit; disabled military veterans.** Establishes an individual income tax credit beginning with the 2012 taxable year for veterans with a military service-connected disability. The credit would be computed by multiplying the veteran's disability rating for the taxable year by the amount of his Virginia individual income tax liability for the year. The veteran's disability rating would be determined using the disability ratings of the U.S. Department of Veterans Affairs.

*Patron - Kilgore*

**HB149 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 outside Virginia opens a satellite office in a Virginia locality with a population of 200,000 or fewer or after a business located in a Virginia locality with a population exceeding 200,000 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, 2012. 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 - Ransone*

**HB191 Tax credit for small businesses hiring graduates of Virginia's colleges.** Creates, beginning January 1, 2012, an individual and corporate income tax credit for certain small businesses creating new full-time jobs that are filled by persons holding associate's or bachelor's degrees from in-state institutions of higher education. The credit would equal \$2,500 for each such new full-time job. The credit would be claimed for the taxable year at which time the new full-time job was continuously filled for at least 12 months. Any unused credit would be allowed to be carried over for five taxable years. The tax credit would sunset in 2014.

*Patron - Herring*

**HB207 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. The bill has a sunset date of June 30, 2015.

*Patron - Miller*

**HB228 Tax credit for contracting with small or minority-owned, veteran-owned, or women-owned businesses.** Establishes a corporate income tax credit beginning January 1, 2013, for federal contractors with at least 250 full-time employees that subcontract with small or minority-owned,

veteran-owned, or women-owned businesses to perform federal government contract work. The tax credit would equal five percent of the amount paid by the federal contractor under the subcontract to the small or minority-owned, veteran-owned, or women-owned business. The small or minority-owned, veteran-owned, or women-owned business would be required to perform all subcontract work in a Historically Underutilized Business Zone or a state enterprise zone.

Tax credits would be capped at \$10 million each fiscal year. The tax credit would sunset on December 31, 2017.

*Patron - Habeeb*

**HB248 Corporate income tax.** Eliminates Virginia's corporate income tax for taxable years beginning on and after January 1, 2013.

*Patron - Cline*

**HB456 Riparian forest tax credit; refund.** Makes the existing tax credit for riparian forest buffer protection for waterways refundable. Currently, the tax credit may be carried forward for five taxable years, but is not refundable.

*Patron - Ware, R.L.*

**HB483 Real property tax; collection of certain taxes.** Provides that the current authority to increase the assessment of real property taxes for three preceding tax years by increasing the amount of the valuation of the property applies only to errors related to (i) new construction or improvements to the property, (ii) a change in the use of the property, or (iii) fraud on the part of the taxpayer.

*Patron - Iaquinto*

**HB505 Income tax; long-term care insurance credit.** Increases the amount of the credit an individual may claim for long-term care insurance premiums from 15 percent to 30 percent of the amount of the premiums paid. The bill would be effective for taxable years beginning on or after January 1, 2012.

*Patron - Garrett*

**HB514 Tax credits for costs to comply with excessive state regulations.** Establishes a tax credit beginning January 1, 2012, for the direct costs of a business attributable to its location in the Commonwealth to comply with excessive state regulations. The bill defines direct costs to include lost profits from business in the Commonwealth. The bill defines excessive state regulations as regulations or mandatory rules or guidelines that are (i) imposed by the Commonwealth, (ii) not required by any federal law or other federal authority, (iii) in general, costly to comply with, and (iv) imposed on a business for conducting business in the Commonwealth that restrict, condition, or prohibit ordinarily harmless property conditions or the ordinarily harmless exercise or enjoyment by the business of its legal rights. The Secretary of Commerce and Trade would be charged with identifying excessive state regulations for which tax credits would be allowed. The bill provides for a five-year carryover period for unused tax credits.

*Patron - Purkey*

**HB517 Individual income tax deductions; life, medical, and dental insurance premiums.** Creates individual income tax deductions beginning January 1, 2012, for (i) life insurance premiums paid by the individual for a life insurance policy covering him and (ii) medical and dental insurance premiums paid by the individual for any person for which individual tax filers may claim a deduction for such premiums under federal income tax laws.

*Patron - Purkey*

**HB518 Individual income tax deductions; life, medical, and dental insurance premiums.** Provides that beginning January 1, 2012, an individual age 66 or older with earned income of at least \$20,000 for the year is allowed to deduct the amount he pays annually for (i) life insurance premiums under a policy that covers him and (ii) medical and dental insurance premiums for any person for which individual tax filers may claim a deduction for such premiums under federal income tax laws.

*Patron - Purkey*

**HB720 Worker retraining tax credit; increase in credit amount.** Increases the worker retraining tax credit for worker retraining courses taken by employees at private schools from a maximum of \$100 per year per employee to \$250 per year per employee or \$500 per year per employee if the worker retraining includes retraining in a STEM or STEAM (science, technology, engineering, mathematics, or applied mathematics) discipline, including but not limited to a health care-related discipline.

*Patron - Yancey*

**HB787 Sales and use tax exemption; renewable energy equipment.** Provides refunds of sales and use tax paid on the purchase of certain renewable energy equipment.

*Patron - Lopez*

**HB832 Distribution of sales tax revenue to localities based on school-age population.** Permits local school divisions that make the determination that the annual estimate of school-age population within the division provided by the Weldon Cooper Center for Public Service of the University of Virginia is substantially inaccurate, to present evidence of such inaccuracy to the Superintendent of Public Instruction and have the Superintendent correct the estimate if in agreement with the local school division.

*Patron - Carr*

**HB862 Individual income tax deduction for tolls.** Establishes an individual income tax deduction beginning with the 2013 taxable year for tolls paid for the use of a publicly owned and publicly operated highway located in the Commonwealth.

*Patron - Rust*

**HB883 Income tax credit; solar energy equipment systems.** Provides a personal and corporate income tax credit beginning January 1, 2012, for the purchase and installation of equipment that (i) generates electricity from solar energy or (ii) uses solar energy to heat or cool a structure or provide hot water. The amount of the credit would be 10 percent of the cost of purchasing and installing eligible solar energy equipment systems, capped at \$1,000 per year. Any unused tax credit could be carried over for five years until all the tax credit is taken. The solar energy equipment system must provide a minimum of 10 percent of the energy needs of the structure in which it is installed, and must be approved by the Department of Mines, Minerals and Energy.

*Patron - Sickles*

**HB908 Land preservation tax credit; application for credits prior to any donation.** Provides that beginning January 1, 2013, a donor would be given the option to apply to the Department of Taxation for land preservation tax credits prior to making any donation of land. The Tax Commissioner, in general, would be required to provide such donors with a determination letter conditionally allowing the land preservation tax credits, in whole or in part, or denying the application for tax credit within 120 days of a complete application. After the Tax Commissioner's determination letter, the donor could

complete the conveyance of the donation and in such case would provide the Department with certified copies of the recorded deeds and instruments conveying the donation. The Department then would provide the donor with a written certification issuing the tax credits that were previously conditionally allowed. If the Tax Commissioner issues land preservation tax credits to a donor who elected to apply for the credits prior to making any donation, the fair market value of the donation would thereafter not be subject to dispute, except upon a showing of fraud or the misrepresentation of a material fact.

*Patron - Minchew*

**☐HB999 Tax credit for individual who teleworks.** Creates a \$500 credit for an individual who teleworks a minimum of 20 hours per week during at least 45 weeks of the year. The credit is available for taxable years beginning on or after January 1, 2012, but before January 1, 2017.

*Patron - Ramadan*

**☐HB1000 Telework expenses tax credit.** Raises the cap on the aggregate amount of tax credits available in calendar years 2012 and 2013 for telework expenses from \$1 million to \$1.5 million. The bill also raises the cap on the amount of credits that can be claimed by an employer from \$50,000 per employer to \$75,000 per employer.

*Patron - Ramadan*

**☐HB1006 Home school instruction tax credit.** Creates an individual income tax credit beginning January 1, 2012, for amounts paid by a parent or legal guardian for his child for home instruction-related materials and correspondence courses or distance learning programs used in the home instruction. The credit would equal the lesser of the amount actually paid during the year for such costs or \$1,000. The credit would be able to be carried over for four years.

*Patron - Ramadan*

**☐HB1041 Tax credit for hiring military veterans.** Establishes beginning January 1, 2012, an individual and corporate income tax credit for taxpayers hiring returning or disabled military veterans into new jobs paying an annual salary of at least \$50,000. Returning military veterans are persons who served on active duty on or after September 1, 2001, but not including any person who first served on active duty on or after January 1, 2015. Disabled military veterans are persons who are rated by the U.S. Department of Veterans Affairs as having at least a 50 percent service-connected disability and who were unemployed for at least six months in the calendar year immediately preceding the date on which they were hired into the new job. The tax credit would equal \$500 each year for five years for returning military veterans holding the new job continuously throughout the year and \$1,000 each year for five years for disabled military veterans holding the new job continuously throughout the year. No credit would be allowed for any year in which the number of full-time employees of the taxpayer is less than the average annual number of full-time employees of the taxpayer in the immediately preceding three years.

*Patron - Keam*

**☐HB1049 Income tax; STEM (science, technology, engineering, or mathematics) internship tax credit.** Establishes an individual and corporate income tax credit for taxpayers employing persons in STEM internship positions in the Commonwealth. The bill requires the intern to have an associate's or bachelor's degree in a STEM discipline or to be a graduate of a STEM trade school. In addition, the person's STEM internship with the taxpayer must be for a definite period that does not exceed 12 months. Taxpayers hiring STEM interns would be eligible for a tax credit equal to 25 percent of the

wages or salary paid to the intern. Taxpayers would apply to the Department of Taxation for the tax credit. The Department would issue tax credits by providing a written certification to the taxpayer that reports the amount of tax credit that may be claimed. The Department would not be allowed to issue more than \$2 million in tax credits during any fiscal year. The Department would be allowed to issue tax credits only for fiscal years 2013 through 2017.

*Patron - Anderson*

**☐HB1050 Income tax; tax credit for hiring military persons as STEM (science, technology, engineering, or mathematics) interns.** Establishes an individual and corporate income tax credit for taxpayers employing military persons in STEM internship positions in the Commonwealth. The bill requires the military person to be a retiree of or honorably discharged from the Virginia National Guard, the national guard of another state or U.S. territory, the armed forces of the United States, or the armed forces reserves of the United States. In addition, the person's STEM internship with the taxpayer must be for a definite period that does not exceed 12 months. Taxpayers hiring military persons in STEM internships would be eligible for a tax credit equal to 25 percent of the wages or salary paid to the intern. Taxpayers would apply to the Department of Taxation for the tax credit. The Department would issue tax credits by providing a written certification to the taxpayer that reports the amount of tax credit that may be claimed. The Department would not be allowed to issue more than \$2 million in tax credits during any fiscal year. The Department would be allowed to issue tax credits only for fiscal years 2013 through 2017.

*Patron - Anderson*

**☐HB1079 Local cigarette tax.** Prohibits any locality from restricting the owner of a business from transferring stamped cigarettes he legally possesses from one of his business locations to another of his business locations. The bill contains technical amendments.

*Patron - Hugo*

**☐HB1081 Local taxes on cigarettes; administration and enforcement.** Repeals the statute authorizing localities to utilize specific methods in administering and enforcing local taxes on cigarettes.

*Patron - Hugo*

**☐HB1155 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, 2012.

*Patron - Filler-Corn*

**☐HB1170 Income tax credits.** Grants an income tax credit for taxable years beginning on or after January 1, 2012, to individuals for placing into service renewable energy property. Individuals placing into service solar panels would be allowed a tax credit as follows: \$1.25 per watt for the first 2,000 watts; \$0.75 per watt for 2,001 through 8,000 watts; and \$0.25 per watt for 8,001 through 20,000 watts, not to exceed \$10,000 per system. The bill would allow up to \$2,000 in tax credit for placing into service a solar hot water system and 10 percent of the installed cost of placing into service a geothermal heat pump, not to exceed \$3,000. Individuals would also be allowed tax credit equal to 50 percent of the cost of a residential energy audit performed on their primary residence, not to exceed \$250, provided the individual implemented all

energy efficiency improvements recommended in the auditor's report. Tax credits for individuals under the bill would be capped at \$3 million each fiscal year.

The bill also grants an income tax credit for taxable years beginning on or after January 1, 2012, to corporations for placing into service renewable energy property. Corporations placing into service solar panels would be allowed a tax credit as follows: \$1.25 per watt for the first 2,000 watts; \$0.75 per watt for 2,001 through 8,000 watts; and \$0.25 per watt for 8,001 through 20,000 watts, not to exceed \$2.5 million per system. The bill would allow a tax credit equal to 25 percent of the installed cost of placing into service a solar hot water system, not to exceed \$10,000, and 10 percent of the installed cost of placing into service a geothermal heat pump, not to exceed \$10,000. Corporations would also be allowed tax credit equal to 50 percent of the cost of a commercial property energy audit, not to exceed \$500, provided the corporation implemented all energy efficiency improvements recommended in the auditor's report. Tax credits for corporations under the bill would be capped at \$5 million each fiscal year.

Beginning January 1, 2012, the bill reduces from 85 percent to 75 percent the redemption percentage for unused coalfield employment enhancement tax credits that would be paid to taxpayers who earned the credit. The 10 percent difference would not be paid and would accrue to the benefit of the general fund of the state treasury to help offset any fiscal impact from the individual and corporate renewable energy property and energy audit income tax credits established under the bill.

*Patron - Kory*

**☐HB1194 Farm wineries and vineyards tax credit.**

Raises the total annual amount of tax credits available under the farm wineries and vineyards tax credit to \$500,000 for tax years beginning on or after January 1, 2012.

*Patron - Garrett*

**☐HB1267 Corporate income tax; combined reporting requirements.** Requires, for taxable years beginning on or after January 1, 2013, combined reporting for corporate income tax purposes.

*Patron - Scott, J.M.*

**☐HB1268 Land preservation tax credit.** Reduces from \$100,000 to \$50,000 the amount of the land preservation tax credit that may be claimed for taxable years 2012 and 2013. Any taxpayer affected by the credit reduction would be allowed two additional taxable years in which to claim the land preservation tax credit.

*Patron - Brink*

**☐SB61 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 outside Virginia opens a satellite office in a Virginia locality with a population of 200,000 or fewer or after a business located in a Virginia locality with a population exceeding 200,000 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, 2012. 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 - Stanley*

**☐SB68 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, 2013.

*Patron - Stanley*

**☐SB70 Sales tax exemption; construction materials.**

Establishes a two-year sales tax moratorium for construction materials and supplies purchased by licensed contractors.

*Patron - Stanley*

**☐SB114 Exemptions for nonprofit entities; veterans organizations.** Adds veterans organizations to those nonprofit entities that can qualify for sales and use tax exemption.

*Patron - McDougle*

**☐SB178 Satellite office expenses tax credit.** Creates a \$250,000 tax credit for a business that opens a satellite office or operation in a Virginia locality that reduces the commute of at least 10 current employees to five miles or less. The capital investment made by the corporation to establish the satellite office or operation must be at least \$250,000.

*Patron - Stuart*

**☐SB181 Sales and use tax; remittance of use tax.** Provides that use tax be reported annually rather than every three months.

*Patron - Stuart*

**☐SB341 Income tax; long-term care insurance credit.**

Increases the amount of the credit an individual may claim for long-term care insurance premiums from 15 percent to 30 percent of the amount of the premiums paid. The bill would be effective for taxable years beginning on or after January 1, 2012.

*Patron - Newman*

**☐SB403 Land preservation tax credit; working farmers.**

Increases the land preservation tax credit from 40 percent to 50 percent of the fair market value of the conveyance for working farmers, for tax years beginning on or after January 1, 2013.

*Patron - Hanger*

**☐SB567 Low-income and student toll tax credit.**

Establishes a tax credit for students and low-income persons who have an E-ZPass or who pay tolls. The amount of the credit is capped at \$1,000 per qualified taxpayer.

*Patron - Lucas*

**☐SB642 Sales and use tax; lottery tickets.** Amends the definition of "retail sale" to include lottery tickets, for purposes of the imposition of the sales and use tax.

*Patron - Ruff*

**☐SB671 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, 2013.

*Patron - Hanger*

**☐SB673 Income Tax.** Deconforms Virginia income tax laws from two provisions of the Patient Protection and Afford-

able Care Act that otherwise would increase the state income tax.

*Patron - Black*

## Trade and Commerce

### Passed

#### **P HB927 Purchasers of secondhand metal items.**

Adds to the definition of proprietary articles any telecommunications cable that is one-half of one inch or greater in diameter and that contains 50 or more individual strands of solid, insulated, color-coded copper wire.

*Patron - Lingamfelter*

**P HB943 Purchase of service handguns; certain law-enforcement officers.** Reduces by five years the amount of time that certain law-enforcement officers must have served in order for the officer, or in some cases the officer's survivor, to purchase the officer's service handgun.

*Patron - Lingamfelter*

#### **P HB1088 Reduced cigarette ignition propensity.**

Eliminates an exemption that currently allows retailers to sell from their inventory cigarettes that do not comply with reduced ignition propensity standards if the cigarettes were stamped prior to January 1, 2010, which was the effective date of the legislation establishing the standards. This measure provides that retailers will not be subject to the requirements regarding the sale of reduced ignition propensity cigarettes only with respect to sales occurring prior to January 1, 2013. This bill is identical to SB 307.

*Patron - O'Bannon*

**P SB307 Reduced cigarette ignition propensity.** Eliminates an exemption that currently allows retailers to sell from their inventory cigarettes that do not comply with reduced ignition propensity standards if the cigarettes were stamped prior to January 1, 2010, which was the effective date of the legislation establishing the standards. This measure provides that retailers will not be subject to the requirements regarding the sale of reduced ignition propensity cigarettes only with respect to sales occurring prior to January 1, 2013. This bill is identical to HB 1088.

*Patron - Blevins*

**P SB533 Petroleum Products Franchise Act; divorce-ment clause.** Revises the divorce-ment requirement to provide that a refiner may operate a retail outlet only if it is not less than 1.5 miles from the nearest retail outlet operated by a dealer or jobber/distributor. A jobber/distributor is defined in this measure as a person who purchases motor fuel for sale, consignment, or distribution to another, or who receives motor fuel on consignment for consignment or distribution to his own motor fuel accounts or to accounts of his supplier. The measure also deletes requirements that the Commissioner of Agriculture and Consumer Services adopt certain regulations relating to the divorce-ment provisions.

*Patron - Saslaw*

### Failed

#### **F HB66 Incandescent light bulb manufacturing.**

Establishes a procedure by which a manufacturer of incandescent light bulbs (ILBs) in Virginia may obtain a license from

the State Corporation Commission. Licensed manufacturers are required to distribute their light bulbs only within the Commonwealth. The license of any licensed manufacturer is subject to revocation or suspension if it violates such requirement or engages in other prohibited conduct. The Office of the Attorney General is authorized to represent, or assist in the representation of, any licensee in any action instituted by the federal government, or by any person acting pursuant to color of federal law, in which it is alleged that the licensee has violated any provision of federal law regulating the manufacture or sale of ILBs.

*Patron - Marshall, R.G.*

**F HB169 State enterprise zone designations.** Provides that an area for which state enterprise zone designation is sought would be required to meet one of the following: (i) have 25 percent or more of the population with incomes below 80 percent of the median income of the jurisdiction; (ii) have an unemployment rate 1.5 times the state average; or (iii) have a demonstrated floor area vacancy rate of industrial and/or commercial properties of 20 percent or more.

The criteria would replace the current criteria that considers locality-wide need as demonstrated by (a) the average unemployment rate for the locality over the most recent three-year period; (b) the average median adjusted gross income for the locality over the most recent three-year period; and (c) the average percentage of public school students within the locality receiving free or reduced price lunches over the most recent three-year period.

*Patron - Cosgrove*

**F HB443 Debt collection practices; penalty.** Prohibits debt collectors from engaging in certain types of conduct when attempting to collect personal, family, and household debts, and requires debt collectors to comply with certain requirements when contacting a debtor, as is currently prohibited or required by the federal Fair Debt Collection Practices Act. A violation constitutes a prohibited practice under the Virginia Consumer Protection Act. Provisions currently requiring persons to comply with the federal Fair Debt Collection Practices Act are amended to require compliance with this counterpart state law.

*Patron - Brink*

**F HB678 Virginia Consumer Protection Act; local towing ordinances.** Provides that violations of a local ordinance regulating the removal or immobilization of trespassing vehicles or setting towing fees constitute prohibited practices under the Virginia Consumer Protection Act.

*Patron - Surovell*

**F HB912 Virginia Intrastate Commerce Act.** Declares that all goods grown, manufactured, or made in the Commonwealth of Virginia and all services performed in the Commonwealth of Virginia, when such goods or services are sold, maintained, or retained in the Commonwealth of Virginia on or after July 1, 2012, shall not be subject to the authority of the Congress of the United States under its constitutional power to regulate commerce among the several states.

*Patron - Minchew*

**F HB1276 Virginia Private Recreational Club Act.** Establishes requirements for disclosure statements, initiation deposits, and related matters applicable to memberships in private recreational clubs.

*Patron - Farrell*

## Carried Over

**HB643 Virginia Telephone Privacy Protection Act; telephone calls.** Provides that the term "telephone call" for purposes of the Virginia Telephone Privacy Protection Act includes any text message sent via short message service (SMS), any message containing multimedia content sent via multimedia messaging service (MMS), or any message sent via Voice over Internet Protocol (VoIP). The Act regulates telephone calls made to any natural person's residence in the Commonwealth or to any wireless telephone with a Virginia area code for the purpose of offering or advertising any property, goods, or services for sale, lease, license, or investment, including offering or advertising an extension of credit.

*Patron - Stolle*

**HB679 Unlawful sale of criminal history information.** Provides that the sale or offer for sale of the criminal history information of a person pertaining to a charge or conviction of a criminal offense after the arrest and charge history for that offense has been expunged pursuant to Title 16.1 or 19.2 by a seller or offeror who knows or has reason to know that the information has been expunged is a violation of the Virginia Consumer Protection Act.

*Patron - Surovell*

**SB268 Virginia Racing Commission; simulcast horse racing; allocations.** Authorizes wagering on historical horse racing. The bill also allocates the proceeds from such racing with 50 percent of the proceeds distributed to the Commonwealth Transportation Trust Fund and the remaining 50 percent distributed to other entities. In addition, the bill (i) requires an existing racetrack to provide gambling educational programs including information on the availability of gambling addiction counseling and (ii) requires the promulgation of emergency regulations.

*Patron - Norment*

## Unemployment Compensation

### Passed

**HB452 Virginia Employment Commission; transcripts.** Authorizes the Virginia Employment Commission, with the consent of all parties who participated in the hearing, to provide a digital or other electronic recording of the testimony taken at any hearing before a deputy, appeal tribunal, or the Commission. A recording would be an alternative to a transcript. The recording may be transmitted in any medium that provides protection by reasonable security measures from unauthorized interception.

*Patron - Ware, R.L.*

**HB1062 Virginia Employment Commission; representation of Commonwealth.** Provides that the Office of the Attorney General may represent the interests of the Commonwealth in hearings conducted before the Virginia Employment Commission regarding an employer's tax liability. Currently, the Office of the Attorney General's representation in such hearings is mandatory. This bill is identical to SB 295.

*Patron - Byron*

**SB54 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 6, 2014; it is currently scheduled to apply to claims filed on or after July 1, 2012.

*Patron - Watkins*

**SB248 Reporting and paying unemployment insurance taxes; employers of domestic service individuals.** Allows all employers of domestic service individuals in the private home of the employer to pay unemployment taxes and file reports annually. Currently, such an employer must make such payments and filings quarterly if the quarterly payroll exceeds \$5,000. The measure becomes effective on January 1, 2013.

*Patron - Obenshain*

**SB295 Virginia Employment Commission; representation of Commonwealth.** Provides that the Office of the Attorney General may represent the interests of the Commonwealth in hearings conducted before the Virginia Employment Commission regarding an employer's tax liability. Currently, the Office of the Attorney General's representation in such hearings is mandatory. This bill is identical to HB 1062.

*Patron - Puckett*

### Failed

**HB148 Unemployment benefits; drug testing.** Requires each applicant for unemployment benefits, as a condition of eligibility, to provide the Virginia Employment Commission with the results of a drug test that is negative for the use of a nonprescribed controlled substance.

*Patron - Ransone*

**HB562 Substance abuse assessment and screening; unemployment benefits.** Provides that an unemployed individual is not eligible to receive unemployment benefits until a representative of the Virginia Employment Commission has screened the individual to determine whether probable cause exists to believe the individual is engaged in the use of nonprescribed controlled substances. If a screening indicates reasonable cause to believe an individual is using illegal drugs, the Commission shall require a formal substance abuse assessment of the individual, which may include drug testing. An individual who fails or refuses to participate in a screening or assessment without good cause or who tests positive for the use of a nonprescribed controlled substance shall be ineligible to receive unemployment benefits.

*Patron - Marshall, D.W.*

**SB69 Unemployment benefits; volunteer service requirement.** Provides that eligibility for unemployment benefits is contingent upon the claimant's performance of at least 24 hours per week of volunteer service with a nonprofit charitable organization. This requirement does not apply during the first two weeks of eligibility. The Virginia Employment Commission may waive or alter the requirement in certain cases or situations.

*Patron - Stanley*

**SB319 Unemployment compensation; misconduct and qualification for benefits; tests for nonprescribed controlled substances.** Provides that an unemployed individual is not available for work, and thus is ineligible to receive unemployment benefits, until a representative of the Virginia Employment Commission has screened the individual to determine whether probable cause exists to believe the individual is

engaged in the use of nonprescribed controlled substances. Probable cause to believe such individual is engaged in the use of a nonprescribed controlled substance will exist for any individual who, within the preceding 10 weeks, has been discharged from employment for misconduct consisting of use of a nonprescribed controlled substance. If a screening indicates probable cause to believe an individual is engaged in the use of a nonprescribed controlled substance, the Commission shall require a formal substance abuse assessment of the individual. An individual who fails or refuses to participate in a screening or assessment without good cause or who tests positive for the use of a nonprescribed controlled substance shall be ineligible to receive unemployment benefits for six months. In addition, (i) an individual who has been discharged from employment for misconduct consisting of use of a nonprescribed controlled substance will also be barred, during the following 10 weeks, from receiving unemployment benefits otherwise payable as a result of other employment, (ii) the provision that currently permits the Commission to consider evidence of mitigating circumstances in determining whether misconduct occurred is repealed, (iii) any benefits paid to an employee who has been discharged from employment for misconduct consisting of use of a nonprescribed controlled substance shall not be charged to the account of the employer that discharged the employee, (iv) an individual who has been rejected for offered employment as the result of either failing to appear for such a drug screen that is a condition of a job offer or testing positive for a nonprescribed controlled substance is disqualified from receiving unemployment benefits, and (v) provisions allowing drug tests to comply with standards other than a United States Department of Transportation-qualified drug screen are repealed.

*Patron - Carrico*

## Carried Over

**HB219 Unemployment benefits; volunteer service requirement; study; report.** Provides that eligibility for unemployment benefits is contingent upon the claimant's performance of at least 24 hours per week of volunteer service with a nonprofit charitable organization. This requirement does not apply during the first eight weeks of eligibility. The Virginia Employment Commission may waive or alter the requirement in certain cases or situations. The measure also directs the Commission on Unemployment Compensation to conduct a study of changes to the existing unemployment compensation system that will ensure that claimants remain engaged in the workforce while receiving benefits and that unemployment benefits do not serve as a disincentive to finding employment. Possible changes to be studied include conditioning eligibility for benefits on performing community or volunteer service, enrolling in job training or educational programs, or relocating to areas with greater employment opportunities.

*Patron - Head*

**HB835 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. The measure authorizes an affected employee to participate in a Commission-approved training program sponsored by his shared work employer or

any other employer on days that he is not directed to report to work by his shared work employer without reduction in shared work benefits. If the U.S. Department of Labor finds that any provision of this measure violates federal law, the finding shall not affect, impair, or invalidate the remaining provisions. Finally, the measure requires the Commission to submit reports on the program's implementation and accomplishments, with recommendations to improve its effectiveness.

*Patron - Hope*

**HB1254 Unemployment benefits for symphony orchestra performers.** Provides that an individual is not eligible for unemployment benefits based on services consisting of performing or training with a symphony orchestra. The provision applies to weeks of unemployment commencing during periods between successive orchestra seasons when there is a reasonable assurance that the individual will perform in the ensuing orchestra season.

*Patron - Loupassi*

## Uniform Commercial Code - General Provisions

Passed

**SB51 Uniform Commercial Code; secured transactions.** Incorporates amendments to the secured transactions title of the Uniform Commercial Code that have been adopted by the National Conference of Commissioners on Uniform State Laws. The amended sections (i) update certain definitions; (ii) incorporate safe harbor provisions for electronic chattel paper under the Uniform Electronic Actions Act; (iii) amend the laws of perfection and priority to increase the likelihood that a security interest will be perfected under certain conditions; (iv) set out the sufficiency requirements for a financing statement to provide the name of the debtor; (v) delete prescribed forms for financing statements; and (vi) provide technical amendments and transition provisions. The measure takes effect on July 1, 2013.

*Patron - Watkins*

## Virginia Energy Plan

Passed

**HB1177 Virginia Energy Plan; objectives.** Adds to the list of the Commonwealth's energy objectives the following: (i) ensuring an adequate energy supply and a Virginia-based energy production capacity; and (ii) minimizing the Commonwealth's long-term exposure to volatility and increases in world energy prices through greater energy independence.

*Patron - Watson*

**SB627 Solar panels in community associations.** Clarifies a community association's authority to prohibit or restrict the installation of solar power devices.

*Patron - Petersen*

## Carried Over

**CSB505 Combined heat and power facilities; incentives.** Provides that combined heat and power facilities that meet the output and efficiency qualifications for the federal combined heat and power tax credit are eligible for a performance incentive of 200 basis points for the first portion of service life. Such combined heat and power facilities are declared to be certified pollution control equipment and facilities, which are exempt from state and local taxation pursuant to Article X, Section 6 (d) of the Constitution of Virginia.

*Patron - Wagner*

## Waters of the State, Ports and Harbors

### Passed

**PHB687 Virginia Resources Authority.** Allows designees of the State Treasurer and the State Health Commissioner to serve on the Board of the Virginia Resources Authority. This bill is identical to SB 370.

*Patron - O'Quinn*

**PHB1158 Virginia Water Protection Permit.** Requires the State Water Control Board to give consideration to any relevant information contained in the state water supply plan when determining whether to issue a Virginia Water Protection Permit. There is a specific exemption for the cooling facilities on Lake Anna.

*Patron - Bulova*

**PHB1183 Virginia Port Authority.** Amends several provisions relating to the Virginia Port Authority and the conduct of its business. The bill (i) extends until 2017 the international trade facility tax credit, the barge and rail usage tax credit, and the Virginia port volume increase tax credit; (ii) specifies that the members of the Authority have expertise in particular industries; (iii) authorizes the Board to form a Maritime Advisory Council to provide advice and counsel to the Board; and (iv) creates the Port Opportunity Fund for the development and implementation of marketing for the Port and to expand the use of the Virginia Port Authority facilities. The bill also requires the Governor make recommendations to General Assembly regarding the establishment of an economic development zone and incentives concerning the Port. This bill is identical to SB 578.

*Patron - Cosgrove*

**PHB1218 Stream mitigation banks.** Combines the Tennessee River Basin and the Big Sandy River Basin into one river watershed for the purpose of establishing and operating a stream mitigation bank within the watershed.

*Patron - Morefield*

**SB370 Virginia Resources Authority.** Allows designees of the State Treasurer and the State Health Commissioner to serve on the Board of the Virginia Resources Authority. This bill is identical of HB 687.

*Patron - Reeves*

**SB425 Interbasin transfer of water resources.** Charges the State Water Control Board with the responsibility to establish procedures for obtaining a Virginia Water Protec-

tion Permit for the transfer of water resources between major river basins in Virginia that may impact water basins in another state. The bill requires the applicant for a permit for an interbasin transfer of water to provide certain information, including an analysis of alternatives to the transfer and a comprehensive analysis of the impacts that would occur in the source and receiving basins.

*Patron - Ruff*

**PSB578 Virginia Port Authority.** Amends several provisions relating to the Virginia Port Authority and the conduct of its business. The bill (i) extends until 2017 the international trade facility tax credit, the barge and rail usage tax credit, and the Virginia port volume increase tax credit; (ii) specifies that the members of the Authority have expertise in particular industries; (iii) authorizes the Board to form a Maritime Advisory Council to provide advice and counsel to the Board; and (iv) creates the Port Opportunity Fund for the development and implementation of marketing for the Port and to expand the use of the Virginia Port Authority facilities. The bill also requires the Governor make recommendations to General Assembly regarding the establishment of an economic development zone and incentives concerning the Port. This bill is identical to HB 1183.

*Patron - Wagner*

### Failed

**FHB67 Isolated state waters.** Asserts that isolated bodies of water that are not fed by or replenished by perennial streams are to be considered nonnavigable waterways and, as such, are not subject to regulation by the U.S. Army Corps of Engineers or the U.S. Environmental Protection Agency under the federal Clean Water Act.

*Patron - Marshall, R.G.*

**FHB510 Virginia ports; change in ownership.** Requires approval of both the Governor and the General Assembly before any change in ownership of any Virginia port is permitted.

*Patron - Purkey*

**FHB1281 Assumption of federal wetland and dredge and fill programs.** Authorizes the State Water Control Board to assume full responsibility for regulating wetlands and dredge and fill programs that are currently also under the authority of the U.S. Army Corps of Engineers. The bill will eliminate dual permitting requirements. The U.S. Environmental Protection Agency would have to determine whether Virginia has the authority to administer the individual and general permit program under § 404 of the Clean Water Act.

*Patron - Byron*

**FSB509 State Water Control Board regulations.** Requires that state water quality laws be no more restrictive than federal requirements. Currently, Virginia law allows more stringent regulations than those adopted by the federal government, so long as the reasons for the more restrictive provisions are disclosed to the committees having oversight responsibilities.

*Patron - Wagner*

### Carried Over

**CHB186 Authority to prohibit land application of sewage sludge.** Authorizes a locality, by ordinance, to prohibit

the land application of sewage sludge within its boundaries; makes clarifying amendments.

*Patron - Gilbert*

**☐HB799 Wetlands and streams; water protection permits; conditions for contribution to a Board-approved fund.** Requires as a condition for contribution to a State Water Control Board-approved fund, in lieu of creating or restoring compensatory wetland or stream acreage, either a showing that sufficient compensatory mitigation bank credits are unavailable or that the Board has determined that unique circumstances exist.

*Patron - Scott, E.T.*

**☐SB402 Nutrient Offset Fund.** Establishes as a priority for funding from the Nutrient Offset Fund those nutrient offsets that are produced from facilities that generate electrical or heat energy, steam, or hot water using animal waste as a fuel source. The initial priority for funding will be the oxygen-starved gasification of up to 75,000 tons of animal waste per year that has been generated on poultry or dairy farms in Augusta, Page, Rockingham, and Shenandoah Counties. The nutrient offsets purchased with moneys from the Fund will be available for sale to owners or operators of new or expanded facilities required to offset nutrient loads through the watershed general permit. The bill requires the Department of Environmental Quality and the Department of Conservation and Recreation to conduct a 12-month assessment of the success of the operation of the first gasification facility to receive initial priority.

*Patron - Hanger*

**☐SB410 Wetlands and streams; water protection permits; conditions for contribution to a Board-approved fund.** Requires as a condition for contribution to a State Water Control Board-approved fund, in lieu of creating or restoring compensatory wetland or stream acreage, either a showing that sufficient compensatory mitigation bank credits are unavailable or that the Board has determined that unique circumstances exist.

*Patron - Hanger*

## Welfare (Social Services)

### Passed

**☐HB3 Requirement that certain injuries to children be reported.** Adds athletic coaches, directors, or other persons aged 18 years or older employed by or volunteering with private sports organizations or teams and administrators or employees aged 18 years or older of public or private day camps, youth centers, and youth recreation programs to the list of persons required to report suspected child abuse or neglect to the Department of Social Services.

*Patron - Marshall, R.G.*

**☐HB74 Mandatory report of suspected child abuse; time limit.** Reduces the time limit for reporting suspected child abuse or neglect by mandated reporters from 72 hours to as soon as possible but not longer than 24 hours after having reason to suspect a reportable offense of child abuse or neglect. In addition, the bill provides that in cases in which the initial report of suspected abuse or neglect is made by a mandated reporter to the person in charge of the institution or department in which the mandated reporter works, as provided in current law, the person who receives the report shall notify the person who made the initial report when the suspected child abuse or

neglect is reported to the local department or state hotline and of the name of the individual receiving the report and shall forward any communications or information about action taken regarding the report to the person who made the initial report.

*Patron - Bell, Richard P.*

**☐HB189 Child-placing agency; conscience clause.** Provides that, to the extent allowed by federal law, no private child-placing agency shall be required to perform, assist, counsel, recommend, consent to, refer, or participate in any placement of a child for foster care or adoption when the proposed placement would violate the agency's written religious or moral convictions or policies. In addition, the bill provides that (i) the Commissioner of Social Services shall not deny an application for an initial license or renewal of a license, nor revoke a license, of any private child-placing agency and (ii) no state or local government entity shall deny a private child-placing agency any grant, contract, or participation in a government program because of the agency's objection to performing, assisting, counseling, recommending, consenting to, referring, or participating in a placement that violates the agency's written religious or moral convictions or policies. The bill provides that the refusal of a private child-placing agency to perform, assist, counsel, recommend, consent to, refer, or participate in a placement that violates its written moral or religious convictions or policies shall not form the basis of any claim for damages. This bill is identical to SB 349.

*Patron - Gilbert*

**☐HB285 Foreign adoption; procedure to obtain Virginia certificate of birth.** Provides that in certain foreign adoptions, adoptive parents seeking to obtain a Virginia certificate of birth for the adopted child may provide either certified or notarized copies of the final order of adoption entered by the foreign court and a certified translation or a notarized copy of a certified translation of the final order of adoption in cases in which the original order is not in English. Under current law, the documents must be certified. The bill also provides that an affidavit indicating that the parents have received supervision from a licensed or approved child-placing agency in the United States and have satisfied all post-adoption requirements as required by the foreign country from which the child was adopted shall be sufficient to satisfy the requirement that parents receive supervision from a licensed or approved child-placing agency prior to receiving a Virginia certificate of birth for a child adopted from a foreign country. The bill also clarifies that only adoptive parents who are residents of the Commonwealth at the time of the adoption may obtain a Virginia birth certificate via this procedure.

*Patron - Iaquinto*

**☐HB445 Adoption procedures.** Makes various changes to adoption procedures, including establishing a procedure for review of petitions filed for the purpose of obtaining a juvenile and domestic relations district court's assistance with the execution of consent to an adoption when the consent is executed pursuant to the laws of another state; expanding the venue for consent hearings in parental placement adoptions to include any city or county in the Commonwealth, provided that diligent efforts are made to conduct the hearing where the child was born, where the birth parents reside, or where the adoptive parents reside; eliminating the need for parental consent for an adoption in cases in which a birth parent has, without just cause, neither visited nor contacted the child for a period of six months immediately prior to the filing of a petition for adoption or a petition to accept consent to an adoption; adding language setting forth requirements for establishment of a date of birth for a child adopted from a foreign country; and clarifying the requirements for stepparent adoptions. The bill also makes

changes to the process of registering with the Putative Father Registry.

*Patron - Toscano*

**HB451 Adoption; appointment of counsel.** Provides that a parent who does not consent to the adoption of the parent's child, but whose consent to the adoption is required, shall be appointed counsel upon the parent's request if such parent is determined to be indigent. The bill also provides that the court shall provide written notice to the birth parent withholding consent of the parent's right to counsel prior to any hearing or decision on a petition for adoption. As introduced, this bill was a recommendation of the Boyd-Graves Conference.

*Patron - Toscano*

**HB500 DSS; policies and procedures to protect personal identifying information of children in foster care; report.** Requires local departments of social services to conduct annual credit checks on children aged 16 years and older who are in foster care to identify cases of identity theft or misuse of personal identifying information of such children and to resolve, to the greatest extent possible, cases of identity theft or misuse of personal identifying information of foster care children identified as a result of such credit checks. The bill also requires the Department to develop policies and procedures to protect personal identifying information of foster care children aged 16 years and older to prevent identity theft by foster care providers and others who may have access to such information, and to report on its activities to implement the provisions of the act and any recommendations for legislative or regulatory changes necessary to implement the provisions of the act no later than December 1, 2012.

*Patron - Dance*

**HB507 Suspected child abuse; substance exposed infants; reporting by physicians.** Increases the period of time from seven days to six weeks during which a health care provider, not exclusively the attending physician as in current law, may make a finding that an infant is a substance exposed infant in cases in which the determination is based on a drug test of the infant or on a diagnosis that the child has an illness, disease, or condition that may be attributed to in utero exposure to controlled substances. A diagnosis that the infant has fetal alcohol spectrum disorder may be made at any time following a child's birth. The bill also allows a petition to be filed alleging suspected child abuse or neglect based on a finding by a health care provider that an infant is a substance exposed infant at any time. This bill is identical to SB 448.

*Patron - Garrett*

**HB579 Electronic application for public assistance.** Provides that applications for public assistance may be made electronically.

*Patron - Helsel*

**HB744 Interstate Compact on the Placement of Children.** Provides that regulations adopted by the Board of Social Services to implement the Interstate Compact on the Placement of Children shall not prohibit the placement of a nonresident child in a children's residential facility in the Commonwealth by a custodial parent who assumes full financial responsibility for the child prior to final approval of the placement pursuant to the Interstate Compact on the Placement of Children when the placement is made without the involvement of a public officer or agency. This bill is identical to SB 366.

*Patron - Fariss*

**HB775 Application for public assistance; accurate contact information.** Requires local departments of social services to collect, to the extent required by federal law, accu-

rate contact information, including the best available address and telephone number, from applicants for public assistance and requires public assistance recipients to notify the local department of social services of any change in contact information within 30 days of such change.

*Patron - Landes*

**HB897 Virginia Child Protection Accountability System.** Requires the Virginia Criminal Sentencing Commission to report information about sentences imposed in cases involving certain criminal violations and requires the Office of the Executive Secretary of the Supreme Court of Virginia to report information from the Juvenile and Domestic Relations District Courts' Case Management System on removal orders, protective orders, and protective orders alleging family abuse to the Virginia Child Protection Accountability System. This bill is identical to SB 363.

*Patron - Albo*

**HB970 Mandatory reporting of suspected child abuse; public and private college employees.** Adds any person employed by a public or private institution of higher education other than an attorney who is employed by a public or private institution of higher education who obtains information about suspected abuse or neglect of a child in the course of providing legal representation to a client to the list of individuals required to report suspected abuse or neglect of a child.

*Patron - Bell, Robert B.*

**HB971 Barrier crimes.** Adds the following crimes to various barrier crimes statutes: abduction, extortion, and felony violations of protective orders. People who have been convicted of or are the subject of pending charges of one of those crimes will not be able to work in a licensed nursing home, home care organization, or hospice and cannot work, volunteer, or provide services on a regular basis at a children's residential facility that is regulated or operated by the Department of Behavioral Health and Developmental Services, certain structured residential programs for juveniles, or children's residential facilities regulated or operated by the Department of Social Services, Education, or Military Affairs. Persons convicted of such crimes cannot be approved by a child-placing agency as adoptive or foster parents and cannot be adult foster care home providers or providers of home-based adult services. In addition, they cannot work at certain schools, assisted living facilities, adult day care centers, child welfare agencies, or family day homes.

*Patron - Bell, Robert B.*

**HB997 Application for public assistance; information to applicant.** Requires local departments of social services to provide each applicant for public assistance other than energy assistance with electronic or written and oral information regarding all rights and responsibilities of the applicant related to eligibility for and continued receipt of public assistance and to require the applicant to acknowledge, in a format approved by the Board of Social Services, that such information has been provided.

*Patron - Ransone*

**HB1211 Auxiliary grants; third-party payments.** Provides that assisted living facilities and adult foster care homes may accept payments from third parties for certain goods and services provided to auxiliary grant recipients provided certain requirements are met. The Department of Social Services shall not count such payments as income for the purpose of determining eligibility for or calculating the amount of an auxiliary grant. The bill also provides that assisted living facilities and adult foster care homes shall provide each auxiliary grant recipient with a written list of the goods and services

that are covered by the auxiliary grant. This bill is identical to SB 596.

*Patron - O'Bannon*

**HB1237 Mandatory reporting of child abuse; penalty.** Adds individuals who are 18 years of age or older and who are associated with or employed by any public organization responsible for the care, custody, or control of children to the list of individuals required to report suspected child abuse or neglect; reduces the time limit for reporting suspected child abuse or neglect by mandated reporters from 72 hours to 24 hours and increases the penalty for a second or subsequent failure to report from not less than \$100 nor more than \$1,000 to a fine of not less than \$1,000; provides that, in cases evidencing acts of rape, sodomy, or object sexual penetration, a person who knowingly and intentionally fails to make the required report shall be guilty of a Class 1 misdemeanor; and provides that no mandatory reporter shall be required to make a report if the person has actual knowledge that the same matter has already been reported to the local department or the Department's toll-free child abuse and neglect hotline.

*Patron - Scott, E.T.*

**SB204 School placement; children in foster care.** Clarifies that the agreement as to where a child placed in foster care will attend school does not need to be made before placing the child in foster care.

*Patron - Barker*

**SB239 Suspected child abuse and neglect; mandatory reporting; penalties.** Adds individuals associated with or employed by any public organization responsible for the care, custody, or control of children and any person employed by a public or private institution of higher education, other than an attorney employed by a public or private institution of higher education who gains information indicating reason to suspect a child is abused or neglected in the course of providing legal representation to a client, to the list of individuals required to report suspected child abuse or neglect; reduces the time limit for reporting suspected child abuse or neglect by mandated reporters from 72 hours to 24 hours; increases the penalty for a second or subsequent failure to report from not less than \$100 nor more than \$1,000 to a fine of not less than \$1,000; provides that, in cases evidencing acts of rape, sodomy, or object sexual penetration, a person who knowingly and intentionally fails to make the required report shall be guilty of a Class 1 misdemeanor; and provides that no mandatory reporter shall be required to make a report if the person has actual knowledge that the same matter has already been reported to the local department or via the Department's toll-free child abuse and neglect hotline. This bill incorporates SB 265, SB 296, SB 303, and SB 622.

*Patron - Stuart*

**SB299 Kinship foster care placements.** Provides that the Commissioner of Social Services may grant a variance from requirements governing approval of foster care placements and may approve a kinship foster care provider when he determines (i) the requirement would impose a hardship on the kinship foster care provider and (ii) the variance will not adversely affect the safety and well-being of the child. The bill also provides that a local board of social services or child-placing agency may approve an application for approval as a kinship foster care provider when the applicant has been convicted of a felony related to the possession of drugs other than felony offenses related to possession with the intent to distribute drugs, a misdemeanor conviction for arson, or an equivalent offense in another state, provided 10 years have elapsed since the date of the conviction and the local board or child-placing

agency makes a specific finding that the placement would not endanger the safety or well-being of the child.

*Patron - Howell*

**SB349 Child-placing agency; conscience clause.** Provides that, to the extent allowed by federal law, no private child-placing agency shall be required to perform, assist, counsel, recommend, consent to, refer, or participate in any placement of a child for foster care or adoption when the proposed placement would violate the agency's written religious or moral convictions or policies. In addition, the bill provides that (i) the Commissioner of Social Services shall not deny an application for an initial license or renewal of a license, nor revoke a license, of any private child-placing agency and (ii) no state or local government entity shall deny a private child-placing agency any grant, contract, or participation in a government program because of the agency's objection to performing, assisting, counseling, recommending, consenting to, referring, or participating in a placement that violates the agency's written religious or moral convictions or policies. The bill provides that the refusal of a private child-placing agency to perform, assist, counsel, recommend, consent to, refer, or participate in a placement that violates its written moral or religious convictions or policies shall not form the basis of any claim for damages. This bill is identical to HB 189.

*Patron - McWaters*

**SB363 Virginia Child Protection Accountability System.** Requires the Virginia Criminal Sentencing Commission to report information about sentences imposed in cases involving certain criminal violations and requires the Office of the Executive Secretary of the Supreme Court of Virginia to report information from the Juvenile and Domestic Relations District Courts' Case Management System on removal orders, protective orders, and protective orders alleging family abuse to the Virginia Child Protection Accountability System. This bill is identical to HB 897.

*Patron - Deeds*

**SB366 Interstate placement of children.** Provides that regulations adopted by the State Board of Social Services cannot prohibit the placement of a nonresident child in a children's residential facility in the Commonwealth by a custodial parent who assumes full financial responsibility for the child prior to final approval of the placement pursuant to the Interstate Compact on the Placement of Children when the placement is made without the involvement of a public officer or agency. This bill is identical to HB 744.

*Patron - Deeds*

**SB448 Suspected child abuse; substance exposed infants; reporting by physicians.** Increases the period of time from seven days to six weeks during which a health care provider, not exclusively the attending physician as in current law, may make a finding that an infant is a substance exposed infant in cases in which the determination is based on a drug test of the infant or on a diagnosis that the child has an illness, disease, or condition that may be attributed to in utero exposure to controlled substances. A diagnosis that the infant has fetal alcohol spectrum disorder may be made at any time following a child's birth. The bill also allows a petition to be filed alleging suspected child abuse or neglect based on a finding by a health care provider that an infant is a substance exposed infant at any time. This bill is identical to HB 507.

*Patron - Vogel*

**SB596 Auxiliary grants; third-party payments.** Provides that assisted living facilities and adult foster care homes may accept payments from third parties for certain goods and services provided to auxiliary grant recipients provided certain

requirements are met. The Department of Social Services shall not count such payments as income for the purpose of determining eligibility for or calculating the amount of an auxiliary grant. The bill also provides that assisted living facilities and adult foster care homes shall provide each auxiliary grant recipient with a written list of the goods and services that are covered by the auxiliary grant. This bill is identical to HB 1211.

*Patron - Howell*

## Failed

**HB4 Requirement that certain injuries to children be reported.** Adds athletic coaches and directors in public or private schools or in institutions of higher education to the list of persons required to report child abuse or neglect to the Department of Social Services.

*Patron - Marshall, R.G.*

**HB147 Statewide fraud control program; medical assistance.** Provides that all overpayment moneys collected or recovered from recipients of medical assistance by local departments of social services shall be paid into the Fraud Recovery Special Fund and made available to local departments for fraud control activities. Currently, only overpayment moneys collected or recovered from recipients of food stamp, Temporary Assistance for Needy Families, and other federal programs administered by the Department of Social Services must be paid into the Fraud Recovery Special Fund.

*Patron - Toscano*

**HB215 Suspected child abuse and neglect; mandatory reporting; penalties.** Reduces the time allowed for reporting suspected child abuse or neglect by a mandated reporter from 72 hours to 24 hours and provides that failure to report is punishable as a Class 1 misdemeanor for the first failure and a Class 6 felony for a second or subsequent offense. Current law imposes a fine of not more than \$500 for a first offense and not less than \$100 nor more than \$1,000 for a second or subsequent offense.

*Patron - Miller*

**HB221 Substance abuse screening and assessment of public assistance recipients.** Requires local departments of social services to screen each VIEW program participant to determine whether probable cause exists to believe the participant is engaged in the use of illegal drugs. This bill provides that, when a screening indicates reasonable cause to believe a participant is using illegal drugs, the local department of social services 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, unless he enters into and complies with the requirements of a drug treatment program. This bill was incorporated into HB 73.

*Patron - Head*

**HB249 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. This bill was incorporated into HB 73.

*Patron - Cline*

**HB420 Eligibility for TANF; drug-related felonies.** Provides that a person who is otherwise eligible to receive Temporary Assistance for Needy Families 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 and the Department of Social Services, is actively engaged in or has completed substance abuse treatment, and participates in drug screenings.

*Patron - Watts*

**HB598 Substance abuse screening and assessment of public assistance recipients.** Requires local departments of social services to screen each VIEW program participant to determine whether probable cause exists to believe the participant is engaged in the use of illegal drugs. This bill provides that, when a screening indicates reasonable cause to believe a participant is using illegal drugs, the local department of social services 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, unless he enters into and complies with the requirements of a drug treatment program. This bill was incorporated into HB 73.

*Patron - Crockett-Stark*

**HB663 Child care subsidies; time limits.** Provides that fee child care program subsidies and services made available to families that meet financial and other eligibility criteria established by the Board of Social Services shall not be subject to time limits on the receipt of such subsidies and services.

*Patron - Surovell*

**HB676 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*

**HB955 Substance abuse screening and assessment of public assistance applicants and recipients.** Requires local departments of social services to screen each VIEW program participant to determine whether probable cause exists to believe the participant is engaged in the use of illegal drugs. This bill provides that, when a screening indicates reasonable cause to believe a participant is using illegal drugs, the Department shall require a formal substance abuse assessment of the participant, which may include drug testing. Any person who fails or refuses to participate in a screening or assessment without good cause or who tests positive for the use of illegal drugs shall be ineligible to receive TANF payments for a period of one year. This bill was incorporated into HB 73.

*Patron - Bell, Robert B.*

**HB976 Department of Social Services to annually review the amount of payments made to TANF recipients and index such payments to the Consumer Price Index.** Directs the Department of Social Services to develop and implement a process for annually reviewing the amount of assistance paid to eligible recipients through the Temporary Assistance for Needy Families program and indexing the

amount of such payments in an amount equal to the percentage change in the Consumer Price Index for the year immediately preceding the year in which the review occurs. The bill requires the Department to report to the Governor and the General Assembly on its progress in implementing the provisions of this act no later than December 1, 2012.

*Patron - Scott, J.M.*

**HB1266 Mandatory reporting of child abuse; penalty; damages.** Adds persons associated with or employed by a public organization responsible for the care, custody, or control of children to the list of mandatory reporters of suspected child abuse or neglect and increases the penalty for failure to make a mandatory report of suspected child abuse or neglect from \$500 for the first failure and not less than \$100 nor more than \$1,000 for any subsequent failures to a Class 1 misdemeanor, except that in cases involving sexual abuse or that result in serious bodily injury to or death of a child, the individual is guilty of a Class 6 felony. The bill also provides that any individual who suffers a loss as a result of the failure of a person required to make a mandatory report to make the required report shall be entitled to a civil action to recover damages, attorney fees, and court costs.

*Patron - Watts*

**SB83 Substance abuse screening and assessment of public assistance recipients.** Requires local departments of social services to screen each participant in the Virginia Initiative for Employment Not Welfare (VIEW) to determine whether probable cause exists to believe the participant is engaged in the use of illegal substances. The bill provides that when a screening indicates cause to believe a participant is using illegal substances, the local department of social services shall require a formal substance abuse assessment of the participant, which may include drug testing. In cases in which drug testing is required, the participant shall pay the cost of such 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 substances shall be ineligible to receive TANF payments for a period of one year, unless he enters into and complies with the requirements of a drug treatment program; however, an individual has one opportunity during the subsequent 12-month period to comply with the screening, assessment, or treatment requirements and be reinstated to eligibility for TANF benefits. This bill was incorporated into SB 6.

*Patron - McWaters*

**SB84 Foster care; independent living services.**

Extends the time during which a person who was in foster care on his eighteenth birthday and who has not reached the age of 21 years may request restoration of independent living services from 60 days to 180 days after the date on which independent living services were previously terminated. This bill is contingent upon an appropriation of General Funds effectuating the provisions of the bill.

*Patron - Favola*

**SB156 Adoption assistance.** Increases the age at which adoption assistance for children with special needs terminates from 18 years to 21 years.

*Patron - Favola*

**SB191 Intellectual disability and developmental services; terminology.** Replaces the terms "mental retardation" and "mental deficiency" with the term "intellectual disability" when referring to the diagnosis of, and with the term "developmental" when referring to services for, individuals with intellectual disabilities; replaces the terms "mentally retarded," "mentally deficient," and "mentally defective" with the term

"individual with intellectual disability." This bill has technical amendments and was incorporated into SB 387.

*Patron - Miller, J.C.*

**SB265 Requirement that certain injuries to children be reported.** Adds athletic coaches and directors in public or private schools or in institutions of higher education to the list of persons required to report child abuse or neglect to the Department of Social Services. This bill was incorporated into SB 239.

*Patron - Ebbin*

**SB296 Suspected child abuse and neglect; mandatory reporting; penalties.** Reduces the time allowed for reporting suspected child abuse or neglect by a mandated reporter from 72 hours to 24 hours and provides that failure to report is punishable as a Class 1 misdemeanor for the first failure and a Class 6 felony for a second or subsequent offense. Current law imposes a fine of not more than \$500 for a first offense and not less than \$100 nor more than \$1,000 for a second or subsequent offense. This bill was incorporated into SB 239.

*Patron - Puller*

**SB303 Mandatory reporting of suspected child abuse; public and private college employees.** Adds any person employed by a public or private institution of higher education to the list of individuals required to report suspected abuse or neglect of a child. This bill was incorporated into SB 239.

*Patron - Howell*

**SB318 Substance abuse screening and assessment of public assistance 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 substances. The bill provides that when a screening indicates reasonable cause to believe a participant is using illegal substances, the local department of social services 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 substances shall be ineligible to receive TANF payments for a period of one year. This bill was incorporated into SB 6.

*Patron - Carrico*

**SB552 Eligibility for TANF; drug-related felonies.**

Provides that a person who is otherwise eligible to receive Temporary Assistance for Needy Families assistance shall not be denied assistance solely because he has been convicted of a felony offense of possession of a controlled substance, provided he is not engaged in the use of illegal drugs and he complies with all obligations imposed by the court and the Department of Social Services, is actively engaged in or has completed substance abuse treatment, and participates in drug screenings conducted at least once every three months or more frequently if there is reason to believe the individual may be engaged in the use of illegal drugs. The bill is contingent upon an appropriation of General Funds effectuating the provisions of the bill.

*Patron - Favola*

**SB569 Contracts with child-placing agencies.** Prohibits the Department of Social Services from contracting with or funding child-placing agencies that discriminate in providing placement services to children or prospective parents.

*Patron - Ebbin*

**SB622 Mandatory reporting of child abuse; penalty; damages.** Adds individuals associated with or employed by any public organization responsible for the care, custody, or control of children, any person employed by a public or private institution of higher education, and any other person with responsibility for the care, control, or custody of children to the list of individuals required to report suspected child abuse or neglect. The bill increases the penalty for failure of a person required to make a mandatory report of suspected child abuse or neglect from \$500 for the first failure and not less than \$100 nor more than \$1,000 for any subsequent failures to a Class 1 misdemeanor, except that in cases involving sexual abuse or that result in serious bodily injury to or death of a child, the individual is guilty of a Class 6 felony. The bill also provides that any individual who suffers a loss as a result of the failure of a person required to make a mandatory report to make the required report shall be entitled to a civil action to recover damages, attorney fees, and court costs. This bill was incorporated into SB 239.

*Patron - Petersen*

**SB647 Contracts with child-placing agencies.** Prohibits the Department of Social Services from contracting with or funding child-placing agencies that discriminate in providing placement services to children or prospective parents.

*Patron - McEachin*

## Carried Over

**HB73 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 substances. The bill provides that when a screening indicates reasonable cause to believe a participant is using illegal substances, the local department of social services 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 substances shall be ineligible to receive TANF payments for a period of one year, unless he enters into and complies with the requirements of a drug treatment program; however, an individual has one opportunity during the subsequent 12-month period to comply with the screening, assessment, or treatment requirements and be reinstated to eligibility for TANF benefits. This bill incorporates HB 221, HB 249, HB 598, and HB 955.

*Patron - Bell, Richard P.*

**HB549 Child support arrearages; publication of names.** Requires the Division of Child Support Enforcement of the Department of Social Services to publish a list of parents who are delinquent in the payment of child support in order to facilitate locating such parents and to enhance enforcement of child support obligations. Currently, the law only requires that the Division publish a list of the "most wanted delinquent parents."

*Patron - Comstock*

**SB6 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 substances. The bill provides that when a screening indicates reasonable cause to believe a participant is using illegal substances, the local department of social services 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 substances shall be ineligible to receive TANF payments for a period of one year, unless he enters into and complies with the requirements of a drug treatment program; however, an individual has one opportunity during the subsequent 12-month period to comply with the screening, assessment, or treatment requirements and be reinstated to eligibility for TANF benefits. This bill is contingent upon an appropriation of General Funds effectuating the provisions of the bill. This bill incorporates SB 83 and SB 318.

*Patron - Martin*

**SB97 Barrier crimes; listing of crimes.** Clarifies the individual crimes included in the background check and barrier crime statutes affecting the Department of Behavioral Health and Developmental Services, certain licensees of the Department of Behavioral Health and Developmental Services, the Department of Social Services, and certain licensees of the Department of Social Services.

*Patron - Edwards*

## Wills and Decedents' Estates

### Passed

**HB763 Conveyance of real estate; nonresident executor and testamentary trustee.** Provides that nonresident executors or testamentary trustees under a will probated according to the laws of another state may convey real property located in the Commonwealth under the terms of such will without qualifying as an executor or testamentary trustee in Virginia, provided that they have duly qualified under the laws of the state where the will was probated.

*Patron - Lewis*

**SB115 Revision of Title 64.1.** Creates proposed Title 64.2 (Wills, Trusts, and Fiduciaries) as a revision of existing Titles 26 (Fiduciaries Generally), 31 (Guardian and Ward), and 64.1 (Wills and Decedents' Estates), as well as portions of Titles 37.2 (Behavioral Health and Developmental Services) and 55 (Property and Conveyances). Proposed Title 64.2 consists of 27 chapters divided into five subtitles: Subtitle I (General Provisions); Subtitle II (Wills and Decedents' Estates); Subtitle III (Trusts); Subtitle IV (Fiduciaries and Guardians); and Subtitle V (Provisions Applicable to Probate and Nonprobate Transfers). Subtitle I consists of title-wide definitions and provisions that are broadly applicable to wills, trusts, and fiduciaries. Subtitle II addresses the descent of property either through intestate succession or by will, including nonprobate transfers. Subtitle III contains various uniform acts enacted in Virginia dealing with the creation and management of trusts. Subtitle IV deals with various fiduciary relationships, including powers of attorney, guardianships of minors and incapacitated adults, and the commissioners of accounts. Subtitle V contains provisions that are applicable to both probate and nonprobate transfers. This bill is a recommendation of the Virginia Code Commission.

*Patron - McDougle*

## Workers' Compensation

### Passed

**P HB137 Workers' compensation; injuries presumed to be in course of employment.** Revises the provision enacted in 2011 that created a presumption, in the absence of a preponderance of evidence to the contrary, that an injury is work related if an employee is physically or mentally unable to testify and there is unrebutted prima facie evidence that the injury was work related. This measure substitutes the phrase "arose out of and were in the course of employment" for "were work related."

*Patron - Habeeb*

**P HB153 Workers' Compensation; exclusion of certain employees.** Excludes a person who suffers an injury on or after July 1, 2012, from coverage under the Virginia Workers' Compensation Act if there is jurisdiction under either the Longshore and Harbor Workers' Compensation Act or the Merchant Marine Act of 1920. The measure provides that the Workers' Compensation Act will not be construed to eliminate or diminish any right that a person or his personal representative may have under either of such federal acts.

*Patron - Ware, R.L.*

**P HB453 Workers' compensation; penalty for failure to pay.** Updates the provision that excuses the Commonwealth from assessment of a penalty for failing to pay workers' compensation benefits when the Commonwealth has issued a regular payroll payment to the employee in lieu of compensation covering the period of disability. The measure allows the payment to be made in any form, and not only by check. The measure also clarifies that a regular payroll payment issued by the Commonwealth includes payments issued net of deductions for elected and mandatory benefits and other standard deductions.

*Patron - Ware, R.L.*

**P HB1169 Workers' compensation; medical fees.** Provides that the Workers' Compensation Commission shall retain jurisdiction for employees to pursue payment of charges for medical services notwithstanding that bills or parts of bills for health care services may have been paid by a source other than an employer, workers' compensation carrier, guaranty fund, or uninsured employer's fund.

*Patron - Habeeb*

**P SB576 Workers' compensation; uninsured employer's fund financing tax.** Extends until July 1, 2015, the existing 0.5 percent maximum tax rate that may be assessed on uninsured or self-insured employers. The maximum rate is scheduled to revert to 0.25 percent on July 1, 2012. The revenues from the tax fund workers' compensation benefits that are awarded against such employers from the uninsured employer's fund.

*Patron - Wagner*

**P SB577 Workers' Compensation Commission.** Provides that a majority of the members of the Workers' Compensation Commission constitutes a quorum for purposes of exercising the judicial, legislative, and discretionary functions of the Commission, regardless of whether there is a vacancy on the Commission. The measure also provides that a quorum is not necessary for the exercise of the Commission's administrative functions. The existing requirement that the chairman of the Commission appoint a deputy commissioner to participate

in a review when all Commissioners are unable to hear the review is revised to make such appointment optional.

*Patron - Wagner*

### Failed

**F HB44 Workers' compensation; interest on expenses.** Authorizes the Workers' Compensation Commission to award interest at no more than the legal rate on expenses incurred by the claimant's attorney.

*Patron - Habeeb*

**F HB128 Workers' compensation; records.** Requires the Workers' Compensation Commission to make its records referring to accidents, injuries, and settlements available to an organization that conducts a computerized file match program that permits an electronic comparison of its members' records to the Commission's records.

*Patron - Kilgore*

**F HB226 Workers' Compensation Commission; terms of deputy commissioners.** Prohibits any deputy commissioner of the Virginia Workers' Compensation Commission from serving a term longer than five years unless he is reappointed by the General Assembly. Deputy commissioners who have served longer than five years at the start of the 2013 session will be ineligible to continue to serve unless reappointed during such session.

*Patron - Habeeb*

**F HB454 Workers' compensation; penalty for failure to pay.** Updates the provision that excuses the Commonwealth from assessment of a penalty for failing to pay workers' compensation benefits when the Commonwealth has issued a regular payroll payment to the employee in lieu of compensation covering the period of disability. The measure allows the payment to be made in any form, and not only by check. The measure also clarifies that a regular payroll payment issued by the Commonwealth includes payments issued net of deductions for elected and mandatory benefits and other standard deductions.

*Patron - Ware, R.L.*

**F HB661 Workers' compensation.** Provides that workers' compensation benefits shall not be reduced for a disabled employee who refuses employment, if he is receiving benefits under the Line of Duty Act and such acceptance would cause the cessation of his Line of Duty benefits.

*Patron - Surovell*

**F SB328 Workers' compensation; occupational disease presumption; officers processing clandestine drug laboratories.** Establishes a presumption that any respiratory disease or pancreatic, prostate, rectal, throat, ovarian, or breast cancer causing the death of, or any health condition or impairment resulting in total or partial disability of, a sworn law-enforcement officer who was certified to process clandestine drug laboratories is an occupational disease suffered in the line of duty. The presumption (i) may be overcome by a preponderance of competent evidence to the contrary and (ii) applies if the affected officer underwent a physical examination in accordance with his employer's mandated written safety and health program.

*Patron - Carrico*

## Carried Over

**HB1190 Workers' compensation; pharmacy providers.** Provides that neither an employer nor his agent shall restrict an injured employee's choice of pharmacy providers pursuant to a workers' compensation claim.

*Patron - Alexander*

**SB327 Workers' Compensation; presumptions; members of the enforcement division of the Department of Motor Vehicles.** Adds full-time sworn members of the enforcement division of the Department of Motor Vehicles to those public safety employees who are entitled to presumptions that hypertension, heart disease, and certain infectious diseases are occupational diseases compensable under the Workers' Compensation Act.

*Patron - Carrico*

**SB376 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. The measure authorizes an affected employee to participate in a Commission-approved training program sponsored by his shared work employer or any other employer on days that he is not directed to report to work by his shared work employer without reduction in shared work benefits. If the U.S. Department of Labor finds that any provision of this measure violates federal law, the finding shall not affect, impair, or invalidate the remaining provisions. Finally, the measure requires the Commission to submit reports on the program's implementation and accomplishments, with recommendations to improve its effectiveness.

*Patron - Barker*

## Constitutional Amendments

### Passed

**HB5 Constitutional amendment (voter referendum); taking or damaging of private property; public use.** Provides for a referendum at the November 6, 2012, election to approve or reject an amendment that revises the prohibition on the enactment by the General Assembly of laws whereby private property may be taken or damaged without just compensation. The bill is identical to SB 240.

*Patron - Bell, Robert B.*

**HB1021 Constitutional amendment (voter referendum); legislative sessions.** Provides for a referendum at the November 6, 2012, election to approve or reject an amendment authorizing the General Assembly 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*

**HJ3 Constitutional amendment (second 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.

*Patron - Bell, Robert B.*

**HJ138 Constitutional amendment (second 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 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*

**SB240 Constitutional amendment (voter referendum); taking or damaging of private property; public use.** Provides for a referendum at the November 6, 2012, election to approve or reject an amendment that revises the prohibition on the enactment by the General Assembly of laws whereby private property may be taken or damaged without just compensation. The bill is identical to HB 5.

*Patron - Obenshain*

**SJ3 Constitutional amendment (second 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 pub-

lic, without a presumption that it is. The Resolution incorporates SJ 67 and SJ 117.

*Patron - Obenshain*

## Failed

**[F]HJ7 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. The proposed amendment is identical to the SJ 25 amendment.

*Patron - Bell, Richard P.*

**[F]HJ9 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 Virginia National Guard.

*Patron - Greason*

**[F]HJ17 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. The resolution is identical to HJ 125.

*Patron - Morrissey*

**[F]HJ71 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 - Watts*

**[F]HJ86 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. The resolution is identical to HJ 231.

*Patron - Purkey*

**[F]HJ90 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. The proposed amendment is identical to the SJ 2 and SJ 6 amendments.

*Patron - Comstock*

**[F]HJ116 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 thirteenth 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 of Virginia, which will name the thirteenth 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 constitutional 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 - Plum*

**[F]HJ125 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. Currently the 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. The resolution is identical to HJ 17.

*Patron - Carr*

**[F]HJ231 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. The resolution is identical to HJ 86.

*Patron - Brink*

**[E]SJ67 Constitutional amendment (second 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 was incorporated into SJ 3.

*Patron - McDougle*

**[E]SJ117 Constitutional amendment (second 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 was incorporated into SJ 3.

*Patron - Deeds*

## Carried Over

**[C]SJ2 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. This resolution is identical to SJ 6. The proposed amendment is identical to the HJ 90 amendment.

*Patron - Obenshain*

**[C]SJ5 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 the six fiscal years beginning on and after July 1, 2014, 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, 2020, 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 requires 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*

**[C]SJ6 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. This resolution is identical to SJ 2. The proposed amendment is identical to the HJ 90 amendment.

*Patron - Black*

**[C]SJ17 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*

**[C]SJ25 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. The proposed amendment is identical to the HJ 7 amendment.

*Patron - McDougle*

**CSJ35 Constitutional amendment (first resolution); restoration of civil rights.** Authorizes the General Assembly to provide by law for the restoration of civil rights for persons convicted of nonviolent felonies who have completed service of their sentences subject to the conditions, requirements, and definitions set forth in that law. The present Constitution provides for restoration of rights by the Governor. The amendment retains the right of the Governor to restore civil rights and adds the alternative for restoration of rights pursuant to law.

*Patron - Miller, Y.B.*

**CSJ44 Constitutional amendment (first resolution); maximum lawful rate of interest.** Caps the maximum lawful rate of interest on any contract for the loan or forbearance of any money, if the money is for use primarily for personal, family, or household purposes, at 36 percent per year. The provisions do not apply to loans made by a depository institution that is subject to licensure by the Commonwealth or another state or by the federal government.

*Patron - Miller, J.C.*

**CSJ70 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 thirteenth 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 of Virginia, which will name the thirteenth 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 constitutional 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*

**CSJ74 Constitutional amendment (first resolution); real property tax exemption for certain surviving spouses of disabled veterans.** Expands the real property tax exemption for the primary residence of a surviving spouse of a disabled veteran, to include the situation in which the disabled veteran died prior to January 1, 2011.

*Patron - Barker*

**CSJ88 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 - Reeves*

## Other Resolutions

### Passed

**PHJ49 Governor's Executive Reorganization Plan.** Sets out the Governor's executive reorganization plan dated November 25, 2011, for approval by each house of the General Assembly and subject to the enactment of a bill by the 2012 Session of the General Assembly. The resolution sets out the pertinent details of the plan.

*Patron - Gilbert*

**PHJ65 Recognizing the African American representatives to the Virginia Constitutional Convention of 1867-1868 and members elected to the Virginia General Assembly during Reconstruction.** Recognizes and celebrates the outstanding service of the African American men elected to the Virginia Constitutional Convention of 1867-1868 and to the House of Delegates and Senate of Virginia on the occasion of the Sesquicentennial of the Emancipation Proclamation on January 1, 2013. The resolution requires that a proposal for a commemorative plaque be developed by the Clerk of the House of Delegates, the Clerk of the Senate, the Capitol Square Preservation Council, and the Library of Virginia and submitted to the Joint Rules Committee for consideration by September 1, 2012. This resolution incorporates HJ 64 and is identical to the Senate conference substitute for SJ 13. This resolution is a recommendation of the Dr. Martin Luther King, Jr. Memorial Commission.

*Patron - McClellan*

**PHJ93 Local Government Education Week.** Designates the first week in April, in 2012 and in each succeeding year, as Local Government Education Week in Virginia.

*Patron - Marshall, D.W.*

**PHJ98 First Lady Edith Bolling Wilson Day.** Designates October 15, in 2012 and in each succeeding year, as First Lady Edith Bolling Wilson Day in Virginia.

*Patron - Crockett-Stark*

**PHJ105 Virginia Cider Week.** Designates the full week before Thanksgiving, in 2012 and in each succeeding year, as Virginia Cider Week in Virginia.

*Patron - Englin*

**PHJ107 Hold Out for Hunger Day.** Designates April 14, in 2012 and in each succeeding year, as Hold Out for Hunger Day in Virginia.

*Patron - Filler-Corn*

**PHJ120 Designating Mesothelioma Awareness Day.** Designates September 26, in 2012 and in each succeeding year, as Mesothelioma Awareness Day in Virginia.

*Patron - Sickles*

**PHJ128 Shaken Baby Syndrome Awareness Week.** Designates the third week in April, in 2013 and in each succeeding year, as Shaken Baby Syndrome Awareness Week in Virginia.

*Patron - Brink*

**PHJ142 Asian Lunar New Year Day.** Designates the day designated as new year on the Asian lunar calendar, in 2012 and in each succeeding year, as Asian Lunar New Year Day in Virginia.

*Patron - Hugo*

**[P]HJ143 Spay Day.** Designates February 28, in 2012 and in each succeeding year, as Spay Day in Virginia.

*Patron - Englin*

**[P]HJ144 Small Business Day.** Designates September 21, in 2012 and in each succeeding year, as Small Business Day in Virginia.

*Patron - Hugo*

**[P]HJ145 Preeclampsia Awareness Month in Virginia.** Designates May, in 2012 and in each succeeding year, as Preeclampsia Awareness Month in Virginia.

*Patron - Hugo*

**[P]HJ216 X & Y Chromosomal Variation Awareness Month.** Designates May, in 2012 and in each succeeding year, as X & Y Chromosomal Variation Awareness Month in Virginia.

*Patron - Rust*

**[P]HJ230 Birthplace and Childhood Home of Edith Bolling Wilson.** Recognizes the Town of Wytheville and Wythe County as the birthplace and childhood home of Edith Bolling Wilson, 35th First Lady of the United States and wife of President Woodrow Wilson.

*Patron - Crockett-Stark*

**[P]HJ390 Virginia National Guard Day.** Designates the third Monday in January, in 2013 and in each succeeding year, as Virginia National Guard Day in Virginia.

*Patron - Cosgrove*

**[P]HR10 Supporting the Governor's § 287(g) request.** Urges the President of the United States and the Secretary of Homeland Security to honor Virginia's request to enter into a § 287(g) memorandum of agreement extending specific, limited federal immigration training and enforcement authority to the Virginia Department of State Police.

*Patron - Miller*

**[P]HR35 Encourage the Government of Turkey to grant certain rights to the Ecumenical Patriarch.** Encourages the Government of Turkey to grant the Ecumenical Patriarch appropriate international recognition, ecclesiastical succession, and the right to train clergy of all nationalities and to respect the property rights and human rights of the Ecumenical Patriarchate.

*Patron - Joannou*

**[P]SJ13 Recognizing the African American representatives to the Virginia Constitutional Convention of 1867-1868 and members elected to the Virginia General Assembly during Reconstruction.** Recognizes and celebrates the outstanding service of the African American men elected to the Virginia Constitutional Convention of 1867-1868 and to the House of Delegates and Senate of Virginia on the occasion of the Sesquicentennial of the Emancipation Proclamation on January 1, 2013. The resolution requires that a commemorative plaque be developed by the Clerk of the House of Delegates, the Clerk of the Senate, the Capitol Square Preservation Council, and the Library of Virginia and submitted to the Joint Rules Committee for consideration by September 1, 2012. This resolution incorporates SJ 89 and is identical to the House conference substitute for HJ 65. This resolution is a recommendation of the Dr. Martin Luther King, Jr. Memorial Commission.

*Patron - Marsh*

**[P]SJ58 Shaken Baby Syndrome Awareness Week.** Designates the third week in April, in 2013 and in each succeeding year, as Shaken Baby Syndrome Awareness Week in Virginia.

*Patron - Locke*

**[P]SJ66 Governor's Executive Reorganization Plan.** Sets out the Governor's executive reorganization plan dated November 25, 2011, for approval by each house of the General Assembly. The resolution sets out the pertinent details of the plan.

*Patron - McDougle*

**[P]SJ127 Employment First initiatives.** Encourages the Secretary of Health and Human Resources and the Superintendent of Public Instruction to adopt and implement Employment First practices in providing and coordinating services to Virginians with disabilities.

*Patron - Hanger*

**[P]SJ129 Designating February 14, 2012, as Breast Cancer Awareness Day.**

*Patron - Obenshain*

## Failed

**[F]HJ23 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*

**[F]HJ64 Recognizing the African American members elected to the Virginia General Assembly during Reconstruction.** Recognizes and celebrates the outstanding service of the African American men elected to the Virginia General Assembly during Reconstruction, on the occasion of the Sesquicentennial of the Emancipation Proclamation on January 1, 2013. This resolution is a recommendation of the Dr. Martin Luther King, Jr. Memorial Commission. This resolution was incorporated into HJ 65.

*Patron - McClellan*

**[F]HJ87 Prostate cancer screening; report.** Requests the State Health Commissioner to promote and emphasize prostate cancer screening as an effective tool in prostate cancer prevention. The State Health Commissioner shall submit a report of his progress in meeting this request to the 2013 Regular Session of the General Assembly.

*Patron - McQuinn*

**[F]HJ88 Resolution; food deserts; report.** Requests the Secretary of Health and Human Resources to explore and recommend strategies to eliminate food deserts to make healthy and affordable food products available and accessible to low-income and poor citizens and impoverished communities throughout the Commonwealth. The Secretary must report his progress in meeting the objectives of the resolution to the Governor and the 2013 Session of the General Assembly.

*Patron - McQuinn*

**[F]HJ100 United States Constitution; amendment.** Makes application to the United States Congress to call a constitutional convention for the purpose of proposing a constitutional amendment that requires a balanced federal budget and

prohibits unfunded federal mandates to the states. The resolution is virtually identical to SJ 91.

*Patron - LeMunyon*

**FHJ102 United States Constitution; amendment.**

Makes application to the United States Congress to call an amendment convention for the purpose of proposing an amendment that provides limits on terms of service in the Congress.

*Patron - LeMunyon*

**FHJ106 National Women's History Museum on the National Mall in Washington, D.C.** Supports the creation of a National Women's History Museum on the National Mall in Washington, D.C., to recognize and honor the contributions and achievements of women in the United States. The Clerk of the House of Delegates is requested to send a copy of the resolution to the members of the Virginia Congressional Delegation, requesting their support for the museum.

*Patron - Filler-Corn*

**FHJ109 Memorializing Congress to propose an amendment to the United States Constitution to impose a balanced budget requirement.**

Expresses the General Assembly's support for a balanced budget amendment and urges Congress to submit such an amendment to the states for ratification in order to promote fiscal integrity at the federal level.

*Patron - Landes*

**FHJ112 Early childhood education.** Recognizes the inestimable value of early childhood education to children and sets a goal of extending the availability of early childhood education so that the Virginia Preschool Initiative and Head Start together serve 50,000 children in the Commonwealth by 2017.

*Patron - Kory*

**FHJ115 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. The resolution is virtually identical to SJ 130.

*Patron - Surovell*

**FHJ117 Resolution; unfunded mandates.** Recognizes the difficulties caused by unfunded mandates upon Virginia localities.

*Patron - Dudenhefer*

**FHJ121 Designating Horse Month in Virginia.** Designates the month of May, in 2012 and in each succeeding year, as Horse Month in Virginia.

*Patron - Sickles*

**FHJ129 Resolution; requesting the Attorney General to explore a challenge to the constitutionality of federal TMDL regulations; report.** Requests the Attorney General of Virginia to explore a challenge to the constitutionality of certain Total Maximum Daily Load (TMDL) regulations adopted by the U.S. Environmental Protection Agency regarding the Chesapeake Bay. The resolution asserts that the TMDL regulations, which are binding upon Virginia localities releasing storm waters and treated waste waters into tributaries of the Bay, essentially constitute an unfunded mandate in violation of the 10th Amendment to the United States Constitution.

*Patron - Minchew*

**FHJ130 State sovereignty; Tenth Amendment of the United States Constitution.** Urges Congress to honor state sovereignty under the Tenth Amendment of the Constitution of the United States and claims sovereignty for the Commonwealth under the Tenth Amendment over all powers not otherwise enumerated and granted to the federal government by the United States Constitution.

*Patron - Minchew*

**FHJ135 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 that requires the appropriation of money by any state by 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 consideration of the proposed amendment.

*Patron - Anderson*

**FHJ139 Resolution; requesting the Governor to petition the DEA for rescheduling of marijuana; report.**

Requests that the Governor petition the Administrator of the Drug Enforcement Administration to amend regulations governing the scheduling of drugs to move marijuana from Schedule I to Schedule II, and provides that the Governor shall report on his progress in doing so no later than the first day of the 2013 Regular Session of the General Assembly.

*Patron - Englin*

**FHJ146 High capacity transit.** Requests the Commonwealth Transportation Board to make high capacity transit a priority for funding by the Commonwealth.

*Patron - Herring*

**FHJ185 Memorializing Congress; support of hybrid systems of combined highway and monorail transportation methods.** Expresses the sense of the General Assembly that the Congress of the United States should support a federal funding grant for development of new technology, hybrid systems of combined highway and monorail transportation methods, and an amendment to 23 U.S.C. § 111(a), Agreements Relating to Use of and Access to Rights-of-Way, Interstate System.

*Patron - Albo*

**FHJ228 Memorializing the Congress of the United States.** Expresses the sense of the General Assembly that the Congress be requested to report to the states on all pending applications submitted by the states to call a convention to amend the United States Constitution pursuant to Article V.

*Patron - LeMunyon*

**FHJ229 Memorializing the Virginia Congressional Delegation.** Expresses the sense of the General Assembly in urging the Virginia Congressional Delegation to oppose the enactment of a 401(k)-style defined contribution pension for the members of the United States Armed Forces.

*Patron - Surovell*

**FHR4 House of Delegates; recording of standing committee and subcommittee meetings.** Directs the Clerk of the House of Delegates to provide for the digital recording of meetings of the standing committees and subcommittees of the House of Delegates and make the recordings available for download on the legislative electronic information system. The Clerk must make publication of this information available on the LIS and report his progress in meeting the objectives of this

resolution to the House Rules Committee by the first day of the 2013 Regular Session.

*Patron - Surovell*

**FHR9 Political robocalls.** Expresses the sense of the members of the House of Delegates that they will refrain from knowingly making robocalls during the course of their political campaigns to individuals who have registered with political "do not contact" listings.

*Patron - LeMunyon*

**F SJ52 High capacity transit.** Requests the Commonwealth Transportation Board to make high capacity transit a priority for funding by the Commonwealth.

*Patron - Ebbin*

**F SJ89 Recognizing the African American members elected to the Virginia General Assembly during Reconstruction.** Recognizes and celebrates the outstanding service of the African American men elected to the Virginia General Assembly during Reconstruction, on the occasion of the Sesquicentennial of the Emancipation Proclamation on January 1, 2013. This resolution was incorporated into SJ 13.

*Patron - Marsh*

**F SJ91 United States Constitution; amendment.** Makes application to the United States Congress to call a constitutional convention for the purpose of proposing a constitutional amendment that requires a balanced federal budget and prohibits unfunded federal mandates to the states. The resolution is virtually identical to HJ 100.

*Patron - Carrico*

**F SJ130 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. The resolution is virtually identical to HJ 115.

*Patron - Barker*

## Carried Over

**C HJ91 Memorializing Congress.** Memorializes Congress to support the establishment of a National Women's History Museum in Washington, D.C.

*Patron - Comstock*

**C HJ92 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*

**C HJ94 Memorializing Congress; voluntary school prayer and prayer in public meetings.** Memorializes the United States Congress to propose an amendment to the Constitution of the United States to allow for voluntary public school prayer and public prayer.

*Patron - Marshall, D.W.*

**C HJ124 Governor; Virginia's Public Safety Memorial.** Requests the Governor to include in the Commonwealth

Public Safety Memorial the names of state and local probation and parole officers who have lost their lives in the line of duty.

*Patron - Carr*

**C HJ148 Encourage the Government of Turkey to grant certain rights to the Ecumenical Patriarch.** Encourages the Government of Turkey to grant the Ecumenical Patriarch appropriate international recognition, ecclesiastical succession, and the right to train clergy of all nationalities and to respect the property rights and human rights of the Ecumenical Patriarchate.

*Patron - Joannou*

**C HJ226 Town of Chincoteague.** Memorializes the U.S. Department of the Interior to oppose the federal purchase of land within the Town of Chincoteague.

*Patron - Lewis*

**C HJ227 Memorializing the President of the United States and the Congress of the United States to adopt a national energy policy.** Expresses the sense of the General Assembly that the President and the Congress adopt a national energy policy that supports the responsible exploration for and development of all of this nation's diverse energy resources in order to secure abundant supplies of affordable, reliable energy for our economic recovery and future prosperity.

*Patron - Poindexter*

**C SJ73 Recognition of the Appalachian Cherokee Nation.** Recognizes the existence of Appalachian Cherokee Nation within the Commonwealth and grants the Appalachian Cherokee Nation, Incorporated, representation on the Virginia Council on Indians.

*Patron - Vogel*

**C SJ131 Designating Abraham Lincoln Day in Virginia.** Designates February 12, in 2012 and in each succeeding year, as Abraham Lincoln Day in Virginia. This resolution is a recommendation of the Dr. Martin Luther King, Jr. Memorial Commission.

*Patron - Marsh*

**C SR17 Religious freedom.** Memorializes the Secretary of State of the United States of America to support those suffering religious persecution and discrimination in countries that do not recognize religious freedom.

*Patron - Petersen*

## Budgets and Bonds

### Passed

**P HB54 Bonds; capital projects at institutions of higher learning.** Authorizes the issuance of bonds in an amount not to exceed \$125,594,000 plus financing costs, pursuant to Article X, Section 9 (c) of the Constitution of Virginia, for paying costs of acquiring certain revenue-producing capital projects at institutions of higher learning. The bill contains an emergency clause and is identical to SB 31.

*Patron - Putney*

**P SB2 Claims; Melissa Scianna.** Provides relief to pay the cost to Melissa Scianna to repair the failed sewage system for her property. The amount of the relief shall be paid from the Onsite Sewage Indemnification Fund.

*Patron - Martin*

**SB31 Bonds; capital projects at institutions of higher learning.** Authorizes the issuance of bonds in an amount not to exceed \$124,594,000, plus financing costs, pursuant to Article X, Section 9 (c) of the Constitution of Virginia, for paying costs of acquiring certain revenue-producing capital projects at institutions of higher learning. The bill contains an emergency clause and is identical to HB 54.

*Patron - Colgan*

**SB41 Claims; Thomas Edward Haynesworth.** Provides relief in the amount of \$1,075,178 to Thomas Edward Haynesworth, who was incarcerated for 27 years from 1984 until 2011 after being convicted of crimes of rape, sodomy, abduction with intent to defile, attempted robbery, and use of a firearm in the commission of a felony. The convictions were for crimes in three different cases. Mr. Haynesworth has been issued a writ of actual innocence for all convictions in all of the cases. The relief would be paid as follows: (i) an initial lump sum of \$215,036 to be paid within the 60 business days immediately following the execution of a release by Mr. Haynesworth from any present or future claims he may have; (ii) the sum of \$759,232 to purchase an annuity before October 1, 2012, for the primary benefit of Mr. Haynesworth with the terms of such annuity structured in Mr. Haynesworth's best interests based on consultation between Mr. Haynesworth or his representatives, the State Treasurer, and other necessary parties; and (iii) the sum of \$100,910 to purchase an additional annuity that will provide a monthly income of \$1,516 to Mr. Haynesworth upon the later of his reaching age 60 or retiring under the Virginia Retirement System. In addition, the bill entitles Mr. Haynesworth to receive up to \$10,000 for tuition for career and technical training within the Virginia Community College System. This bill incorporates SB 649.

*Patron - Marsh*

## Failed

**HB11 Transportation; bonds for specific project.** Authorizes the Commonwealth Transportation Board to issue bonds in the principal amount of \$550 million to finance the cost of adding an additional lane on both the northbound and southbound lanes of Interstate 95 from Dumfries to Massaponax in Spotsylvania County to expand the regular travel lanes (not the HOV lanes).

*Patron - Cole*

**HB29 Budget Bill.** Amending Chapter 890, 2011 Acts of Assembly.

*Patron - Putney*

**HB30 Budget Bill.** Appropriations of the Budget submitted by the Governor of Virginia providing a portion of revenues for the two years ending respectively on the thirtieth day of June, 2013, and the thirtieth day of June, 2014.

*Patron - Putney*

**SB5 Claims; Kenneth and Leslie VanAuken.** Provides relief in the amount of \$6,476 to Kenneth and Leslie VanAuken, who incurred rent, utility, and other expenses on behalf of a member of their household who was wrongly accused of abusing another member of the household. Under a safety plan devised by the Chesterfield-Colonial Heights Department of Social Services, the wrongly accused family member was required to move out of the VanAuken's home to be separated from the member of the household who was allegedly being abused. The wrongly accused family member did not have the financial means to support himself. The accusation was determined to be unfounded after completion of an

investigation by the Chesterfield-Colonial Heights Department of Social Services. The investigation took approximately 162 days to complete while state law allows only a total of 60 days to complete the investigation. Certain expenses relating to the investigation incurred by the VanAuken could have been altogether avoided or mitigated had the investigation been completed within the 60-day statutory period.

*Patron - Martin*

**SB29 Budget Bill.** Amending Chapter 890, 2011 Acts of Assembly.

*Patron - Colgan*

**SB30 Budget Bill.** Appropriations of the Budget submitted by the Governor of Virginia providing a portion of revenues for the two years ending respectively on the thirtieth day of June, 2013, and the thirtieth day of June, 2014.

*Patron - Colgan*

**SB649 Retirement service credit; Thomas Edward Haynesworth.** Awards Thomas Edward Haynesworth 27 years of creditable service in the Virginia Retirement System for time spent wrongfully incarcerated in the Commonwealth. This bill was incorporated into SB 41.

*Patron - McEachin*

## Carried Over

**HB1300 Budget Bill.** Amending Chapter 890, 2011 Acts of Assembly.

*Patron - Putney*

**HB1301 Budget Bill.** Appropriations of the Budget providing a portion of revenues for the two years ending respectively on the thirtieth day of June, 2013, and the thirtieth day of June, 2014.

*Patron - Putney*

## Charters

## Passed

**HB32 Charter; Town of Brodnax.** Changes the town council quorum from five to four. The council consists of seven councilmen and a mayor. The mayor votes only in the case of a tie vote. This bill is identical to SB 7.

*Patron - Wright*

**HB296 Charter; Town of Gordonsville.** Reduces the size of the town council from seven to five members and makes clarifying amendments.

*Patron - Scott, E.T.*

**HB431 Charter; City of Fairfax.** Provides that council vacancies shall be filled in accordance with general law. This bill is identical to SB 170.

*Patron - Bulova*

**HB457 Charter; City of Newport News.** Amends provisions related to the city's boundary by adding references to bodies of water located within the city or located between its territory and any other jurisdiction. The bill also removes a provision that requires certain procedural matters of council to

take place on July 1. This bill incorporates HB 722 and is identical to SB 287.

*Patron - BaCote*

**HB632 Charter; Town of Windsor.** Provides for a transition to November elections and makes a technical correction.

*Patron - Morris*

**HB803 Charter; Town of Hillsboro in Loudoun County.** Changes the election date for council members in even-numbered years to November, clarifies the voting authority of members who are appointed to fill unexpired terms, and updates a reference to Title 15.1 to Title 15.2.

*Patron - May*

**HB804 Charter; Town of Purcellville.** Distinguishes the authority of the town council to adopt all architectural design standards and review processes from the responsibility of the Board of Architectural Review to apply such duly adopted standards.

*Patron - May*

**HB840 Charter; City of Portsmouth.** Provides that the city council shall adopt a balanced budget. The bill also creates the position of city auditor to be appointed by the city council. This bill is identical to SB 478.

*Patron - James*

**HB847 Charter; Town of Coeburn.** Establishes the duties of officers appointed by the town council, including the town manager, the town clerk, and the town attorney; authorizes the town council to appoint other officers deemed necessary.

*Patron - Johnson*

**HB904 Charter; Town of Middleburg.** Empowers the town council to designate architectural control districts, specifying the issues of importance that the council must address through the design standards it adopts for each district. The amendments would require the town attorney to be licensed to practice in Virginia and omit the requirement that the attorney be in active practice in Loudoun County.

*Patron - Minchew*

**HB906 Charter; Town of Leesburg.** Changes the town's municipal elections from May to November and provides that all municipal elections for mayor and town council are nonpartisan. This bill contains an emergency clause. This bill is identical to SB 234.

*Patron - Minchew*

**HB978 Charter; City of Falls Church.** Shifts elections for city council from May to November. Council members shall have their four-year terms shortened by six months during the transition. The bill also provides that candidates shall be nominated only by petition in the manner prescribed by law for nonparty candidates and not by caucus, primary, convention, or other party-affiliated proceeding. This bill is identical to SB 87.

*Patron - Scott, J.M.*

**HB1019 Charter; City of Chesapeake.** Expands the board of zoning appeals from five to seven members. This bill is identical to SB 292.

*Patron - Spruill*

**HB1127 Charter; Town of Virgilina.** Moves the date of the elections for mayor and councilmen from May to

November of each even-numbered year. The bill contains an emergency clause.

*Patron - Edmunds*

**HB1142 Charter; Town of Glen Lyn.** Shifts the town's elections from May to November and provides for four-year terms. The bill also removes the requirement of voter approval prior to borrowing money and moves the town council's biennial organizational meeting from September to January.

*Patron - Yost*

**HB1146 Charter; Town of Stephens City.** Shifts the town's local elections from May to November. The bill contains an emergency clause.

*Patron - Sherwood*

**HB1205 Charter; Town of South Hill.** Repeals provisions related to the town treasurer and makes other technical changes to accurately reflect current town practices.

*Patron - Wright*

**HB1243 Charter; Town of Middletown.** Shifts town elections from May to November and makes technical amendments. The bill contains an emergency clause.

*Patron - May*

**HB1251 Charter; Town of Cedar Bluff.** Shifts the town's elections from May to November and extends the mayor's term from two to four years. The bill contains an emergency clause.

*Patron - Morefield*

**HB1288 Charter; Town of Boyce.** Moves election years for members of the Common Council from even-numbered years to odd-numbered years and sets election dates according to town ordinances.

*Patron - Minchew*

**SB7 Charter; Town of Brodnax.** Changes the town council quorum from five to four. The council consists of seven councilmen and a mayor. The mayor votes only in the case of a tie vote. This bill is identical to HB 32.

*Patron - Ruff*

**SB87 Charter; City of Falls Church.** Shifts elections for city council from May to November. Council members shall have their four-year terms shortened by six months during the transition. The bill also provides that candidates shall be nominated only by petition in the manner prescribed by law for nonparty candidates and not by caucus, primary, convention, or other party-affiliated proceeding. This bill is identical to HB 978.

*Patron - Saslaw*

**SB142 Charter; Town of Pocahontas.** Shifts the town's elections from May to November, shifts the date that elected officials enter into their duties from July 1 to January 1, and extends the terms of the mayor and councilmen serving at the time of the date change until December 31, 2012. The bill contains an emergency clause.

*Patron - Puckett*

**SB149 Charter; Town of Bluefield.** Shifts town elections from May to November and grants the mayor full voting privileges. The bill contains an emergency clause.

*Patron - Puckett*

**SB170 Charter; City of Fairfax.** Provides that council vacancies shall be filled in accordance with general law. This bill is identical to HB 431.

*Patron - Petersen*

**SB234 Charter; Town of Leesburg.** Changes the town's municipal elections from May to November and provides that all municipal elections for mayor and town council are nonpartisan. This bill contains an emergency clause. This bill is identical to HB 906.

*Patron - Herring*

**SB287 Charter; City of Newport News.** Amends provisions related to the city's boundary by adding references to bodies of water located within the city or located between its territory and any other jurisdiction. The bill also removes a provision that requires certain procedural matters of council to take place on July 1. This bill is identical to HB 457.

*Patron - Locke*

**SB292 Charter; City of Chesapeake.** Expands the board of zoning appeals from five to seven members. This bill is identical to HB 1019.

*Patron - Lucas*

**SB332 Charter; Town of Troutdale.** Provides for four-year terms for council members.

*Patron - Carrico*

**SB447 Charter; Town of Middleburg.** Empowers the town council to designate architectural control districts, specifying the issues of importance that the council must address through the design standards it adopts for each district. The amendments would require the town attorney to be licensed to practice in Virginia and omit the requirement that the attorney be in active practice in Loudoun County.

*Patron - Vogel*

**SB453 Charter; City of Winchester.** Provides for the appointment by the Common Council of a city manager, city attorney, and city clerk; eliminates the outdated offices of treasurer, civil and police justice, and judge of the corporation court; and makes clarifying amendments.

*Patron - Vogel*

**SB478 Charter; City of Portsmouth.** Provides that the city council shall adopt a balanced budget. The bill also creates the position of city auditor to be appointed by the city council. This bill is identical to HB 840.

*Patron - Lucas*

**SB545 Charter; Town of Glen Lyn.** Shifts the town's elections from May to November and provides for four-year terms. The bill also removes the requirement of voter approval prior to borrowing money.

*Patron - Edwards*

**SB602 Charter; Town of West Point.** Shifts town elections from May to November and provides that vacancies on the town council shall be filled in accordance with state law. The bill also grants the mayor veto power over any action of the council; the current law gives the mayor veto power over ordinances and resolutions. The bill also removes the requirements that the council meet once a month and keep a journal of its official proceedings. The bill contains an emergency clause.

*Patron - Norment*

**SB608 Charter; Town of Gate City.** Extends council terms from two to four years and staggers elections. The bill contains an emergency clause.

*Patron - Carrico*

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## Failed

**HB204 Charter; City of Franklin.** Provides that neither the city council nor any of its members shall direct or request the appointment of any person to or the removal of any person from any office or employment by the city manager. The bill also sets forth a number of ways in which a council member may forfeit office. Furthermore, a procedure is outlined for recall of council members and the mayor. Finally, council members will be required to resign their seats in order to run for mayor.

*Patron - Tyler*

**HB634 Charter; City of Franklin.** Provides that neither the city council nor any of its members shall direct or request the appointment of any person to or the removal of any person from any office or employment by the city manager. The bill also sets forth a number of ways in which a council member may forfeit office. Furthermore, a procedure is outlined for recall of council members and the mayor. Finally, council members will be required to resign their seats in order to run for mayor.

*Patron - Morris*

**HB722 Charter; City of Newport News.** Amends provisions related to the city's boundary by adding references to bodies of water located within the city or located between its territory and any other jurisdiction. The bill also removes a provision that requires certain procedural matters of council to take place on July 1. This bill was incorporated into HB 457.

*Patron - Yancey*

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## Carried Over

**SB311 Charter; City of Franklin.** Provides that neither the city council nor any of its members shall direct or request the appointment of any person to or the removal of any person from any office or employment by the city manager. The bill also sets forth a number of ways in which a council member may forfeit office. Furthermore, a procedure is outlined for recall of council members and the mayor. Finally, council members will be required to resign their seats in order to run for mayor.

*Patron - Blevins*

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## Study Resolutions

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### Passed

**HJ50 Study; adaption to prevent flooding in Tidewater Virginia localities; report.** Requests the Virginia Institute of Marine Science to study strategies for adaptation to prevent recurrent flooding in Tidewater and Eastern Shore Virginia localities.

*Patron - Stolle*

**HJ85 Study; Joint Legislative Audit and Review Commission; multipliers for current economic develop-**

**ment programs; report.** Directs a joint committee of the House Committee on Finance and the Senate Committee on Finance to study and determine the multiplier effects of various types of income tax credits, public-private partnerships, and other public-private investment programs.

*Patron - Purkey*

**[P]HJ108 Study; JLARC to study cost efficiency in higher education; report.** Directs the Joint Legislative Audit and Review Commission to study the cost efficiency of the Commonwealth's institutions of higher education and to identify opportunities to reduce the cost of public higher education in Virginia. This study ends in November 2014.

*Patron - Landes*

**[P]HJ111 Study; jurisdictional capacity of Court of Appeals; report.** Requests the Judicial Council of Virginia to study the jurisdictional capacity of the Court of Appeals and whether such capacity should be expanded.

*Patron - Iaquinto*

**[P]HJ132 Study; JLARC to study homeland security planning and preparedness; report.** Directs the Joint Legislative Audit and Review Commission to study the ongoing planning and preparedness efforts throughout the Commonwealth with regard to homeland security and emergency management. The Joint Legislative Audit and Review Commission must report its final findings and recommendations to the 2013 Session of the General Assembly.

*Patron - Lingamfelter*

**[P]HJ243 Study; state regulation of wetlands; report.** Requests the Department of Environmental Quality to study the benefits and costs of seeking authority from the U.S. Environmental Protection Agency to administer the § 404 permitting program under the federal Clean Water Act.

*Patron - Byron*

**[P]SJ15 Study; JCOTS to study electronic security credentials; report.** Directs the Joint Commission on Technology and Science to study electronic identity credentials and any possible liability concerns therewith. In conducting its study, the Joint Commission on Technology and Science shall (i) coordinate with stakeholders in both the public and private realm to identify opportunities, challenges, and strategies for the issuance of electronic security credentials; (ii) identify potential uses of electronic security credentials in transactions involving the Commonwealth; (iii) identify the role the Commonwealth should play in the issuance of identification documentation used by private electronic security credentialing services; (iv) identify policies and craft legislation that would facilitate the use and issuance of electronic security credentials; (v) identify and address through policies and legislation any liability considerations that may arise through the issuance of electronic security credentials by private entities; and (vi) consider such other related issues as the joint commission deems appropriate. JCOTS must report its final findings and recommendations to the 2013 Session of the General Assembly.

*Patron - Watkins*

**[P]SJ16 Study; conforming Virginia Unemployment Compensation Act to federal law; report.** Directs the Commission on Unemployment Compensation to study conforming provisions of the Virginia Unemployment Compensation Act to requirements of the Trade Adjustment Assistance Extension Act of 2011.

*Patron - Watkins*

**[P]SJ21 Study; Virginia State Crime Commission to study the practice of illegal cigarette trafficking; report.** Directs the Virginia State Crime Commission, among other things, to determine why illegal cigarette trafficking occurs; identify the methods of illegal cigarette trafficking and the strategies used by smugglers; and document the affects and financial impact on the Commonwealth, local governments, and cigarette manufacturers, retailers, and wholesalers. The Commission must submit its report to the 2014 Session of the General Assembly.

*Patron - Howell*

**[P]SJ76 Study; prevent recurrent flooding in Tidewater and Eastern Shore Virginia localities; report.** Requests the Virginia Institute of Marine Science to study strategies for adaptation to recurrent flooding in Tidewater and Eastern Shore Virginia localities. The resolution is contingent upon an appropriation of General Funds effectuating the provisions of the resolution. HJ 50 also provides for a study of strategies to prevent recurrent flooding in Tidewater and Eastern Shore Virginia.

*Patron - Northam*

**[P]SJ92 Study; Joint Legislative Audit and Review Commission to study the effect of Medicaid payment policies for hospitals, nursing homes, and physicians on access to health care services for Virginians; report.** Directs the Joint Legislative Audit and Review Commission to study the effect of Medicaid payment policies for hospitals, nursing homes, and physicians on Virginia Medicaid recipients' access to health care services.

*Patron - Stosch*

## Failed

**[F]HJ2 Study; Joint Legislative Audit and Review Commission; taxation of local government property that is physically located in a different county, city, or town; report.** Directs the Joint Legislative Audit and Review Commission to study the local fiscal impact and taxation of property owned by counties, cities, towns, and local authorities that is physically located in a different county, city, or town.

*Patron - Wright*

**[F]HJ4 Study; local license tax business classifications and tax rates; report.** Directs the Department of Taxation to study the local license tax business classifications and tax rates. The Department is to complete its work by November 30, 2012.

*Patron - Landes*

**[F]HJ12 Study; whether to establish a bank operated by the Commonwealth; report.** Establishes a joint subcommittee to study whether to establish a bank operated by the Commonwealth. The study shall consider recommendations for legislation to establish a public bank that is owned, controlled, and operated by the state.

*Patron - Marshall, R.G.*

**[F]HJ13 Study; Crime Commission; ignition interlock for DUI first offender; report.** Requires the Virginia State Crime Commission to study the feasibility of requiring installation of an ignition interlock for a DUI first offender along with the issuance of an unrestricted operator's license by investigating, to the extent possible across Virginia jurisdictions, the disparity in the purposes for which restricted operator's licenses are issued by the courts, and the potential efficacy of

the ignition interlock as a public safety measure as an alternative to the restricted license for a DUI first offender.

*Patron - Loupassi*

**FHJ27 Study; mandatory renewable energy portfolio standard program; report.** Directs the Commission on Electric Utility Regulation to study the establishment of a mandatory renewable energy portfolio standard program for the Commonwealth. The study will (i) address issues associated with transitioning from the existing voluntary renewable energy portfolio standard program to a mandatory program, (ii) determine the costs and benefits that would be associated with requiring electric utilities to meet varying levels of renewable energy portfolio standard goals, (iii) recommend measures to address electric utilities that do not meet the program's goals, and (iv) determine if it is feasible and advisable to require that all electric utilities in Virginia participate in a mandatory renewable energy portfolio standard program.

*Patron - Herring*

**FHJ51 Study; options for accepting military training and experience as satisfying requirements for licensure, certification, or registration as a health care provider; report.** Requests the Department of Health Professions to study options for accepting military training and experience as satisfying requirements for licensure, certification, or registration as a health care provider. In conducting its study, the Department of Health Professions shall review existing state laws governing licensure, certification, and registration of health care providers, compare these requirements to similar Military Occupational Specialties in health care, and develop recommendations for statutory and regulatory changes to allow the Department of Health Professions to accept evidence of military training and experience as satisfying educational and experiential requirements for licensure, certification, or registration as a health care provider in cases in which such training and experience is not currently accepted as satisfying the educational and experiential requirement for licensure, certification, or registration. The Department of Health Professions shall also develop recommendations related to options for increasing awareness among veterans and citizens of the Commonwealth for submitting evidence of military training and experience to satisfy educational and experiential requirements for licensure or certification to practice the arts.

*Patron - Stolle*

**FHJ52 Study; reforming Virginia's state and local tax structure; report.** Establishes a joint subcommittee to study reforming Virginia's tax structure, including the feasibility of adopting a flat tax or a fair tax.

*Patron - Cole*

**FHJ62 Study; Virginia State Crime Commission to study regulation of sale of methamphetamine precursors; report.** Directs the Virginia State Crime Commission to study the effectiveness of the current regulatory scheme for the sale of the methamphetamine precursors ephedrine and pseudoephedrine.

*Patron - McClellan*

**FHJ63 Study; Joint Legislative Audit and Review Commission to 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 its study, the Commission shall (i) review current statutory, constitutional, and budgetary provisions governing the calculation of Standards of Quality 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 Joint Legislative Audit and Review Commission must submit its findings and recommendations to the 2013 Session of the General Assembly.

*Patron - McClellan*

**FHJ66 Study; JLARC to study suspension and expulsion practices in public schools; report.** Directs the Joint Legislative Audit and Review Commission to review and consider school discipline practices and effective alternatives to suspension and expulsion and make recommendations concerning the minimization of disruption to regular education programs. The study shall include the perspectives of public school stakeholders and shall also review local school disciplinary policies and practices; laws concerning the discipline of students; and the available data on the use of suspension, expulsion, alternative education, and juvenile court.

*Patron - McClellan*

**FHJ84 Study; severe shortage of medical doctors; report.** Establishes a joint subcommittee to study the current and impending severe shortage of medical doctors in Virginia. In conducting its study, the joint subcommittee shall (i) determine whether a shortage of medical doctors exists in the Commonwealth, by specialty and by 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 specialty fields 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 2013 Session of the General Assembly and its final findings and recommendations to the 2014 Session.

*Patron - Purkey*

**FHJ89 Study; JLARC to study suspension and expulsion practices in public schools; report.** Directs the Joint Legislative Audit and Review Commission to review and consider school discipline practices and effective alternatives to suspension and expulsion and make recommendations concerning the minimization of disruption to regular education programs. The study shall include the perspectives of public school stakeholders and shall also review local school disciplinary policies and practices; laws concerning the discipline of students; and the available data on the use of suspension, expulsion, alternative education, and juvenile court.

*Patron - Robinson*

**FHJ95 Study; joint subcommittee to study feasibility for community colleges to offer selected baccalaureate degrees; report.** Establishes a joint subcommittee to study the feasibility and implications of the option for community colleges to offer selected baccalaureate degrees in high-demand fields at limited geographic locations for needs that are currently unmet by other institutions of higher education in the Commonwealth.

*Patron - Marshall, D.W.*

**FHJ104 Study; feasibility of creating a museum honoring great Americans; report.** Requests that the Department of Historic Resources study and report on the feasibility and impact of establishing a museum in Northern Virginia honoring great Americans.

*Patron - Minchew*

**FHJ110 Study; efficiency of the regionalization of school divisions and the consolidation of administrative personnel between school divisions and local governing bodies; report.** Requests the Joint Legislative Audit and Review Commission to study the efficiency of the use of public education funds and the possible gains from regionalizing school divisions. The Commission shall analyze the scale of administrative cost to pupils served across school divisions; the feasibility of consolidating certain programs, services, and school division functions; whether and to what extent the instructional, supervisory and administrative staff levels exceed need, particularly given the number of students enrolled in the public schools of the division; the organizations, planning, and budgetary structures of the school divisions to determine the need and ways in which such structures may be improved to maximize the utilization of personnel and funds between the school division and the governing body; and recommend such statutory, regulatory and policy changes as may be necessary to facilitate the efficient use of public education funds in accordance with the findings of the report.

*Patron - Morris*

**FHJ113 Study; joint subcommittee to study Virginia's withdrawal from ICPRB; report.** Establishes a joint subcommittee to study Virginia's withdrawal from the Interstate Commission on the Potomac River Basin and its effects upon the viability of the Potomac as a source of drinking water, recreation, and other benefits.

*Patron - Kory*

**FHJ114 Study; state renewable energy utility; report.**

Establishes a joint subcommittee to study the feasibility of establishing a state renewable energy utility. The joint subcommittee is directed to examine the report of Delaware's Sustainable Energy Task Force, examine the feasibility of authorizing a state renewable energy utility to issue tax-exempt bonds to fund renewable energy improvements at state buildings, and determine what lessons can be learned from Delaware's experience in establishing and operating its sustainable energy utility.

*Patron - Surovell*

**FHJ118 Study; joint subcommittee to study alternative medium of commerce or currency; report.** Establishes a joint subcommittee to study whether the Commonwealth should adopt an alternate medium of commerce or currency to serve as an alternative to the currency distributed by the Federal Reserve System in the event of a major breakdown of the Federal Reserve System.

*Patron - Marshall, R.G.*

**FHJ119 Study; reducing Medicaid costs; report.**

Establishes a joint subcommittee to study reducing Medicaid costs by increasing efficiencies and reducing fraud. In conducting its study, the joint subcommittee shall (i) examine the success of the Medicaid Fraud Control Unit; (ii) research methods of controlling Medicaid fraud that are used in other states; (iii) investigate additional solutions to controlling fraud in the Commonwealth; (iv) consider new technological advances used in other states to reduce costs within the Medicaid program; and (v) explore other ways of increasing efficiency within the system, including the use of telemedicine.

*Patron - Marshall, R.G.*

**FHJ122 Study; parole; report.** Establishes a joint subcommittee to study reinstating parole in the Commonwealth.

*Patron - Sickles*

**FHJ123 Study; chronic school absenteeism; report.** Requests the Board of Education to study the causes of chronic

school absenteeism and the efficacy of establishing uniform requirements for maximum absences from school attendance. In conducting its study, the Board of Education shall (i) determine the causes of and the extent to which chronic school absenteeism is a problem in Virginia, providing an analysis by grade and school division; (ii) determine whether and how the state's compulsory school attendance and school attendance laws and Board policies governing unexcused absences and truancy and dropout prevention address the problem of chronic school absenteeism; (iii) assess the impact of suspensions, expulsions, and other disciplinary actions on chronic school absenteeism; (iv) review and consider the best practices of local school divisions and other states to address chronic school absenteeism; (v) evaluate the need for conformity in statutory and policy requirements pertaining to chronic school absenteeism, including requirements for "make-up" classes or class work for both excused and unexcused absences; and (vi) recommend to the General Assembly such changes to state law and public policies, including funding and sound research-based innovations, as the Board may deem appropriate and necessary to effect a comprehensive approach to chronic school absenteeism. The Board must submit its findings and recommendations to the Governor and 2014 Session of the General Assembly.

*Patron - Alexander*

**FHJ126 Study; solitary confinement; JLARC; report.**

Directs the Joint Legislative Audit and Review Commission to study the use of solitary confinement by the Department of Corrections.

*Patron - Hope*

**FHJ127 Study; Crime Commission; determining best use of resources for helping released nonviolent offenders; report.** Directs the Virginia State Crime Commission to study the creation of a rating mechanism to determine which nonviolent felony offenders would be best served by receiving aid in obtaining employment post-release.

*Patron - James*

**FHJ131 Study; Route 28 extension across Potomac River; report.** Requests the Virginia Department of Transportation to study the desirability and feasibility of extension of Virginia Route 28 across the Potomac River into Maryland and the inclusion of Virginia Route 28 in the Interstate Highway System.

*Patron - Minchew*

**FHJ133 Study; operation and performance of the Commonwealth's system of child protective services; report.** Directs the Joint Legislative Audit and Review Commission to study the operation and performance of the Commonwealth's system of child protective services and evaluate the provision of child protective services by local departments of social services and the oversight of child protective services by the Department of Social Services.

*Patron - Lingamfelter*

**FHJ134 Study; JLARC to study economic impact of proposed Bi-County Parkway and Tri-County Parkway; report.** Directs the Joint Legislative Audit and Review Commission to study the potential economic impact of the proposed Bi-County Parkway and Tri-County Parkway transportation infrastructure projects.

*Patron - Anderson*

**FHJ136 Study; JLARC; determination eligibility for disability claims under the Virginia Retirement System; report.** Directs the Joint Legislative Audit and Review Commission (JLARC) to study the system for determining eligibil-

ity for disability claims under the Virginia Sickness and Disability Program administered by the Virginia Retirement System. In conducting the study, JLARC shall (i) examine and compare the system operating when determinations of eligibility were made by Virginia physicians and health care professionals to the current system where the determinations are made by a contractor, (ii) review the differences in the rates of approval and denial under the two systems, and (iii) review and compare the rate of appeals under the two systems and the decisions of hearing officers regarding such appeals.

*Patron - Anderson*

**FHJ137 Study; land-disturbing activities; report.**

Requests the Secretary of Natural Resources to study the possibility that regulatory requirements may be modified to alleviate the cost and time required to pursue land-disturbing activities in Virginia, such as by eliminating, modifying, or delaying the applicable regulations, permitting requirements, and licensing requirements.

*Patron - Poindexter*

**FHJ140 Study; revenue impact to Virginia of legalizing the sale of marijuana under conditions and restrictions; report.**

Establishes a joint subcommittee to study the potential revenue impact on the Commonwealth of legalizing the sale and use of marijuana, with certain restrictions and conditions, and selling it through Virginia's ABC stores.

*Patron - Englin*

**FHJ141 Study; JLARC; unfunded federal mandates; report.**

Directs the Joint Legislative Audit and Review Commission to study the impact of unfunded federal mandates in the Commonwealth. The Joint Legislative Audit and Review Commission shall report its findings by July 1, 2012.

*Patron - Byron*

**FHJ147 Study; expedited partner therapy; report.**

Directs the Joint Commission on Health Care to study options and develop recommendations for implementing expedited partner therapy in the Commonwealth.

*Patron - Herring*

**FHJ171 Study; reduce Medicaid costs using telemedicine; report.**

Establishes a joint subcommittee to study reducing Medicaid costs by using telemedicine. In conducting its study, the joint subcommittee shall (i) examine the current use of telemedicine in the Commonwealth and in other states; (ii) research methods of reducing Medicaid costs using telemedicine; and (iii) consider other new technological advances used in other states to reduce costs within the Medicaid program.

*Patron - Marshall, R.G.*

**FHJ172 Study; joint subcommittee to study the horse racing industry in the Commonwealth; report.**

Creates a joint subcommittee to study the horse racing industry in the Commonwealth and report its findings by November 30, 2012.

*Patron - Scott, E.T.*

**FSJ19 Study; State Council of Higher Education for Virginia; feasibility for community colleges to offer selected baccalaureate degrees; report.**

Requests the State Council of Higher Education to study the feasibility for community colleges to offer selected baccalaureate degrees in high-demand fields, particularly in geographic areas underserved by other public institutions of higher education.

*Patron - Favola*

**FSJ49 Study; Virginia Housing Commission; continuing care retirement communities; report.**

Directs the Virginia Housing Commission to study continuing care retirement

communities, including the fiduciary responsibility of the community to protect residents in contractual obligations and the role residents play in managing the continuing care retirement community.

*Patron - Barker*

**FSJ50 Study; untreated dental disease; report.** Directs the Joint Commission on Health Care to study the fiscal impact to the Commonwealth of Virginia that results from untreated dental disease. In conducting its study, the Joint Commission on Health Care shall estimate (i) the payments made by Virginia's Medicaid program to hospital emergency departments for dental-related diagnoses, (ii) the amount of uncompensated care provided by hospital emergency departments for dental-related diagnoses, and (iii) the number of dental patients treated and the overall value of the dental-related services provided by Virginia's safety net providers, including but not limited to Free Clinics, Community Health Centers, and local health departments. The Commission must submit its report to the 2014 Session of the General Assembly.

*Patron - Barker*

**FSJ53 Study; financial exploitation of elderly and incapacitated adults; report.**

Directs the Virginia State Crime Commission to study ways to prevent, deter, and punish financial exploitation of elderly and incapacitated adults, including determining whether existing laws on larceny, embezzlement, and fraud are adequate or whether there should be specific crimes geared towards the financial exploitation of elderly and incapacitated adults; roadblocks to identifying and prosecuting these crimes and what can be done to increase the possibility of obtaining restitution for victims shall also be studied.

*Patron - Ebbin*

**FSJ64 Study; Virginia Criminal Sentencing Commission to study offender classification; report.**

Requests the Virginia Criminal Sentencing Commission to study rating non-violent felony offenses to aid certain classes of offenders in obtaining gainful employment.

*Patron - Lucas*

**FSJ65 Study; JLARC; automation indexing of vital records; report.**

Directs the Joint Legislative Audit and Review Commission to study the feasibility of vital records automation indexing. In conducting its study, JLARC shall (i) examine alternatives available for the automation indexing of vital records in the Commonwealth; (ii) consider costs, accessibility, privacy implications, and other practical implications for each option; and (iii) make recommendations to the General Assembly for any necessary changes to state law to implement the most feasible option.

*Patron - Blevins*

**FSJ68 Study; JLARC to study Virginia Department of Transportation; report.**

Directs the Joint Legislative Audit and Review Commission to study and report on the efficiency of the Virginia Department of Transportation.

*Patron - McWaters*

**FSJ75 Study; Atlantic menhaden management plan requirements; report.**

Requests the Virginia Marine Resources Commission to study strategies for implementing new requirements under the amended Interstate Fishery Management Plan for Atlantic Menhaden. The Atlantic States Marine Fisheries Commission is in the process of developing an amendment to the plan that will require states to meet a new fishing mortality threshold.

*Patron - Northam*

**ESJ86 Study; impact of a state income tax credit for local machinery and tools taxes paid by manufacturers; report.** Requests the Department of Taxation to study the impact of a state income tax credit for local machinery and tools taxes paid by manufacturers.

*Patron - Wagner*

**ESJ87 Study; JLARC; tax burden on the manufacturing sector; report.** Directs the Joint Legislative Audit and Review Commission to study measures to eliminate the disparity in the share of state tax burden borne by the Commonwealth's manufacturing sector. This measure is a recommendation of the Manufacturing Development Commission.

*Patron - Wagner*

**ESJ93 Study; solitary confinement; report.** Directs the Virginia State Crime Commission to study the use of solitary confinement by the Department of Corrections.

*Patron - Ebbin*

## Carried Over

**CHJ97 Study; State Council of Higher Education for Virginia; management and structure of higher education centers; report.** Requests the State Council of Higher Education for Virginia to study the management and structure of the Commonwealth's four regional higher education centers. The study will review best practices in the administration of higher education centers; opportunities for efficiency in the operation of higher education centers; and strategies that would ensure higher education centers meet statewide and regional goals.

*Patron - Merricks*

**CHJ173 Study; merging Eastern Virginia Medical School with Old Dominion University; report.** Requests the State Council of Higher Education for Virginia to study merging Eastern Virginia Medical School with Old Dominion University. In conducting its study, the Council shall examine the impact of having a state-supported medical school in the Hampton Roads region; consider the fiscal implications merging Eastern Virginia Medical School into Old Dominion University; and accept input from interested stakeholders, including the boards of visitors of both institutions.

*Patron - Joannou*

**CSJ14 Study; Joint Legislative Audit and Review Commission to 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 its study, the Commission shall (i) review current statutory, constitutional, and budgetary provisions governing the calculation of Standards of Quality 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 Joint Legislative Audit and Review Commission must submit its findings and recommendations to the 2013 Session of the General Assembly.

*Patron - Marsh*

**CSJ45 Study; JLARC; property tax relief for low-income property owners; report.** Requires the Joint Legisla-

tive Audit and Review Commission to study issues relating to property tax relief for low-income property owners.

*Patron - Miller, J.C.*

**CSJ48 Study; JLARC; determination eligibility for disability claims under the Virginia Retirement System; report.** Directs the Joint Legislative Audit and Review Commission (JLARC) to study the system for determining eligibility for disability claims under the Virginia Sickness and Disability Program administered by the Virginia Retirement System. In conducting the study, JLARC shall (i) examine and compare the system operating when determinations of eligibility were made by Virginia physicians and health care professionals to the current system where the determinations are made by a contractor, (ii) review the differences in the rates of approval and denial under the two systems, and (iii) review and compare the rate of appeals under the two systems and the decisions of hearing officers regarding such appeals.

*Patron - Barker*

**CSJ57 Study; JLARC; property tax relief for low-income property owners; report.** Requires the Joint Legislative Audit and Review Commission to study issues relating to property tax relief for low-income property owners.

*Patron - Locke*

**CSJ69 Study; Virginia State Crime Commission; mandatory retirement of judges; report.** Directs the State Crime Commission to study mandatory retirement of judges.

*Patron - McWaters*

**CSJ71 Study; Virginia Housing Commission; foreclosure procedures; report.** Directs the Virginia Housing Commission to study the foreclosure procedures of the Commonwealth.

*Patron - Deeds*

**CSJ85 Study; JLARC to study phase-out of the corporate income tax; report.** Directs the Joint Legislative Audit and Review Commission to study and make recommendations as to how best to phase out the corporate income tax over a period of eight years.

*Patron - McWaters*

**CSJ90 Study; JLARC to study excess capacity at secure juvenile facilities; report.** Directs the Joint Legislative and Audit Review Commission to study excess capacity at secure juvenile facilities.

*Patron - Marsden*

**CSJ96 Study; joint subcommittee to study Virginia's withdrawal from ICPRB; report.** Establishes a joint subcommittee to study Virginia's withdrawal from the Interstate Commission on the Potomac River Basin and its effects upon the viability of the Potomac as a source of drinking water, recreation, and other benefits.

*Patron - Marsden*

