

committed to the custody of the Department of Juvenile Justice is increased to a Class 4 felony from a Class 6 felony. The penalty for indecent liberties with a child by a person in a custodial or supervisory relationship is increased to a Class 4 felony from a Class 6 felony.

Patron - Wagner

: **SB443 DUI; penalty.** Provides for a mandatory minimum sentence of 180 days (six months) for a third DUI conviction in 10 years. Under current law the mandatory minimum sentence is 10 days for a third offense within 10 years and 30 days for a third offense within five years. The offense will remain a Class 6 felony, which carries a penalty of one to five years confinement. This bill is incorporated into SB 384.

Patron - Rerras

: **SB473 Hate crimes.** Adds sexual orientation to the categories of acts for which a person may seek injunctive relief or file an action for damages. The bill also adds sexual orientation to the categories of victims whose intentional selection for a "hate crime" involving assault or trespass amplifies the Class 1 misdemeanor to a Class 6 felony penalty. The bill also adds sexual orientation to the definition of "hate crime" for purposes of a central repository of information regarding hate crimes maintained by the State Police.

Patron - Ticer

: **SB485 Concealed handgun permits.** Provides that a valid concealed handgun permit or license issued by another state shall be valid in the Commonwealth, provided the permit holder is not a resident of Virginia and, if the permit does not include a photograph of the holder, he carries a current state or federal government-issued photo identification. Also requires that the Attorney General enter into reciprocal agreements with the states that require it for recognition of the validity of Virginia concealed handgun permits. The bill removes the requirement that the out-of-state permit holders meet Virginia requirements for issuance.

Patron - Obenshain

: **SB488 Driving under the influence; penalty.** Changes the wording of the penalty provisions for a third (or fourth) offense by stating that the enhanced penalties apply if a person is convicted "three or more times" rather than if a person is "convicted of a third offense." This bill is incorporated into SB 384.

Patron - Mims

: **SB489 Mandatory minimum jail term for DUI based on blood alcohol content.** Imposes a mandatory minimum jail term of five days upon conviction for DUI (10 days for second offense) for a blood alcohol content of 0.16 percent as opposed to the current 0.20 percent. This bill is incorporated into SB 384.

Patron - Mims

: **SB490 Penalties for driving while intoxicated.** Removes sanctions for multiple DUI offenses occurring within five years and raises sanctions for multiple DUI offenses occurring within 10 years to include a mandatory minimum sentence of one year for a third offense committed within 10 years. The bill increases additional punishments predicated on blood alcohol levels registered at the time of the offense. The bill punishes a refusal to submit to a blood test as a Class 6 felony with a mandatory minimum sentence of one year if the defendant has two prior DUI convictions. This bill is incorporated into SB 329.

Patron - Mims

: **SB491 Dismissal of one of dual charges for driving while intoxicated and reckless driving upon conviction of other charge.** Provides that when any person charged with DUI or any similar ordinance of any county, city, or town and reckless driving or any ordinance of any county, city or town incorporating the reckless driving statute growing out of the same act, is tried simultaneously for both charges or acts, and is convicted of one of these charges, the court shall dismiss the remaining charge. This bill is incorporated into SB 384.

Patron - Mims

: **SB552 Loaded firearms in restaurants.** Prohibits the carrying of a loaded firearm in a restaurant or club with an ABC license. There is an exception for law-enforcement officers and for the owners and employees of the club or restaurant who have a concealed handgun permit.

Patron - Howell

: **SB579 Carrying concealed handgun; alcohol consumption.** Repeals the prohibition on carrying a concealed handgun in a restaurant or club and revises the Class 1 misdemeanor provision by providing that it is a Class 1 misdemeanor to carry a concealed handgun in a public place after consuming alcohol or while under the influence of an illegal drug. The bill provides that a blood alcohol level of 0.02 or less is not a violation. The bill provides that anyone who has a concealed handgun permit is deemed to have consented to have his blood and breath samples taken. An unreasonable refusal is grounds for revocation of the handgun permit for five years and subjects the person to a civil penalty of not more than \$500.

Patron - Cuccinelli

Carried Over

7 HB134 Prohibited executions. Provides that the Department of Corrections shall promulgate regulations setting forth procedures to assure that no person sentenced to death shall be put to death while she is pregnant.

Patron - Marshall, R.G.

7 HB170 False discount coupons; larceny. Provides that any person who uses a false discount coupon to obtain money or property is guilty of larceny. A definition of "false discount coupon" is added.

Patron - Wright

7 HB397 Sale of violent video games. Makes the sale, rental, loan or commercial display of a violent video or computer game to a juvenile a Class 1 misdemeanor. "Violent video or computer game" is defined as a video or computer game that contains realistic or photographic-like depictions of aggressive conflict in which the player kills, injures, or otherwise causes physical harm to a human form in the game who is depicted, by dress or other recognizable symbols, as a public law-enforcement officer.

Patron - Amundson

7 HB514 Crimes; criminal sexual assault; definition of mental incapacity and physical helplessness; penalty. Provides that a person shall be deemed to have accomplished a sex act against the will of the complaining witness and through the use of the mental incapacity and physical helplessness of the complaining witness if he has, prior to the act complained of, administered a drug or controlled substance to the complaining witness without the consent or knowledge of the complaining witness and the drug had the effect of impairing the judgment, self-control, actions or consciousness of the complaining witness and prevented the complaining witness from understanding the nature or consequences of the sex-

ual act and rendered the complaining witness physically unable to communicate an unwillingness to act.

Patron - Marrs

7 HB566 Computer trespass. Provides that adding or altering information without authority is computer trespass. Adds to the aggravating factors for which computer trespass is elevated to a Class 6 felony using a computer in a way that involves a computer virus or similar computer program and obtaining the ability to use three or more computers or computer networks without notice to or knowledge of and express or implied permission of, the owners of those computers or computer networks, or a prior existing personal, business or contractual relationship with the owner.

Patron - Albo

7 HB614 Driving motor vehicle after ingesting illegal Schedule I or Schedule II drugs. Makes driving after ingesting any amount of illegally possessed Schedule I or Schedule II drugs a Class 2 misdemeanor.

Patron - Carrico

7 HB646 Crimes; maiming, killing or poisoning animals. Increases from a Class 1 misdemeanor to a Class 5 felony the maiming, killing or poisoning of a companion animal of another or of the companion animal of the defendant if done with the intent to defraud any insurer.

Patron - Bell

7 HB668 Juvenile alcohol offenses. Makes it clear that it is illegal for an underage person to consume alcoholic beverages as well as to purchase or possess them. The bill also provides that it is a Class 1 misdemeanor to give or provide alcohol to someone who is prohibited from possessing alcohol.

Patron - Bell

7 HB669 Crimes; DUI; blood test. Amends the implied consent statute to extend from three hours to six hours the time period in which a blood or breath test can be taken after a stop.

Patron - Bell

7 HB725 Concealed weapons; handmade cutting instruments. Prohibits a person from carrying about his person a concealed cutting instrument that has no practical use other than as a weapon.

Patron - Shannon

7 HB775 Trial de novo in drug deferral proceedings. Provides that any accused who consents to deferred disposition in a drug case and is convicted shall not be entitled to deferred disposition upon appeal, at trial de novo in circuit court.

Patron - McDougle

7 HB858 Violation of court order regarding custody and visitation; penalty. Raises the penalties for first, second and subsequent violations committed by any person who knowingly, wrongfully and intentionally withholds a child from either of the child's parents or other legal guardian in a clear and significant violation of a court order respecting the custody or visitation of such child.

Patron - Cosgrove

7 HB990 Driving with special license plates after conviction of DUI. Requires persons convicted of drunk driving a second or subsequent time who have registered motor vehicles in Virginia to use yellow license plates with red letters and numbers.

Patron - Hugo

7 HB1053 Criminal penalty revisions. Adds a new felony class of five to 40 years to the existing six classes in order to classify as many unclassified felonies as possible. A Class 1 felony (life imprisonment or death sentence) is renamed a capital felony and a Class 2 felony (20 years to life) is renumbered a Class 1 felony. The new felony of five to 40 years becomes a Class 2 felony. The crimes of abduction and assault are broken into degrees. The penalties for malicious wounding of a police officer and malicious wounding with a caustic substance are raised to Class 2 felonies (five to 40 years) from the current penalty of five to 30 years. The "marital exemptions" for forcible sodomy and object sexual penetration are eliminated, as was done with rape during the 2002 General Assembly Session. The penalty for conspiring or attempting to abduct a person is raised to the same level as conspiracies and attempts for other crimes. Many of the revisions made are ancillary Code changes necessitated by the substantive changes. This bill is recommended by the Title 18.2 Study Subcommittee of the Virginia State Crime Commission and is a response to HJR 687 (2001), which requested the Crime Commission to study the organizations and inconsistencies in Title 18.2, the level and extent of penalty and to review the proportionality of criminal penalties. The bill has an effective date of July 1, 2005.

Patron - Albo

7 HB1054 Sexual offenses; penalties. In order to comply with *Lawrence v. Texas*, 123 S. Ct. 2472 (2003), the bill repeals the statute making fornication a Class 4 misdemeanor and amends the lewd and lascivious behavior statute to specify that the behavior is illegal when performed in a public place. Without repealing the existing crimes against nature statute, the bill proposes a new statute that will ensure that such behavior is illegal when committed in a public place. The bill also amends certain statutes dealing with prostitution and sexual crimes against juveniles to ensure that if there is a court decision rendering the crimes against nature statute invalid, the behavior will still be illegal if committed with a child, if done in public or if done in connection with prostitution.

Patron - Albo

7 HB1217 Preliminary analysis of breath to determine alcoholic content of blood. Provides that the results of a preliminary blood alcohol breath analysis may be admitted into evidence in any DUI prosecution (i) when the person refuses to have samples of his blood or breath taken, (ii) in rebuttal to testimony offered regarding a difference in the defendant's blood alcohol content occurring in the period of time between operation of the vehicle and administration of a blood or breath test, or (iii) when an expert witness testifies in any rebuttal testimony. Currently, the results of the preliminary breath test are not admissible.

Patron - Landes

7 HB1232 Enticement to violate protective order. Provides that any person, including any party protected under the protective order, who entices another to violate a protective order, is guilty of a Class 1 misdemeanor.

Patron - Griffith

7 HB1250 Possession or transportation of firearms or concealed weapons by convicted felons; penalties. Prohibits any person who, as a juvenile aged 14 years or older, committed a delinquent act equivalent to a violent felony from ever possessing, transporting, or carrying a firearm. The restriction would be lifted in the case of nonviolent felonies at the age of 29. Currently, the prohibition expires when the per-

son is 29 and is applicable to all felonies, whether violent or nonviolent.

Patron - Scott, J.M.

7 HB1476 Firearms; firearm eligibility check; penalty. Allows an individual to submit an application to the Department of State Police to determine if he is eligible to possess or transport a firearm. The eligibility check would allow a person to determine if he were eligible to possess or transport a firearm outside of the context of a firearm purchase, when the background check is usually performed. The Department shall specify the application to be used, which will contain the information required to be submitted for a firearms purchase pursuant to § 18.2-308.2.2, and may charge a fee of up to \$20. When the applicant submits a completed, notarized application and fee, the Department shall review its criminal history record information to determine if the applicant is prohibited from possessing or transporting a firearm by state or federal law. The Department must notify the applicant by mail that he is "eligible to possess firearms as of the date the check was completed" or "ineligible to possess firearms as of the date the check was completed." The Department must make copies of eligibility check applications available to licensed firearm dealers and on its website. The bill states that the Department is immune from liability arising out of the performance of the eligibility check. No person or agency may require or request an individual to obtain a firearms check, and a violation of this provision is a Class 1 misdemeanor, and the Department must include notice of such both on the application and in the notification letter.

Patron - Sickles

7 SB40 Crimes; profane swearing and intoxication in public; penalty. Provides that a locality may provide by ordinance that a person found guilty of a second or subsequent offense of public intoxication in that locality shall be guilty of a Class 2 misdemeanor. Currently, such person would be guilty of a Class 4 misdemeanor. This bill is identical to HB 371.

Patron - Howell

7 SB192 Embezzlement by public official; penalty. Provides that it is a Class 4 felony for a public official or employee to knowingly misuse, misappropriate or unlawfully dispose of any public funds, and provides one year of incarceration in a state correctional facility with no suspension of sentence for each \$50,000 misused, misappropriated or disposed of unlawfully.

Patron - Reynolds

7 SB275 Computer trespass; virus. Creates a definition of computer virus and provides that it is a Class 1 misdemeanor to knowingly and maliciously insert a computer virus into a computer, computer program, computer software, or computer network of another without the knowledge and permission of the owner.

Patron - Devolites

7 SB456 Contraception not to constitute abortion. Provides that contraception is not subject to or governed by the abortion law set forth in Title 18.2. "Contraception" is defined, for all purposes, as the use of any process, device, or method to prevent pregnancy, including steroidal, chemical, physical or barrier, natural or permanent methods for preventing the union of an ovum with the spermatozoon or the subsequent implantation of the fertilized ovum in the uterus.

Patron - Whipple

7 SB477 Crimes against nature. Provides that human carnal knowledge is not a crime where all persons are

consenting adults who are not in a public place and not engaged in prostitution.

Patron - Ticer

7 SB484 Modification of sentencing guidelines for methamphetamine. Provides that for any conviction involving any substance that contains any quantity of methamphetamine, including its salts, isomers, and salts of isomers, the discretionary sentencing guidelines applicable to cocaine shall be used.

Patron - Obenshain

Criminal Procedure

Passed

D HB71 Property bail bondsmen. Provides that a property bail bondsman needs to obtain a certificate from only one circuit court judge in order to operate statewide, rather than from a circuit court judge in each jurisdiction in which he intends to write bonds. This bill is a recommendation of the Judicial Council.

Patron - Melvin

D HB118 Attorney General; wiretap orders. Expands the list of crimes for which the Attorney General may seek a wiretap order to include crimes by mobs and crimes by gangs. Criminal sexual assault is included only for felony offenses that are not Class 6.

Patron - Albo

D HB120 Discovery in misdemeanor cases in circuit court. Provides that in any criminal prosecution for a misdemeanor by trial de novo in circuit court, the attorney for the Commonwealth shall have a duty to adequately and fully provide discovery as provided under Rule 7C:5 (district court criminal discovery rule) of the Rules of the Supreme Court. Currently, by law or rule, no discovery is available on appeal of misdemeanor convictions to circuit court.

Patron - Albo

D HB570 Arrest and detention; illegal aliens. Provides that all law-enforcement officers have the authority to enforce immigration laws and that a law-enforcement officer may, in the course of acting upon reasonable suspicion that an individual has committed or is committing a crime, arrest the individual without a warrant upon receiving confirmation from the Bureau of Immigration and Customs Enforcement that the individual is an illegal alien, and has previously been convicted of a felony in the United States and deported or left the United States after such conviction. A magistrate may issue a warrant and the person may be detained for not more than 72 hours or until taken into federal custody, whichever occurs first. The bill creates a presumption that an individual shall not be admitted to bail if he is detained pursuant to this provision. This bill is identical to SB 493.

Patron - Albo

D HB594 Reports to be made by local law-enforcement officers to the Central Criminal Records Exchange (CCRE). Includes DUI as a reportable offense to CCRE by law-enforcement officers upon arrest. Currently, DUI is specifically excluded.

Patron - Janis

D HB650 Crimes; wiretaps. Corrects an oversight in the wording of the current provision making it a crime to inten-

tionally use, or endeavor to use, the contents of any electronic communication, knowing or having reason to know that the information was obtained through the interception of an electronic communication.

Patron - Bell

D HB755 Capital murder sentencing order. Provides that when a court sets aside a sentence of death and imposes a sentence of imprisonment for life, it shall include in the sentencing order an explanation for the reduction in sentence.

Patron - Hurt

D HB776 Attempted violent felonies. Provides that persons arrested for attempted violent felonies and burglary must have a DNA sample taken. Currently, attempts are not included.

Patron - McDougle

D HB889 Presumption against bail; repeat DUI offenders. Provides a rebuttable presumption against bail for a person charged with a DUI-related offense if the person has been convicted of three such offenses within the past five years on different dates and has been at liberty between each conviction. This bill is identical to HB 1132 and an identical provision is in SB 442.

Patron - Bell

D HB916 Criminal history records search; justices; judges and substitute judges; magistrates. Requires criminal history records checks of all persons elected by the General Assembly as justices of the Supreme Court, judges of the Court of Appeals, and judges of the circuit and district courts, and of all persons appointed by the circuit courts as magistrates or substitute judges. The bill also prohibits the appointment of substitute judges and magistrates with certain criminal backgrounds in the same manner as the prohibitions for appointment of special conservators of the peace.

Patron - Phillips

D HB942 Summoning of grand jurors. Allows the judge or judges of the circuit court who sit in a county or city to prepare the list of grand jurors. Current law seems to require that all the judges of a circuit participate in the selection and the signing of the court orders, etc.

Patron - Pollard

D HB1012 Criminal procedure; admission to bail. Creates a rebuttable presumption against bail for any person who is held in custody when such person is charged with participating in a criminal street gang or the soliciting of a juvenile to participate in a criminal street gang. The bill adds the participation in and the recruitment for a criminal street gang to the list of felonies for which there must be a presentence report unless waived by the court and the defendant and the attorney for the Commonwealth. The bill specifies information regarding gang membership that may be included in the presentence report. This bill is identical to SB 492.

Patron - Rust

D HB1056 Indigent Defense Commission. Establishes the Indigent Defense Commission, which will establish criteria for court-appointed lawyers as well as assume the duties of the existing Public Defender Commission, which is abolished by this bill. All of the existing Public Defender offices are retained and no new ones are added. This bill is identical to SB 330.

Patron - Moran

D HB1058 Transfer of forfeiture statutes to the criminal procedure code. Moves forfeiture provisions from Title 18.2 (criminal law) to Title 19.2 (criminal procedure) without substantive change.

Patron - McDonnell

D HB1083 Admission of victim impact testimony. Clarifies that victim impact testimony is to be heard by the trier of fact whether the defendant is found guilty after trial or upon a guilty plea.

Patron - Scott, E.T.

D HB1095 Exclusion of witnesses in criminal trials. Provides that any victim who is to be called as a witness in a criminal trial shall be exempt from the rule authorizing the exclusion of all witnesses unless, in accordance with the provisions of § 19.2-265.01 (presence of victim would cause impairment of conduct of a fair trial), his exclusion is specifically required.

Patron - Moran

D HB1132 Admission to bail for multiple DUI offenders. Provides a presumption against bail for a person arrested for a DUI crime if the person has been convicted three times of a DUI crime within the past five years. This bill is identical to HB 889.

Patron - McDonnell

D HB1139 Appointment of magistrates. Provides that the authority of the chief circuit court judge to appoint magistrates and chief magistrates is to be exercised in consultation with the chief general district and juvenile court judges and that all appointments of magistrates are for four-year terms even if the appointment is to fill a vacancy.

Patron - McDonnell

D HB1234 Virginia Domestic Violence Victim Fund. Creates the Virginia Domestic Violence Victim Fund. The Fund is to be administered by the Department of Criminal Justice Services, and the resources used to support the prosecution of domestic violence cases and victim services. The Fund shall be supported by dedication of a portion of increased court fees. The bill provides that \$10 of the \$20 tax on marriage licenses goes to the Department of Social Services for providing services to victims of domestic violence. The Department of Criminal Justice Services, in cooperation with the Statewide Facilitator for Victims of Domestic Violence within the Office of the Attorney General, is required to make all reasonable efforts to secure federal funds or other grant monies for domestic violence prosecution and services.

Patron - Griffith

D HB1308 Pretrial programs. Clarifies that pretrial service programs are for adults and juveniles transferred for trial as adults. The bill also repeals cross-references that are no longer necessary.

Patron - Hurt

D HJ288 Rules of Court. Encourages the Supreme Court of Virginia to amend the Rules of Court on electronic filing to allow electronic filing by election of any party of the litigation. This resolution is identical to SJR 130.

Patron - Phillips

D SB162 Duties of the attorney for the Commonwealth; magistrates. Repeals the provision requiring attorneys for the Commonwealth to provide legal advice and training to magistrates due to the potential conflict raised by the prosecutor advising a judicial officer. Magistrates receive training from

the Supreme Court's Executive Secretary's Office, as provided by law.

Patron - Marsh

D SB177 Appointed counsel in capital cases. Provides that at least two attorneys shall be appointed in a capital case (2002 legislation requires that as of July 1, 2004, an attorney from a capital defense unit of the Public Defender Commission be appointed). The bill allows the capital defense unit attorney to make a motion to the circuit court to withdraw as counsel if prior to the indictment the Commonwealth declares in writing that it will not seek the death penalty. The court is to allow the capital attorney to withdraw and to appoint a regular court-appointed attorney.

Patron - Stolle

D SB298 Criminal procedure; conservators of the peace. Adds special agents of the Department of Homeland Security to the list of those who are conservators of the peace.

Patron - O'Brien

D SB330 Indigent Defense Commission. Establishes the Indigent Defense Commission, which will establish criteria for court-appointed lawyers as well as assume the duties of the existing Public Defender Commission, which is abolished by this bill. All of the existing Public Defender offices are retained and no new ones are added. This bill is identical to HB 1056.

Patron - Stolle

D SB333 Issuance of writ of actual innocence for nonbiological evidence. Establishes a one-opportunity procedure for a convicted felon to petition the Court of Appeals for a writ of actual innocence based on nonbiological previously unknown or unavailable evidence. The Court of Appeals may summarily dismiss the petition but if it determines that a resolution of the case requires further development of the facts, it may order the circuit court to conduct a hearing to certify findings of fact on certain issues. After considering the petition and the Commonwealth's response, the previous records of the case and the record of any hearing, the Court may dismiss the case or grant relief. A petitioner whose writ is not summarily dismissed by the Court of Appeals is entitled to court-appointed counsel in the same manner as an indigent defendant in a criminal case. The bill establishes a process similar to the one that already exists in the Code for previously unknown or untested biological evidence.

Patron - Stolle

D SB384 Enhanced punishment for third DUI, etc. Increases the mandatory minimum sentence for a second DUI within five years from five to 20 days, establishes a mandatory minimum for a second within ten years to 10 days, a third within 10 years from 60 to 90 days and a third within five years from 30 to 180 days. The blood alcohol level required for additional mandatory minimum penalties is lowered by .05 percent. The bill also extends the seven-day administrative operator's license suspension for a DUI arrest to 60 days for a second alleged offense, and until trial for a third alleged offense. In addition, the sentence of a person convicted of DUI while driving on a revoked license who has previously been convicted of DUI is to run concurrently with any other sentence.

Patron - Norment

D SB390 Conservators of the peace. Provides that all conservator of the peace appointments are void on September 15, 2004, unless the conservator has obtained a valid registration issued by the Department of Criminal Justice Services. In addition, each conservator must provide a temporary registration letter issued by the Department of Criminal Justice Ser-

vices prior to seeking appointment by the circuit court. A circuit court appointment letter must be filed with the Department of Criminal Justice Services in order to receive a special conservator of the peace photo registration card.

Patron - Norment

D SB442 Admission to bail; DUI. Creates a rebuttable presumption that bail shall be denied to a person arrested for DUI if he has three previous convictions within the past five years for any of the following: DUI, DUI manslaughter and DUI maiming. The bill also includes DUI as a reportable offense to the Central Criminal Records Exchange (CCRE) by law-enforcement officers upon arrest. Currently, it is specifically excluded.

Patron - Rerras

D SB492 Criminal procedure; admission to bail. Creates a rebuttable presumption against bail for any person who is held in custody when such person is charged with participating in a criminal street gang or the soliciting of a juvenile to participate in a criminal street gang. The bill adds the participation in and the recruitment for a criminal street gang to the list of felonies for which there must be a presentence report unless waived by the court and the defendant and the attorney for the Commonwealth. The bill specifies information regarding gang membership that may be included in the presentence report. This bill is identical to HB 1012.

Patron - Mims

D SB493 Arrest and detention; illegal aliens. Provides that all law-enforcement officers have the authority to enforce immigration laws and that a law-enforcement officer may, in the course of acting upon reasonable suspicion that an individual has committed or is committing a crime, arrest the individual without a warrant upon receiving confirmation from the Bureau of Immigration and Customs Enforcement that the individual is an illegal alien, and has previously been convicted of a felony in the United States and deported or left the United States after such conviction. A magistrate may issue a warrant and the person may be detained for not more than 72 hours or until taken into federal custody, whichever occurs first. The bill creates a presumption that an individual shall not be admitted to bail if he is detained pursuant to this provision. This bill is identical to HB 570.

Patron - Mims

D SB550 Family abuse. Changes the term primary physical aggressor to predominant physical aggressor in section that requires arrest in most family abuse cases when the law-enforcement officer has probable cause to believe that family assault or violation of a protective order occurred. The officer is required to arrest and take into custody the person he has probable cause to believe, based on the totality of the circumstances, was the primary (now predominant) physical aggressor (unless there are special circumstances that would dictate a course of action other than an arrest). The bill sets standards for determining who is the predominant physical aggressor. This bill is a recommendation of the Family Violence Subcommittee of the Virginia State Crime Commission.

Patron - Howell

D SB551 Juvenile courts; distribution of protective order information. Requires juvenile court intake officers to provide to a person seeking a protective order a written explanation of the conditions, procedures and time limits applicable to the issuance of protective orders for family and household members. The Virginia State Crime Commission, in conjunction with the Office of the Executive Secretary of the Supreme Court and the Department of Juvenile Justice, is required to develop the written explanation and the Executive Secretary

must make the explanation available to law enforcement and to each court service unit for distribution.

Patron - Howell

D SB575 Sex Offender and Crimes Against Minors Registry Act. Adds to the list of those required to register under the Act, any person who has solicited or has attempted to solicit, by use of a communications system, certain acts that constitute violations of the taking indecent liberties with children statute. This bill is identical to HB 759.

Patron - Obenshain

D SB609 Final judgments in circuit court; when modifiable and appealable. Repeals the provision enacted during the 2003 General Assembly Session that final judgments in circuit court criminal cases remain under the control of the circuit court for 90 days rather than the current 21 days. The filing deadlines for appeals and the transfer of the trial record to the Court of Appeals are proportionately increased to maintain consistency with current practice. The provision was scheduled to become effective on July 1, 2004, so it has never been in effect.

Patron - Stolle

D SB633 Report of arrest of adult school students to school superintendent for certain offenses. Requires that a public school student who is 18 or over and arrested for certain offenses be reported to the division superintendent. The offenses are the same as those for which a juvenile student would be reported (e.g., firearms; homicide, felonious assault, sexual assault; drug offenses; arson; burglary; robbery). The bill extends this list to include criminal street gang related activity.

Patron - Saslaw

D SB669 Criminal procedure; magistrates. Eliminates the prohibition of appointing a person as a magistrate if such person's spouse is a law-enforcement officer or an employee of the clerk of a district court.

Patron - Obenshain

D SJ130 Rules of Court. Encourages the Supreme Court of Virginia to amend the Rules of Court on electronic filing to allow electronic filing by election of any party of the litigation. This resolution is identical to HJR 288.

Patron - Devolites

Failed

: HB323 Mental illness; civil commitment. Allows the Department of Corrections to use any nationally recognized, scientifically validated sex offender recidivism instrument to determine if a prisoner should be civilly committed because of his high propensity for recidivism.

Patron - Griffith

: HB492 Compensation of court-appointed counsel. Sets the compensation of court-appointed attorneys at 75 percent of the compensation in United States federal courts.

Patron - Kilgore

: HB590 Arrest in lieu of service of summons in minor misdemeanor case. Allows an officer who has temporary custody of a person who committed a minor misdemeanor to either arrest the person or issue a summons. Currently, only a summons can be issued unless the person refuses to sign it or presents some other danger that gives rise to the officer's right to place the individual under arrest.

Patron - Janis

: HB631 Expungement of criminal records; unjust convictions. Requires, in all cases where the expungement of a criminal record is based on an absolute pardon for the commission of a crime for which the petitioner had been unjustly convicted or a writ of actual innocence has been issued and the petitioner has been confined to a state or local correctional facility for at least six months, that the circuit court also attach an order entitling the petitioner to (i) waiver of tuition and other mandatory fees for any public institution of higher education in the Commonwealth, (ii) lifetime authorization to enter Virginia's state parks for up to seven days per year without having to pay an admittance or parking fee, (iii) assessment and guidance services including, but not limited to, aptitude testing, mental health assessment, substance abuse counseling and job placement service, to be provided by the appropriate state agency at no cost, (iv) lifetime membership to the Virginia Museum of Fine Arts, and (v) a transition assistance grant of \$15,000, in all cases. This bill is incorporated into HB 638.

Patron - O'Bannon

: HB647 Forfeiture on recognizance. Clarifies that a criminal defendant's bond may be forfeited not only upon his failure to appear in court as required but upon his failure to meet the conditions of his recognizance, as well.

Patron - Bell

: HB723 Sentencing proceeding by the jury after conviction. Provides that the attorney for the Commonwealth shall advise a sentencing jury that a criminal defendant is entitled to receive a reduction in time served in incarceration for good behavior and shall advise the jury of the maximum reduction in time served that may be earned by a person convicted of a felony or, if applicable, a person convicted of a Class 1 misdemeanor. This bill is incorporated into HB 1292.

Patron - Shannon

: HB785 Speedy trial and speedy sentencing. Provides that when a defendant is at liberty pending trial, he shall be tried within six months of arraignment, and that when a defendant is found guilty, the court shall pronounce sentence within six months of a finding of guilt. Currently, a defendant at liberty must be tried within nine months and sentence must be pronounced without unreasonable delay.

Patron - Hurt

: HB865 Issuance of warrants against law-enforcement officers. Provides that, before an arrest warrant or summons may be issued against any law-enforcement officer pursuant to a complaint made to a magistrate alleging that the law-enforcement officer committed a misdemeanor or felony while he was in the performance of his official duties, a hearing shall be held before a district court to determine if sufficient cause exists for the issuance thereof. If the court finds sufficient cause, it shall issue a warrant or summons, as appropriate.

Patron - Byron

: HB1292 Sentencing proceeding by the jury after conviction. Provides that the attorney for the Commonwealth may advise the sentencing jury, after conviction, of a criminal defendant's entitlement to receive a reduction in time served in incarceration for good behavior, of the maximum reduction in time served that may be earned by a person convicted of a felony, and of the availability of geriatric parole.

Patron - Bell

: HB1318 Timeliness of bail review hearing. Provides that every person charged with a criminal offense who is

not free on bail shall be brought before a judge on the first day on which such court sits after the person is charged but in no case more than five days following his arrest, at which time the judge shall inform the accused of the amount of his bail and his right to counsel. Currently, there is no five-day limit following arrest.

Patron - Louderback

: **HB1356 Criminal procedure; public defender offices.** Requires the Public Defender Commission to establish an office in any judicial circuit that does not have one.

Patron - Hamilton

: **SB23 Prepayment of traffic infractions.** Conforms this section to previous enactments allowing for waiver of appearance and prepayment of traffic fines for infractions resulting in accidents.

Patron - Marsh

: **SB250 Interception of wire, electronic or oral communications.** Provides that it shall not be a criminal offense for a person to intercept a wire, electronic or oral communication, where such person is a party to the communication and where all of the parties to the communication have given prior consent to such interception. The offense is a Class 1 misdemeanor. Currently, there is no crime if the person intercepting is a party or if one of the parties consents.

Patron - Deeds

: **SB496 Deferred disposition; criminal offenses.** Provides that a court shall not defer a conviction when the facts found by the court would justify a finding of guilt, unless there is specific statutory authorization for such deferral for the criminal offense with which the defendant is charged.

Patron - Mims

Carried Over

7 HB34 Public defenders' offices. Requires the establishment of a public defender's office in the City of Chesapeake.

Patron - Cosgrove

7 HB522 Suspension or modification of sentence for cooperation with prosecution. Provides that when a person has been sentenced for a felony to the Department of Corrections, the court that heard the case may, after a hearing upon motion of the Commonwealth and with good cause therefor, suspend all or part, or otherwise modify, the unserved portion of the person's sentence if such a suspension or modification is compatible with the public interest. This intends to accommodate a case where an inmate cooperates and testifies in the prosecution of another person.

Patron - Cosgrove

7 HB583 Public defender offices. Requires the establishment of public defender offices in the City of Newport News.

Patron - Hamilton

7 HB950 Public defender offices. Requires the establishment of a public defender office in Arlington County and the City of Falls Church.

Patron - Ebbin

7 HB1073 Arrest outside county or city where charge is to be tried. Expands arrest jurisdiction of a law-enforcement officer to provide that he may execute anywhere in the Commonwealth a capias or warrant issued by a judicial

officer from his jurisdiction. Under current law, a law-enforcement officer may execute within his jurisdiction a warrant, capias or summons issued anywhere in the Commonwealth.

Patron - Armstrong

7 HB1169 Sentencing proceeding by the jury after conviction. Provides that if a jury sentences a defendant to less than the mandatory minimum punishment required by law for an offense, the court shall fix punishment at the mandatory minimum.

Patron - Frederick

7 HB1454 Public defender offices. Requires the establishment of a public defender office in the City of Hampton.

Patron - Gear

7 SB218 Issuance of writ of actual innocence for nonbiological evidence. Establishes a procedure for a convicted felon to petition the Court of Appeals for a writ of actual innocence based on nonbiological evidence that was previously unknown or unavailable. The Court of Appeals may summarily dismiss the petition but if it determines that a resolution of the case requires further development of the facts, it may order the circuit court to conduct a hearing to certify findings of fact on certain issues. After considering the petition and the Commonwealth's response, the previous records of the case and the record of any hearing, the Court may dismiss the case or grant relief. A petitioner whose writ is not summarily dismissed by the Court of Appeals is entitled to court-appointed counsel in the same manner as an indigent defendant in a criminal case. The bill establishes a process similar to the one that already exists in the Code for previously unknown or untested biological evidence.

Patron - Marsh

7 SB238 Transmission of prisoner orders. Provides that the certified copies of the orders that the clerk of court must transmit to the Department of Corrections when a person is convicted of a felony shall be transmitted by facsimile or by electronic mail. Under current law the method of transmission is not specified. The bill also clarifies that the 30 days in which the transmission must occur runs from the date the judge enters the final order.

Patron - Norment

7 SB450 Public defender offices. Requires the establishment of public defender offices in Arlington County and the City of Falls Church.

Patron - Whipple

7 SB640 Mentally ill defendants. Provides that a defendant in a criminal matter may be hospitalized if so seriously mentally ill as to be unable to care for himself. Under current law the standard is "imminently dangerous to self or others."

Patron - Edwards

Domestic Relations

Passed

D HB20 Persons who may perform marriage rites. Allows circuit court judges to appoint persons who are residents of the circuit in which the judge sits to perform marriages anywhere in the Commonwealth. Legislation enacted in 2003 limited the area to the jurisdiction in which the person resides.

Prior to the 2003 legislation, a judge could appoint a person who resided in the jurisdiction for which the court was held to perform a marriage anywhere in the Commonwealth. This bill is identical to SB 274 except that HB 20 contains an emergency clause.

Patron - Scott, J.M.

D HB441 Custody and visitation; best interests of the child. Provides that in considering the best interests of the child with respect to custody and visitation, the court may disregard the propensity of each parent to actively support the child's contact and relationship with the other if the court finds a history of family abuse.

Patron - Suit

D HB447 Mandatory parenting classes in cases involving custody, visitation or support. Eliminates the requirement that parties attend a four-hour seminar on the effects of separation or divorce on children, parenting responsibilities, options for conflict resolution and financial responsibilities in uncontested custody, visitation and support cases and provides that the court may require the parties to attend such seminars or programs in uncontested cases only if the court finds good cause.

Patron - Suit

D HB511 Child support. Revises the child support guideline by (i) providing that "gross income" shall not include income received by the payor parent from a second job that was taken in order to pay off child support arrearages and that cessation of the income is not the basis for a material change in circumstances; (ii) replacing the provision for "extraordinary medical and dental expenses" with a requirement that the parents pay in proportion to their incomes any reasonable and necessary unreimbursed medical or dental expenses in excess of \$250 per year per child; (iii) making computation and payment of medical and dental expenses in sole and split custody arrangements identical to that for shared custody arrangements (under which expenses are allocated in accordance with the parties' income shares and paid in addition to the basic child support obligation); (iv) directing the court to consider actual tax savings a party derives from the child-care cost deductions or credits; and (v) changing the guideline review from being completed every three years to being completed every four years. This bill is identical to SB 208.

Patron - Marrs

D HB751 Affirmation of Marriage Act for the Commonwealth of Virginia. States that a civil union, partnership contract or other arrangement between persons of the same sex purporting to bestow the privileges or obligations of marriage is prohibited and that such an arrangement entered into in another state or jurisdiction is void in Virginia and any contractual rights created thereby are void and unenforceable.

Patron - Marshall, R.G.

D HB1111 Divorce; property distribution. Adds the use, expenditure or dissipation of marital property for a non-marital separate purpose in anticipation of divorce or after the last separation, to the factors that the court is directed to consider in determining the division or transfer of marital property, the amount of any monetary award, the apportionment of marital debts, and the method of payment. This bill is identical to SB 51.

Patron - Moran

D SB51 Divorce; property distribution. Adds the use, expenditure or dissipation of marital property for a non-marital separate purpose in anticipation of divorce or after the last separation, to the factors that the court is directed to con-

sider in determining the division or transfer of marital property, the amount of any monetary award, the apportionment of marital debts, and the method of payment. This bill is identical to HB 1111.

Patron - Puller

D SB208 Child support. Revises the child support guideline by (i) providing that "gross income" shall not include income received by the payor parent from a second job that was taken in order to pay off child support arrearages and that cessation of the income is not the basis for a material change in circumstances; (ii) replacing the provision for "extraordinary medical and dental expenses" with a requirement that the parents pay in proportion to their incomes any reasonable and necessary unreimbursed medical or dental expenses in excess of \$250 per year per child; (iii) making computation and payment of medical and dental expenses in sole and split custody arrangements identical to that for shared custody arrangements (under which expenses are allocated in accordance with the parties' income shares and paid in addition to the basic child support obligation); (iv) directing the court to consider actual tax savings a party derives from the child-care cost deductions or credits; and (v) changing the guideline review from being completed every three years to being completed every four years. This bill is identical to HB 511.

Patron - Quayle

D SB274 Persons who may perform marriage rites. Allows circuit court judges to appoint persons who are residents of the circuit in which the judge sits to perform marriages anywhere in the Commonwealth. Legislation enacted in 2003 limited the area to the jurisdiction in which the person resides. Prior to the 2003 legislation, a judge could appoint a person who resided in the jurisdiction for which the court was held to perform a marriage anywhere in the Commonwealth. This bill is identical to HB 20 except that SB 274 does not contain an emergency clause.

Patron - Devolites

D SB497 Child support petition. Clarifies that the retroactive modification of a child support order is not dependent on the court in which the petition was originally filed. Child support orders may be modified retroactively only to the date that the petition for modification was filed. When the modification petition is originally filed in juvenile and domestic relations district court and removed to circuit court, some circuit court judges have ruled that the circuit court can order child support retroactive to the date of filing in circuit court and others have ruled that retroactivity goes back to the date of filing in juvenile court. This bill provides that the child support may be modified back to the date that the modification petition was filed in any court.

Patron - Mims

Failed

: HB191 Domestic relations; applicants for marriage license. Makes it permissive to distribute certain health information to applicants for a marriage license.

Patron - Black

: HB261 Divorce, custody, visitation and support; penalties. Provides that custodial and noncustodial parents shall be subject to the same penalties for failure to comply with court orders relating to divorce, custody, visitation and support.

Patron - Jones, D.C.

: HB421 Persons who may perform marriage rites. Clarifies that a minister authorized to perform marriage

ceremonies in the Commonwealth may do so anywhere in the Commonwealth.

Patron - Watts

: **HB727 Same sex marriage; impeachment of judge.** Provides that any judge who rules Virginia's prohibition against marriage between persons of the same sex (§ 20-45.2) unconstitutional is deemed to have committed malfeasance in office and may be subject to impeachment under the Virginia Constitution.

Patron - Marshall, R.G.

: **HB750 Affirmation of Marriage Act for the Commonwealth of Virginia.** Provides that the Commonwealth of Virginia is under no constitutional or legal obligation to recognize a marriage, civil union, partnership contract or other arrangement purporting to bestow any of the privileges or obligations of marriage under the laws of another state or territory of the United States unless such marriage conforms to the laws of the Commonwealth. This bill has an emergency clause.

Patron - Marshall, R.G.

: **HB781 Spousal support; effect of cohabitation.** Strikes the separate provisions for termination of spousal support where the payee spouse is cohabiting with another person and provides that for purposes of changing maintenance and support payable to a spouse the terms "marriage" and "remarriage" shall be defined to include habitually cohabiting with another person in a relationship analogous to a marriage for one year or more.

Patron - McDougle

: **HB807 Domestic relations; tax on marriage license.** Eliminates the \$20 tax on a marriage license if the parties to the application have received four hours of counseling from a person authorized to perform marriages or from a professional counselor.

Patron - Petersen

: **HB1239 Spousal support; physically abusive spouses.** Prohibits courts from awarding spousal support to any spouse who was physically abusive to the other during the marriage, and authorizes courts to amend existing orders on the same grounds. Evidence of abuse must be clear and convincing.

Patron - Griffith

: **HB1284 Juveniles; petitions filed for custody and visitation of any and all children of the parties.** Provides that only one petition need be filed and only one filing fee shall be required for filing a petition for custody and visitation for any and all children of the parties. This bill is incorporated into HB 344.

Patron - Suit

: **SB15 Persons who may perform marriage rites.** Allows circuit court judges to appoint persons who are residents of the circuit in which the judge sits to perform marriages anywhere in the Commonwealth. Legislation enacted in 2003 limited the area to the jurisdiction in which the person resides. Prior to the 2003 legislation, a judge could appoint a person who resided in the jurisdiction for which the court was held to perform a marriage anywhere in the Commonwealth. The bill has an emergency clause.

Patron - Edwards

: **SB237 Virginia Domestic Violence Victim Fund.** Creates the Virginia Domestic Violence Victim Fund. The Fund is to be administered by the Department of Criminal Justice Services, and the resources used to support the prosecution

of domestic violence cases and victim services. The Fund shall be supported by dedication of a portion of court fees. The bill provides that \$10 of the \$20 tax on marriage licenses will go to the Department of Social Services for providing services to victims of domestic violence. The Department of Criminal Justice Services, in cooperation with the Statewide Facilitator for Victims of Domestic Violence within the Office of the Attorney General, is required to make all reasonable efforts to secure federal funds or other grant moneys for domestic violence prosecutions and services.

Patron - Norment

: **SB251 Spousal support.** Creates a rebuttable presumption that if spousal support is awarded it shall continue for a period equal to 50 percent of the length of time between the date of the marriage and the date of separation.

Patron - Deeds

: **SB379 Domestic relations; tax on marriage license.** Eliminates the \$20 tax on a marriage license if the parties to the application have received four hours of counseling from a person authorized to perform marriages or from a professional counselor.

Patron - Deeds

: **SB524 Paternity tests.** Provides that in cases of unwed parents, administrative and judicial child support orders must contain a statement that paternity has been established through scientifically reliable genetic tests. This provision does not apply where the alleged father has adopted the child, knew that the child was conceived through artificial insemination, is deceased or such testing is impractical or inappropriate for the circumstances of a particular case.

Patron - Hanger

Carried Over

7 HB326 Application of support orders; fraud. Provides that upon proof that either party has committed fraud upon the court, including but not limited to giving false testimony regarding assets and income, the court may issue a new support order, nunc pro tunc to the original date of the hearing at which the fraud was committed.

Patron - Griffith

7 HB386 Divorce, custody and visitation. Provides that substance abuse, cruelty, or causing reasonable apprehension of bodily hurt are fault grounds for divorce. Requires a party in a divorce who is seeking joint or sole custody to be awarded at least 120 overnights in any calendar year and joint or sole legal custody unless both parties agree in writing to a parenting plan that addresses custody or the court makes a written finding that such arrangement is not in the best interests of the child. This provision does not apply to a party who has committed adultery, sodomy or buggery outside the marriage; been convicted of a felony and sentenced to confinement for more than one year; been guilty of cruelty towards the spouse, caused the spouse reasonable apprehension of bodily hurt, willfully deserted or abandoned the spouse; or been guilty of cruelty to the parties' children or caused the children reasonable apprehension of bodily hurt; or abused drugs or alcohol. It is presumed that it is in the best interests of the child to spend a minimum of 120 overnights with each party in every calendar year in visitation arrangements.

Patron - Lingamfelter

7 HB1240 Child Support Guidelines Review Panel. Establishes the Child Support Guidelines Review Panel in the legislative branch of state government. The Panel is

responsible for reviewing the guidelines for child support every three years. This bill is a recommendation of the Joint Rules Committee.

Patron - Griffith

7 SB435 Child support guideline. Modifies the calculation of child support in shared custody by repealing the multiplier and distinguishing between variable and fixed costs. Variable costs are based on the percentage of time a parent has custody of the child.

Patron - Wagner

7 SB510 Uniform Child Custody Jurisdiction and Enforcement Act. Makes several modifications to the continuing jurisdiction provisions of the Act. The changes provide that the state with initial jurisdiction does not lose jurisdiction until both parents move out of that state. The current provision says until the "child's parents" move out of the state and it is unclear what happens if one parent moves to another state. The Act is a uniform act proposed by the National Conference of Commissioners on Uniform State Laws and was enacted in 2001 to replace the Uniform Child Custody Jurisdiction Act, which Virginia enacted in 1979.

Patron - Mims

7 SB680 Divorce decrees; spousal support, modification and enforcement. Provides that agreements that are incorporated into a divorce decree are subject to revision by the court upon a showing of clear and convincing evidence that a term or provision is causing manifest injustice or that a change in condition has made such term or provision unconscionable. In the case of a divorce decree, the bill allows the court to order incarceration for contempt only when the court is convinced beyond a reasonable doubt that the contempt is willful, intentional and malicious. The bill also provides that a court may not award spousal support unless there is an agreement between the parties to do so. The bill states that spousal support terminates upon cohabitation.

Patron - Deeds

Education

Passed

D HB9 Advisory Council on the Virginia Business-Education Partnership Program. Abolishes the Advisory Council on the Virginia Business-Education Partnership Program and the Virginia Business-Education Partnership Program. The program was created in 1993 to assist local programs in obtaining federal funding to establish local business-education partnerships. The council was established at the same time to assist the Secretary of Education in implementing the program and facilitating the development of strategic partnerships between the public and private sectors to enhance public education and workforce training. State funding for the program ended in 2001 and federal funding ceased on December 31, 2003. This bill is a recommendation of the Joint Subcommittee to Study the Operations, Practices, Duties, and Funding of the Commonwealth's Agencies, Boards, Commissions, Councils, and Other Governmental Entities pursuant to HJR 159 (2002). This bill incorporates HB 208.

Patron - Cox

D HB318 Supplemental compensation; teachers called to active duty. Provides that public school employees whose active duty service with the regular armed forces of the United States or the National Guard or other reserve compo-

nent has required their absence from their full-time employment in a school division will receive supplemental pay as determined by and from the relevant local school division if the military compensation of such employee is less than the regular salary paid to such employee by the school division. Classified state employees receive a similar benefit pursuant to Executive Order 44, issued March 26, 2003.

Patron - Cox

D HB380 Charter School Excellence and Accountability Act. Amends the charter schools statute to (i) allow charter schools to contract with private institutions of higher education for school facilities, services, and other undertakings, including construction; (ii) add evidence of the support of school division residents for a charter school to those items that may be included in proposed charter agreement materials; (iii) allow charter applicants to submit the proposed charter agreement to the Board of Education for review and comment, and to require inclusion of the Board's findings in the charter application to the local school board; (iv) delete the authority of school boards to limit the number of charter schools within the division and the statutory cap on the maximum number of charter schools (two schools or not more than 10 percent of the total number of schools in the division, whichever is greater); (v) delete the requirement that half the charter schools in the division be designed to benefit at-risk pupils, and instead direct school boards to give priority to applications designed to benefit these students, particularly those at-risk students currently served by schools that have not achieved full accreditation; (vi) direct the Board to report annually to the General Assembly the number of public charter school applications granted and denied, and the reasons for any such denials; and (vii) increase the maximum charter term from three to five years. The Board of Education must set objective criteria for the review and comment on the applications; the Board's comments cannot relate to whether the local school board should approve the application. The bill also amends the State and Local Government Conflicts of Interests Act to allow the governing body, administrators, and other personnel within a public charter school to have an ownership or financial interest in renovating, lending, granting, or leasing public charter school facilities, if such interest has been disclosed in the public charter school application. The provisions of this bill will sunset on July 1, 2009.

Patron - Lingamfelter

D HB433 Certain school board benefits, expenses and reimbursements; Arlington County. Authorizes the Arlington County School Board (an elected school board of a division comprised of a county having the county manager plan of government) to grant itself fringe benefits, expenses, and reimbursements, or any of them, as it deems appropriate, and in the manner and form as such fringe benefits, expenses, and reimbursements are provided for school board employees, after satisfying notice and public hearing requirements. The Arlington County School Board may establish such fringe benefits, expenses, and reimbursements by July 1 in any year in which two of the five members are to be elected. Any increased fringe benefits, expenses, and reimbursements will become effective on January 1 of the following year.

Patron - Brink

D HB513 Model student conduct policies. Directs the Board of Education, in developing model student conduct policies, to include standards for school board policies on self-defense. School boards must adopt student conduct policies that are at least consistent with the Board's model, and may adopt more stringent policies.

Patron - Marrs

D HB545 Academic research and advanced education enterprise. Requires the Virginia Research and Technology Advisory Commission to continue its examination of establishing integrated research and academic campuses in the Commonwealth. The commission will conduct a feasibility study on building an academic research and advanced education enterprise in northern Virginia and Hampton Roads to provide a vehicle for multiuniversity collaboration and closer ties to industry.

Patron - May

D HB573 Licensure of principals. Directs the Board of Education to require passage of the School Leader's Licensure Assessment (SLLA) as a condition of initial licensure for principals and other school leaders, as may be determined by the Board, on and after July 1, 2005. This bill is a recommendation of the HJR 20/SJR 58 Commission to Review, Study, and Reform Educational Leadership. The SLLA is a performance-based assessment for the licensure of school principals and assistant principals or vice-principals. The assessment was developed and is administered by the Educational Testing Service and is based on the standards of the Interstate School Leader's Licensure Assessment Consortium. Alaska, Arkansas, Kentucky, Maryland, Mississippi, Missouri, and North Carolina currently use the SLLA.

Patron - Hamilton

D HB575 School closings; waiver of makeup days. Permits the Board of Education to waive the requirement that school divisions provide additional teaching days to compensate for school closings resulting from a declared state of emergency. If the Board grants such a waiver, there shall be no proportionate reduction in the amount paid by the Commonwealth from the Basic School Aid Fund. However, the local appropriations for educational purposes necessary to fund 180 teaching days shall not be proportionally reduced by any local governing body due any reduction in the length of the term of any school or school division permitted by such waiver.

Patron - Hamilton

D HB675 Qualifications for providing home instruction. Requires persons providing home instruction to hold a high school diploma. Under current law, such individuals must hold a baccalaureate degree.

Patron - Bell

D HB769 Career and technical education. Directs local school boards to include, within the currently required career and technical education program, curricula that promote knowledge of entrepreneurship and small business ownership. Current programs are to address "all types of employment opportunities," such as apprenticeships, the military, and career education schools. The bill also requires that notice of dual enrollment opportunities between high schools and community colleges be provided to students and parents.

Patron - Hurt

D HB869 Reporting of certain acts by school authorities to law enforcement. Expands the enumerated activities that school principals must report to local law enforcement by providing that reportable offenses involving "firearms" on school property address any weapon prohibited on school property or at a school-sponsored activity pursuant to § 18.2-308.1, as well as (i) any weapon, including a starter gun, that will, or is designed or may readily be converted to, expel single or multiple projectiles by the action of an explosion of a combustible material; (ii) the frame or receiver of any such weapon; (iii) any firearm muffler or firearm silencer; or (iv) any destructive device. "Firearm" shall not include any

weapon in which ammunition may be discharged by pneumatic pressure. By linking the definition of "firearm" to the definition in § 22.1-277.07 (Gun-Free Schools), the bill captures possession of knives and other weapons.

Patron - Byron

D HB978 School division consolidation. Directs the Board of Education, consistent with its authority pursuant to Article VIII, § 5 of the Constitution of Virginia to designate school divisions to promulgate regulations that provide for a process whereby school divisions may submit proposals for the consolidation of school divisions. Such regulations shall provide for, among other things, a public notice and hearing process to be conducted by the applicant school divisions. School division proposals must include, among other things, (i) evidence of the cost savings to be realized by such consolidation; (ii) a plan for the transfer of title to school board property to the resulting school board; (iii) procedures and a schedule for the proposed consolidation, including completion of current division superintendent and school board member terms; (iv) a plan for proportional school board representation of the localities comprising the new school division, including details regarding the appointment or election processes currently ensuring such representation and other information as may be necessary to evidence compliance with federal and state laws governing voting rights; and (v) evidence of local support for the proposed consolidation. For five years following completion of such consolidation, the computation of the state and local share for an educational program meeting the standards of quality for school divisions resulting from consolidations shall be the lower composite index of local ability-to-pay of the applicant school divisions, as provided in the appropriation act.

Patron - Reese

D HB1013 At-Risk Student Academic Achievement Program. Creates the At-Risk Student Academic Achievement Program and Fund, to provide noncompetitive grants to public school divisions to implement research-based programs or programs identified as best practices that are designed to (i) improve the academic achievement of at-risk public school students on the Standards of Learning assessments; (ii) decrease the rate of dropout among at-risk public school students; and (iii) increase the number of such students obtaining the advanced studies diploma. The amount of grants and required local matching funds shall be determined as provided in the appropriation act. Funds received through this Program shall be used to supplement, not supplant, any local funds currently provided for at-risk programs within the school division.

Patron - Dillard

D HB1014 Standards of Quality. Reorganizes the Standards of Quality and makes substantive amendments that would (i) increase from one half-time to one full-time principal in elementary schools with fewer than 300 students; (ii) provide one full-time assistant principal for each 400 students in each school, regardless of grade level; (iii) require five elementary resource positions per 1,000 students in kindergarten through grade five for art, music, and physical education; (iv) lower the pupil-teacher ratio from 25:1 to 21:1 in middle and high schools, to ensure the provision of scheduled teacher planning time; (v) reduce the required speech pathologist case-load from 68 to 60 students; (vi) require one full-time reading specialist for each 1,000 students in average daily membership; (vii) require two technology support positions per 1,000 students in kindergarten through grade 12 divisionwide; and (viii) modify the current funding mechanism for remediation. A second enactment clause provides that the amendments requiring additional state funding (such as increasing principals or lowering pupil-teacher ratios) will not become effective unless

funded in the 2004 appropriation act. The bill also includes a number of technical and editorial changes. The Board of Education proposed and approved these changes on June 25, 2003. Because the Virginia Constitution grants the General Assembly "ultimate authority" over educational policy and provides that the Standards are to be "prescribed from time to time by the Board of Education" but are subject to revision "only by the General Assembly," legislation is necessary to enact the Board's proposals.

Patron - Dillard

D HB1015 Family life education. Adds steps to take to avoid sexual assault and the availability of counseling and legal resources, and, in the event of such sexual assault, the importance of immediate medical attention and advice, as well as legal requirements to those items that the Board of Education is to include in its curriculum guidelines for family life education. Pursuant to the Standards of Accreditation (8 VAC 20-131-170), local school boards are authorized to implement the Standards of Learning for the Family Life Education program promulgated by the Board of Education or a Family Life Education program consistent with the Board's guidelines, which shall have the goals of "reducing the incidence of pregnancy and sexually-transmitted diseases and substance abuse among teenagers."

Patron - Dillard

D HB1018 Alternatives to student dissection of animals. Requires school divisions to provide students with alternatives to animal dissection in relevant public school courses or curriculum and directs the Board of Education to develop guidelines for such alternatives addressing (i) the use of detailed models of animal anatomy and computer simulations as alternatives to dissection; (ii) notification of students and parents of the option to decline to participate in animal dissection; and (iii) such other issues as the Board deems appropriate. Statutes addressing alternatives to animal dissection have been enacted in several states, including California, Florida, Illinois, Louisiana, Maine, New York, Pennsylvania, and Rhode Island.

Patron - Dillard

D HB1038 Notice of duty to report child abuse or neglect. Requires each public school board and each administrator of every private or parochial school to post in each of their schools a notice, pursuant to § 63.2-1509, that: (i) any teacher or other person employed in a public or private school who has reason to suspect that a child is an abused or neglected child, including any child who may be abandoned, is required to report such suspected cases of child abuse or neglect to local or state social services agencies or the person in charge of the relevant school or his designee; and (ii) all persons required to report cases of such suspected child abuse or neglect are immune from civil or criminal liability or administrative penalty or sanction on account of such reports unless such person acted in bad faith or with malicious purpose. The notice must also include the Virginia Department of Social Services' toll-free child abuse and neglect hotline. A second enactment clause requires that the notice will be prepared and distributed to each public school board by the office of the Attorney General. Further, the Attorney General will also furnish, upon request, the notice to any private school. This bill is identical to SB 576.

Patron - Saxman

D HB1048 Teachers; local eligibility license. Prohibits the issuance of local eligibility licenses to teachers providing instruction in special education, and limits the issuance of these licenses to those teachers providing instruction in courses that do not represent core academic areas as defined by

P.L. 107-110 (the federal No Child Left Behind Act (NCLB)). The bill is designed to comply with NCLB provisions addressing "highly qualified" teachers. The 2002 reauthorization of the Elementary and Secondary Education Act, NCLB requires, among other things, that schools receiving certain federal Title I funds ensure that "highly qualified" teachers are in place in all core academic subjects by 2005-2006. In addition, beginning with the 2002-2003 school year, all new hires must be "highly qualified." To satisfy the "highly qualified" classification, teachers must be fully licensed; emergency or similar temporary licensure will not suffice. In addition, new and current teachers must hold undergraduate degrees and meet various state testing and subject matter competency requirements.

Patron - Hamilton

D HB1108 Department of Correctional Education. Authorizes the Department of Correctional Education to provide community-based educational programs to adult probationers and parolees in residential diversion centers and to adult prisoners who are participating during their incarceration in the short-term, highly structured, military-style program provided by residential detention centers.

Patron - Moran

D HB1117 School board policies prohibiting firearms. Authorizes school divisions to establish disciplinary policies prohibiting the possession of firearms on school property, school buses, and at school-sponsored activities by students, and authorizes school divisions to take disciplinary actions against students who violate such policies. The bill indicates that the act is declaratory of existing law. The bill would allow school boards to establish policies to discipline students who carry weapons on school property, including an unloaded firearm in a closed container. An October 2003 opinion of the Attorney General indicated that a school board "has authority to discipline, in the context of the complete analysis of this opinion, a student whose action is in conformance with the language of Chapter 619 of the 2003 Acts of Assembly (the "2003 amendment"), which amends and reenacts § 18.2-308.1(B), pertaining to the possession of an unloaded firearm in a locked vehicle trunk." While noting that the "interaction between §§ 18.2-308.1(B) and 22.1-277.07(A) is not a model of clarity," the Attorney General stated that "[a]s long as the regulations of the school authorities are not inconsistent with the 2003 amendment, school authorities are authorized to promulgate reasonable regulations that may result in the discipline of a student whose action is in conformance with the language of the 2003 amendment pertaining to the possession of an unloaded firearm." The 2003 amendment to subsection B of § 18.2-308.1 permits a student to possess a firearm that is unloaded and in a closed container, which "includes a locked vehicle trunk," on school property or at a school-sponsored activity.

Patron - Weatherholtz

D HB1254 Standards of Quality; School Performance Report Card. Directs the Board of Education, in its requirements related to the School Performance Report Card, to require the reporting of the Standards of Learning assessment scores and averages for each year. The Board shall make such reports available to the public within three months of the receipt of the scores, which shall be disaggregated for each school by gender, and by race or ethnicity. These reports shall (i) be posted on the portion of the Department of Education's website relating to the School Performance Report Card, in a format and in a manner that allows year-to-year comparisons, and (ii) may include the National Assessment of Educational Progress state-by-state assessment. Currently, the School Performance Report Card is required by the Board's Standards of Accreditation for Public Schools (8VAC20-131-270). The report card is to include information for the most recent three-

year period that sets forth, among other things, (a) SOL test scores and scores on the literacy and numeracy tests required for the Modified Standard Diploma for the school, school division, and state; (b) percentages of students tested, as well as the percentage of students not tested, to include a breakout of students with disabilities and limited English proficient students; (c) student attendance and dropout rates; (d) school safety data; (e) teacher qualifications; and (f) percentages of students in alternative programs that do not lead to a Standard, Advanced Studies, or Modified Standard Diploma and in academic year Governor's Schools

Patron - Hull

D HB1256 School closings; makeup days. Clarifies the circumstances in which state basic aid funding will be reduced because of school closings due to severe weather conditions or other emergency situations. The bill defines "severe weather conditions or other emergency situations" as "those circumstances presenting a threat to the health or safety of students that result from severe weather conditions or other emergencies, including, but not limited to, natural and man-made disasters, energy shortages or power failures." The bill states that the length of every school's term in every school division must be 180 teaching days or 990 teaching hours and, if the length of the term is reduced, the amount paid by the Commonwealth will be proportionally reduced. However, a schedule of makeup days that will avoid reduction in funding is set out, i.e., for five or fewer missed days, makeup days according to Board regulations cannot exceed the days missed; for five missed days, but no more than 15 missed days, five makeup days plus one day for every two days in excess of the initial five, but no more than nine make-up days; for more than 15 days, at least 10 makeup days. School divisions are authorized to make up the missed teaching days by providing the students with instructional hours equivalent to the missed days. In addition, the Board of Education may waive the requirement that school divisions provide additional teaching days or teaching hours to compensate for school closings resulting from a declared state of emergency. If the Board grants the waiver, no proportionate reduction in state funds will be made. The Board's regulations for this law may authorize the Superintendent of Public Instruction to approve reductions in school terms without reductions in funding. The Board is authorized, in a second enactment clause, to promulgate emergency regulations. This bill is identical to SB 452, except that SB 452 includes an emergency enactment clause that makes the bill effective upon passage.

Patron - Van Lindingham

D HB1257 Standard diploma; verified units of credit. Amends an uncodified act to direct local school boards to adopt procedures, pursuant to Board of Education guidelines, to award verified units of credit for standard diplomas to students who have (i) entered the ninth grade for the first time during the school years of 2000-2001, 2001-2002, and 2002-2003; and (ii) passed the relevant coursework. The 2002 Session of the General Assembly directed the Board to develop guidelines for the award of verified units of credit for standard diplomas to these students. An emergency clause makes the bill effective upon passage.

Patron - Council

D HB1294 Enforcement of school corrective action plans. Modifies the current school corrective action plan process within the Standards of Quality (SOQ) to (i) authorize the Board of Education to require an academic review, consistent with criteria to be established by the Board, of any school division upon obtaining evidence through the school academic review process that school failure is related to division level failures to implement the SOQ; (ii) require the

reviewed school division to submit for approval by the Board a corrective action plan setting forth specific actions and a schedule designed to ensure that schools within its school division achieve full accreditation status; (iii) add such corrective action plans to relevant school division's six-year improvement plan; (iv) allow the Board to pursue circuit court enforcement of the development or implementation of such plans by non-compliant school divisions; and (v) delete the current mandamus process. The Administrative Process Act is amended to provide an exemption for the determination of accreditation or academic review status of a public school or public school division or Board approval of a school division corrective action plan. Finally, a second enactment clause directs the Board to promulgate regulations to implement the act to be effective within 280 days of its enactment.

Patron - Reid

D HB1326 Compulsory school attendance enforcement; parental responsibility; use of contempt power, summons; penalty. Strengthens the mechanisms for enforcement of the compulsory school attendance law. The bill removes the restriction on the court's use of contempt power in enforcing compulsory school attendance and parental responsibility provisions. The court's authority to order the child or the parent, or both, into programs, such as extended day programs and summer school or other educational programs and treatment, such as counseling, is clarified and reinforced. The court is given the authority to summon and force a parent to appear in court with the child. The parental responsibility and involvement statute is amended to include compliance with compulsory school attendance. The parent may be charged with a Class 3 misdemeanor for violating the provisions of the parental responsibility law.

Patron - Marrs

D HB1331 Hazing; Board of Education's guidelines and model policies for and school boards' regulations on codes of student conduct. Requires the Board of Education to include hazing in its guidelines and model policies for codes of student conduct and school boards to prohibit hazing in their codes of student conduct. In addition, school boards must cite, in their standards for student conduct, the provisions of the criminal law prohibiting hazing, which renders convictions of violations a Class 1 misdemeanor, i.e., confinement in jail for not more than 12 months and a fine of not more than \$2,500, either or both. In the past year, several high-profile and disturbing cases of hazing among high school athletic teams or cheerleaders have occurred in other states with devastating results to high school teachers, coaches, and administrators and the students and communities.

Patron - Tata

D HB1336 Salaries of certain school boards. Increases the salary of the Manassas Park School Board from \$1,800 to \$3,000. The Manassas Park School Board's salary has not been increased for 13 years. This bill is identical to SB 644.

Patron - Parrish

D HB1443 Admission of certain persons to the public schools. Ensures that students whose parents are deployed outside the United States will continue to be admitted to public schools in the Commonwealth without tuition. This bill provides for admission to the public schools of any person living with an individual who is defined as a parent, not solely for school purposes, pursuant to a special power of attorney executed by a custodial parent as provided in federal law while the custodial parent is deployed outside the United States as a member of the Virginia National Guard or as a member of the United States Armed Forces. The bill also assures that the stu-

dent will not be charged tuition because of being placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent and that the student will, when practicable, have the option to continue to attend the school in which he was enrolled while residing with his custodial parent. This bill addresses the residency issues created when a custodial parent, who is a resident of Virginia and a member of the Virginia National Guard or the United States Armed Forces, receives orders to report for active duty and deployment abroad and the child must, out of necessity, live with the noncustodial parent or another individual in a different school division. A technical amendment to § 22.1-270 aligns a cross reference to the amendments in the bill.

Patron - Baskerville

D HJ117 Performance-based contracts for division superintendents. Encourages school boards to use performance-based contracts to evaluate division superintendents. Performance-based contracts are agreements between division superintendents and the school board that set priorities for performance, tie the superintendent's salary to student achievement and certain other indicators of job performance, and provide time for implementing change. This resolution notes that performance contracts are growing in popularity among school boards across the nation due to considerable attention given to school reform, student achievement, and school accountability, and to the need to establish criteria for the accountability of school leaders. The resolution notes further that sustaining the progress in school reform and fulfilling the Commonwealth's vision of a public school system without peer requires innovative, daring, and visionary leaders who are unafraid to lead and are not intimidated by the future.

Patron - Jones, D.C.

D HJ123 Alternative licensure for principals. Requests the Board of Education to review its regulations as may be necessary to incorporate an alternative licensure route for principals and assistant principals. This bill is a recommendation of the HJR 20/SJR 58 Commission to Review, Study, and Reform Educational Leadership.

Patron - Hamilton

D HJ260 Health and physical education. Urges school divisions to provide age-appropriate and culturally sensitive health, nutrition and physical education necessary to develop the knowledge, attitudes, skills, and behaviors required for students to adopt and maintain healthy eating habits and physically active lifestyles.

Patron - Tata

D SB145 Hearings for teacher dismissal and licensure revocation. Requires the Board of education's regulations on teacher licensure to provide for Board action to suspend or revoke a teacher's license when (i) a school board hearing requested by the teacher has been held and has resulted in a dismissal of the teacher and a subsequent determination by the local school board to recommend to the Board the suspension or revocation of the teacher's license; or (ii) a teacher has resigned without requesting a hearing and the local school board has recommended to the Board suspension or revocation of the teacher's license. Local school boards shall not be required to conduct a separate hearing for recommendations of suspension or revocation. This bill supersedes current Board of Education regulations requiring a local school board hearing on revocation of the teacher's license when the teacher has been dismissed in addition to a subsequent action by the Board of Education (8 VAC 20-21-660).

Patron - Cuccinelli

D SB270 Public school enrollment of homeless children. Revises provisions addressing the public school enrollment of homeless children to reflect the definitions and requirements set forth in the federal McKinney-Vento Homeless Education Assistance Improvements Act of 2001---law that is included within the federal No Child Left Behind Act. School divisions are to coordinate the provision of services to such homeless students with relevant local social services agencies and other agencies and programs providing services to such students, and with other school divisions as may be necessary to resolve interdivisional issues. The bill also provides that superintendents cannot exclude from school attendance those homeless children who do not provide the requisite health or immunization information required of other students and deletes the outdated mumps immunization exemption. However, the student must be immediately referred to the local school division liaison who is required to assist the student in obtaining the necessary physical examinations or proof or completion of immunizations. Technical amendments delete references to "guardian," as § 22.1-1 includes guardians, legal custodians, and other persons having "control or charge of a child" within the definition of "parent" throughout Title 22.1.

Patron - Quayle

D SB315 Green schools program; education programs to promote waste reduction and resource efficiency. Authorizes the Board of Education to assist local school boards in the development and implementation of programs of instruction that comply with the provisions of Standard 1 of the Standards of Quality, specifically relating to citizenship and environmental issues and geography necessary for responsible participation in American society and the international community, by cooperating with the environmental groups, other relevant state agencies, such as, but not limited to, the Department of Environmental Quality and the Department of Health, and other stakeholders in the development of a green schools program for Virginia. Any such green schools program will focus on waste reduction through recycling and other mechanisms and educating students to help schools contain costs and to reduce waste production through resource efficiency. In the development and implementation of any such program, the Board must examine other states' green schools programs and must receive input from parents, teachers, school administrators, school boards, business and industry leaders, and local governments. The Board must also strive to identify businesses and other organizations that may provide support in the form of resources or funding for appropriate awards for any green schools program that may be implemented in the Commonwealth. This provision must not be construed to require the Board or any school board in the Commonwealth to implement a green school program or to imply or otherwise indicate that state or local funding is required to develop or implement any green school program.

Patron - Howell

D SB404 Compulsory school attendance. Provides that active pursuit of a general education development (GED) certificate by persons 16 through 18 years of age who are housed in adult correctional facilities but who are not enrolled in an individual student alternative education plan will satisfy the requirements of the compulsory school attendance law. This bill brings the law into conformance with the current practice, which is to provide GED programs for incarcerated person between 16 and 18 years of age.

Patron - Reynolds

D SB416 Expedient and efficient reporting of standards of learning test results to schools and school divisions. Requires the Board of Education, in consultation with

the chairpersons of the eight regional superintendents' study groups, to provide for timely review of the Standards of Learning test scores by school divisions for coding and other errors and prompt reporting to the local school divisions by the Department of Education of the test scores that will be used to determine each school's status pursuant to the provisions of the federal No Child Left Behind Act of 2001 (P.L. 107-110).

Patron - Newman

D SB438 Notification of parents of certain students. Directs local school boards to notify the parent of the educational rights of students who fail to graduate or who have failed to achieve the number of verified units of credit required for graduation as provided in the standards of accreditation. In addition, school boards are to notify the parent of students who (i) have been identified as having limited English proficiency of the opportunity for a free public education; or (ii) have been identified as disabled and receive special education of their right to a free public education to age 21, inclusive. In addition, local school boards are to notify parents of rising high school juniors and seniors of the number of verified units of credit required for graduation and the number of verified units the individual student requires. Pursuant to §§ 22.1-1 and 22.1-5, public schools are free to "persons of school age" (at least age five on or before September 30 of the school year and under 20 years of age on or before August 1). In addition, subsection D of § 22.1-5 sets forth for students for whom English is a second language the opportunity for a free public education through the age of 21. Finally, persons who have been identified as disabled who receive special education are entitled to a "free and appropriate education" through 21 years of age pursuant to the federal Individuals with Disabilities Education Act (IDEA) and § 22.1-213.

Patron - Locke

D SB452 School closings; makeup days. Clarifies the circumstances in which state basic aid funding will be reduced because of school closings due to severe weather conditions or other emergency situations. The bill defines "severe weather conditions or other emergency situations" as "those circumstances presenting a threat to the health or safety of students that result from severe weather conditions or other emergencies, including, but not limited to, natural and man-made disasters, energy shortages or power failures." The bill states that the length of every school's term in every school division must be 180 teaching days or 990 teaching hours and, if the length of the term is reduced, the amount paid by the Commonwealth will be proportionally reduced. However, a schedule of makeup days that will avoid reduction in funding is set out, i.e., for five or fewer missed days, makeup days according to Board regulations cannot exceed the days missed; for five missed days, but no more than 15 missed days, five makeup days plus one day for every two days in excess of the initial five, but no more than nine makeup days; for more than 15 days, at least 10 makeup days. School divisions are authorized to make up the missed teaching days by providing the students with instructional hours equivalent to the missed days. In addition, the Board of Education may waive the requirement that school divisions provide additional teaching days or teaching hours to compensate for school closings resulting from a declared state of emergency. If the Board grants the waiver, no proportionate reduction in state funds will be made. The Board's regulations for this law may authorize the Superintendent of Public Instruction to approve reductions in school terms without reductions in funding. The Board is authorized, in a second enactment clause, to promulgate emergency regulations. Technical amendments are included to improve readability, and an emergency clause makes the bill effective upon passage. With

the exception of the emergency clause, the bill is identical to HB 1256.

Patron - Whipple

D SB479 Standards of Quality. Reorganizes the Standards of Quality and makes substantive amendments that would (i) increase from one half-time to one full-time principal in elementary schools with fewer than 300 students; (ii) provide one full-time assistant principal for each 400 students in each school, regardless of grade level; (iii) require five elementary resource positions per 1,000 students in kindergarten through grade five for art, music, and physical education; (iv) lower the pupil-teacher ratio from 25:1 to 21:1 in middle and high schools, to ensure the provision of scheduled teacher planning time; (v) reduce the required speech pathologist caseload from 68 to 60 students; (vi) require one full-time reading specialist for each 1,000 students in average daily membership; (vii) require two technology support positions per 1,000 students in kindergarten through grade 12 divisionwide; and (viii) modify the current funding mechanism for remediation. A second enactment clause provides that any provision that is not required on June 30, 2004, and does require state funding will not take effect unless the state's share of the funding for the provision is included in the general appropriation act for the period July 1, 2004, through June 30, 2006, passed during the 2004 Session of the General Assembly and signed into law by the Governor. The Board of Education proposed and approved these changes on June 25, 2003. Because the Virginia Constitution grants the General Assembly "ultimate authority" over educational policy and provides that the Standards are to be "prescribed from time to time by the Board of Education" but are subject to revision "only by the General Assembly," legislation is necessary to enact the Board's proposals. The bill includes a second enactment clause providing that any new Standard of Quality incorporated into the bill shall not become effective unless an appropriation for the standard is included in the 2004-2006 Appropriation Act. The bill also includes a number of technical and editorial changes and is identical to HB 1014.

Patron - Potts

D SB518 Smaller school divisions; adjusted state share. Creates a mechanism whereby any school board of a school division in which fewer than 350 students (Highland County) were included in average daily membership (ADM) for the preceding school year, upon entering into certain cost-savings agreements with a contiguous school division for the sharing of educational, administrative, or support services, shall receive the state share for basic aid computed on the basis of the composite index of local ability-to-pay of the contiguous school division, calculated annually, for a period of 15 years. Board of Education eligibility criteria will address the cost-savings and service-sharing agreements and will provide for the adjustment of the state share for basic aid, consistent with the appropriation act. The local school board receiving the adjusted state share cannot use the additional funds received to supplant local funds appropriated for education. In addition, the adjusted state share cannot be used to reduce local operating expenditures for public education from the prior fiscal year. However, no school division shall be required to maintain a per pupil expenditure for operations that exceeds the per pupil expenditure in the prior fiscal year. If any such contractual agreements between the relevant school divisions terminate prior to the end of the applicable period, the state's obligation to provide the adjusted share shall cease. The agreement and adjusted state payment shall be in lieu of any existing funds a locality receives from a Small School Division Assistance grant. Pursuant to §§ 22.1-26 and 22.1-27, school boards are already empowered to operate joint schools and to make agreements with adjacent school boards "for furnishing public

school facilities and for school services." This bill is effective July 1, 2005.

Patron - Hanger

D SB553 Joint schools. Authorizes school boards to create joint or regional schools offering a specialized curriculum leading to a high school diploma and a postsecondary credential, such as industry certification, career certificate, or degree. The school boards may, by agreement, establish alternative school day and year schedules for the delivery of instruction, subject to any necessary Board of Education waivers. Such school boards may contract with an accredited institution of higher education or other postsecondary school licensed or certified by the Board of Education or the State Council of Higher Education, as the case may be, to deliver such instruction.

Patron - Lucas

D SB576 Notice of duty to report child abuse or neglect. Requires each public school board and each administrator of every private or parochial school to post in each of their schools a notice, pursuant to § 63.2-1509, that: (i) any teacher or other person employed in a public or private school who has reason to suspect that a child is an abused or neglected child, including any child who may be abandoned, is required to report such suspected cases of child abuse or neglect to local or state social services agencies or the person in charge of the relevant school or his designee; and (ii) all persons required to report cases of such suspected child abuse or neglect are immune from civil or criminal liability or administrative penalty or sanction on account of such reports unless such person acted in bad faith or with malicious purpose. The notice must also include the Virginia Department of Social Services' toll-free child abuse and neglect hotline. A second enactment clause requires that the notice will be prepared and distributed to each public school board by the office of the Attorney General. Further, the Attorney General will also furnish, upon request, the notice to any private school. This bill is identical to HB 1038.

Patron - Obenshain

D SB644 Salaries of certain school boards. Increases the salary of the Manassas Park School Board from \$1,800 to \$3,000. The Manassas Park School Board's salary has not been increased for 13 years. This bill is identical to HB 1336.

Patron - Colgan

Failed

: HB161 Standards of Quality. Reorganizes the Standards of Quality and makes substantive amendments that would (i) increase from one half-time to one full-time principal in elementary schools with fewer than 300 students; (ii) provide one full-time assistant principal for each 400 students in each school, regardless of grade level; (iii) require five elementary resource positions per 1,000 students in kindergarten through grade five for art, music, and physical education; (iv) lower the pupil-teacher ratio from 25:1 to 21:1 in middle and high schools, to ensure the provision of scheduled teacher planning time; (v) reduce the required speech pathologist case-load from 68 to 60 students; (vi) require one full-time reading specialist for each 1,000 students in average daily membership; (vii) require two technology support positions per 1,000 students in kindergarten through grade 12 divisionwide; and (viii) modify the current funding mechanism for remediation. A second enactment clause provides that the amendments requiring additional state funding (such as increasing principals or lowering pupil-teacher ratios) will not become effective unless

funded in the 2004 appropriation act. The bill also includes a number of technical and editorial changes. The Board of Education proposed and approved these changes on June 25, 2003. Because the Virginia Constitution grants the General Assembly "ultimate authority" over educational policy and provides that the Standards are to be "prescribed from time to time by the Board of Education" but are subject to revision "only by the General Assembly," legislation is necessary to enact the Board's proposals. This bill is incorporated into HB 1014.

Patron - Reid

: HB193 Standards of Quality; apportionment of state and local share. Directs the General Assembly, in apportioning the state and local share for the costs of meeting the Standards of Quality, beginning July 1, 2004, in any year in which general fund revenue growth is at least three percent greater than population and inflation growth combined for the previous year, to increase the state share by three percent of the total costs, so that, by full implementation of this bill, the local share shall not exceed 65 percent and the state share shall be equal to at least 35 percent of the total costs in each division. Such increases in the state share shall be granted to those school divisions whose local share is greater than or equal to 65 percent of the total costs in any fiscal biennium. The per pupil costs of providing such required educational programs for school divisions whose local share as of July 1, 2003, was less than 65 percent of the total costs shall be the same as their final per pupil amount for fiscal year 2004. Until such time that no school division's local share exceeds 65 percent, no school division shall receive additional state funding for reductions in enrollment; however, funding may be adjusted to (i) ensure that the school division's final per pupil amount remains at the fiscal year 2004 level; and (ii) address inflation and the biennial recalculation of the costs of providing an educational program required to meet the Standards of Quality, as provided in the appropriation act.

Patron - Black

: HB208 Advisory Council on the Virginia Business-Education Partnership Program. Abolishes the Advisory Council on the Virginia Business-Education Partnership Program and the Virginia Business-Education Partnership Program. The program was created in 1993 to assist local programs in obtaining federal funding to establish local business-education partnerships. The council was established at the same time to assist the Secretary of Education in implementing the program and facilitating the development of strategic partnerships between the public and private sectors to enhance public education and workforce training. State funding for the program ended in 2001 and federal funding ceased on December 31, 2003. This bill is identical to HB 9, which was recommended by the Joint Subcommittee to Study the Operations, Practices, Duties, and Funding of the Commonwealth's Agencies, Boards, Commissions, Councils, and Other Governmental Entities pursuant to HJR 159 (2002). This bill is incorporated into HB 9.

Patron - Athey

: HB289 Transportation of students. Requires any local school division or other entity transporting public or private elementary or secondary school students to or from any public or private school, school-related activity, or child care facility to transport these students in a vehicle meeting federal school bus safety standards, as set forth in federal statute and regulations. School divisions and other entities may still use common carriers if the carrier is designed to transport at least 30 passengers. Codifying "Jacob's Law," enacted in South Carolina, the bill would, in effect, preclude the use of passenger vans and other vehicles for transporting public and private school pupils. The bill does not prohibit the transportation of

children to or from child care in nonconforming vehicles by a Virginia human services provider, or by a public transportation authority if each child is accompanied by his parent, for whom such transportation is necessary for his work, education, or training. The bill provides for a transition period; any vehicle purchased by such school division or entity before July 1, 2004, may continue to be used until July 1, 2009. Vehicles purchased on and after July 1, 2004, must meet the federal "school bus" definition. School divisions and other entities may purchase conforming vehicles pursuant to state contracts for the purchase of such vehicles. Parents of students using public school bus transportation have the option of designating a child care center or other before- or after-school program as such students' origin or destination for such transportation. Under current law, pupil transportation is not a required service for public school. Board of Education regulations address vehicle size and other safety concerns. The regulations contemplate several types of school buses, with designated passenger capacity for each. The regulations state that "[a] standard or mini-size passenger van which has not been reconstructed to meet Virginia state and federal school vehicle construction standards does not meet this definition [of a student activity vehicle]." (8 VAC 20-70-10 (updated through August 2003)).

Patron - Griffith

: **HB292 Public education appropriations; teacher salaries.** Provides that any increase in state funding for public education shall include an appropriation to support increases in teacher salaries and that the appropriate proportionate percentage of such increased funding to be directed for such salary increase shall be stipulated in the appropriation act.

Patron - Ware, R.L.

: **HB364 Standards of Learning assessments.** Provides that the results of any Standards of Learning (SOL) assessments cannot be considered in the awarding of a standard diploma until all public schools in the Commonwealth have achieved full accreditation. The Standards of Accreditation require the accumulation of a specific number of standard and verified units of credit for standard diplomas, beginning with the ninth grade class of 2001 (graduating class of 2004). The verified unit of credit is awarded upon passage of the relevant SOL test (additional tests approved by the Board of Education), as well as the course (8 VAC 20-131-110 A, B). During a transition period, beginning with the ninth grade classes of 2001, 2002, and 2003 (graduating classes of 2004-2006), students must earn two verified units of credit in English and four verified units "of the student's own choosing" to obtain a Standard Diploma. For the ninth grade class of 2004 (graduating class of 2007), receipt of a Standard Diploma will require six verified units--two in English, one each in mathematics, science, history, and one in a course of the student's choosing (8 VAC 20-131-50 B). The Advanced Studies Diploma, which is not affected by this bill, requires nine verified units of credit in various specified courses. Information released by the Virginia Department of Education on November 10, 2003, indicated that 1,414 (78 percent) of Virginia's 1,823 schools met or exceeded the standard for full accreditation. In the previous year, 65 percent (1,181 schools) met the standard.

Patron - Van Yahres

: **HB365 Standards of Quality; apportionment of state and local share.** Directs the General Assembly, in apportioning the state and local share for the costs of meeting the Standards of Quality, beginning July 1, 2004, in any year in which general fund revenue growth is at least three percent greater than population and inflation growth combined for the previous year, to increase the state share by three percent of the total costs, so that, by full implementation of this bill, the local share shall not exceed 65 percent and the state share shall be

equal to at least 35 percent of the total costs. Such increases in the state share shall be granted to those school divisions whose local share is greater than or equal to 65 percent of the total costs in any fiscal biennium. The per pupil costs of providing such required educational programs for school divisions whose local share as of July 1, 2003, was less than 65 percent of the total costs shall be the same as their final per pupil amount for fiscal year 2004. Until such time that no school division's local share exceeds 65 percent, no school division shall receive additional state funding for reductions in enrollment; however, funding may be adjusted to (i) ensure that the school division's final per pupil amount remains at the fiscal year 2004 level; and (ii) address inflation and the biennial recalculation of the costs of providing an educational program required to meet the Standards of Quality, as provided in the appropriation act. The bill also includes language citing "equal opportunity to a quality education in all areas of the Commonwealth" and stating that "funding formulas are the best and most equitable way for the Commonwealth to distribute the state's share of costs of educational programs."

Patron - Rust

: **HB392 Standards of Quality; apportionment of state and local share.** Directs the General Assembly, in apportioning the state and local share for the costs of meeting the Standards of Quality, beginning July 1, 2004, to annually increase the state share by five percent of the total costs, so that, by July 1, 2008, the local share shall not exceed 65 percent and the state share shall be equal to at least 35 percent of the total costs for localities whose local share is greater than or equal to 65 percent of the total costs in any fiscal biennium.

Patron - Amundson

: **HB393 Computation of composite index.** Requires the General Assembly to modify the current Standards of Quality (SOQ) funding formula and calculation of composite index of local ability-to-pay to incorporate three-year rolling averages for the state and local real property, sales tax, income, population, average daily membership, and other components, as provided in the appropriation act. The modified formula shall be implemented to address the costs of providing an educational program meeting the SOQ beginning with the 2005-2006 school year.

Patron - Amundson

: **HB394 Computation of composite index.** Requires the General Assembly to modify the current Standards of Quality (SOQ) funding formula and calculation of composite index of local ability-to-pay to (i) adjust the weights assigned to the real property, sales tax, and other revenue components; (ii) provide for a population density adjustment; and (iii) incorporate median adjusted gross income in certain localities, as provided in the appropriation act. The modified formula shall be implemented to address the costs of providing an educational program meeting the SOQ beginning with the 2005-2006 school year. This bill reflects a recommendation included in the Joint Legislative Audit and Review Commission (JLARC) Review on Elementary and Secondary School Funding (February 2002). The JLARC report recommended, among other things, an adjustment to the current weights assigned to the real property, adjusted gross income, and taxable sales components of the composite index (50 percent, 40 percent, and 10 percent, respectively), as these weights reflected "the proportions of total revenue derived from each tax base in the 1970s, when the composite index was developed." The 2002 report noted that real property, "other" revenue, and taxable sales comprised 44, 49, and seven percent, respectively, of total revenue in 1997; thus, the "proportion of revenue derived from real property and taxable sales has

decreased over time, while the proportion from 'other' revenues has increased."

Patron - Amundson

: **HB395 Virginia Public School Authority; grants for school construction.** Authorizes the Virginia Public School Authority to issue bonds to fund grants to local school divisions in the total amount of \$1 billion to pay the costs of school construction, school renovation, and other school infrastructure projects. One-half of the grants (\$500 million) shall be distributed to each school division in an equal amount of \$3,676,471. The remaining one-half shall be distributed to each local school division on a set per pupil amount based on each school division's actual September 30, 2002, fall membership data as a proportion of total actual September 30, 2002, fall membership data for all school divisions.

Patron - Amundson

: **HB468 School health report cards.** Directs the Board of Education to develop model guidelines for school health and fitness report cards, to be sent to parents of public school students annually. The report cards are to set forth individual student health and fitness information, including height and weight data and acceptable ranges for healthy living; suggested health and fitness activities; nutrition guidelines; and other related information designed to promote healthy behaviors among students. Local school boards are to establish procedures for the annual issuance of such report cards to students enrolled in the division, consistent with the Board's guidelines. The procedures shall include an evaluation process to assess subsequent individual student progress in response to such report card.

Patron - Van Yahres

: **HB480 Testing of home-schooled children.** Permits a student who is home-schooled, upon the written request of a parent, to take the battery of achievement tests that have been approved by the Board of Education for use in the public schools, including the Preliminary Scholastic Aptitude Test and Advanced Placement tests in the public schools. The bill provides that such student must take the same achievement tests on the same day, at the same time, and under the same testing conditions as public school students. The tests must be scored together with the tests of other students in the public schools in the manner prescribed by the school board. The student may take the achievement tests without charge; however, the school board may assess the same charge for the administration of Advanced Placement tests that is required of public school students.

Patron - Black

: **HB519 Observance of the Dr. Martin Luther King, Jr. Holiday.** Provides that the public schools of the Commonwealth will be closed for instructional and administrative purposes on the third Monday in January of each year in observance of the national King Holiday. A committee amendment, adopted by the House, would have permitted school boards to open schools on this date to make up lost teaching days.

Patron - Jones, D.C.

: **HB561 Computation of composite index; population density.** Requires the General Assembly to modify the current Standards of Quality funding formula and calculation of composite index of local ability-to-pay to apply a population density adjustment to the composite index to address the reduction in the ability to pay for education in those localities ranked at or above the 67th percentile of population density in the Commonwealth. After the application of such population density adjustment, the local share shall not exceed 0.8000 of the

total costs of providing such educational program. This bill reflects certain recommendations included in the Joint Legislative Audit and Review Commission Review on Elementary and Secondary School Funding (February 2002).

Patron - Albo

: **HB563 School board employee compensation.** Prohibits local school boards from providing compensation in any manner for any employee in an amount exceeding five times the average salary paid to a full-time equivalent licensed classroom teacher in the relevant school division.

Patron - Albo

: **HB672 Standards of Learning assessments; administration to legislators, others.** Directs the Board of Education to provide for the administration and scoring of such Standards of Learning assessments for those members of the General Assembly, Board of Education, and local school boards who wish to take such assessments, upon payment of fees sufficient to reimburse the cost of such test administration and scoring.

Patron - Bell

: **HB796 Computation of composite index.** Codifies the current Standards of Quality (SOQ) funding formula and calculation of composite index of local ability-to-pay, and modifies the formula that determines each locality's ability to pay for its share of providing an educational program meeting the prescribed SOQ to (i) incorporate tax values and population estimates for the fiscal year ending one year prior to the fiscal biennium in which the distribution takes place; (ii) provide for a population density adjustment in certain localities; and (iii) incorporate median, rather than average, adjusted gross income. In addition, the respective weights granted to the various wealth indicators are updated to use 1997 figures. This bill reflects certain recommendations included in the Joint Legislative Audit and Review Commission Review on Elementary and Secondary School Funding (February 2002).

Patron - Watts

: **HB841 Alternative education programs.** Amends Standard 1 of the Standards of Quality to require school boards to establish alternative education programs for disruptive, suspended, and expelled students. The bill also requires appropriate state funding to support quality educational programs designed to accommodate the educational and support services needs of such students.

Patron - Baskerville

: **HB845 Charter schools.** Directs local school boards to give priority to those public charter school applications targeting student populations served by schools that have not achieved full accreditation; currently, this priority consideration is limited to schools addressing at-risk students. In addition, individual school accreditation plans may be crafted for these schools. The bill also increases the maximum charter term approval or renewal from three to five years. Finally, the bill creates the Charter Schools Assistance Program and Fund, funded by private donations and gifts, to be administered by the Board of Education, to provide grants on a competitive basis to school divisions approving charter applications and successful public charter school applicants for the construction and lease of facilities for public charter schools. This bill is incorporated into HB 380.

Patron - Baskerville

: **HB901 Virginia Vocational Incentive Scholarship Program for Shipyard Workers Fund.** Provides that the General Assembly shall make an annual appropriation to the Fund for scholarships for shipyard workers enrolled in a three-

year program of educational instruction at Tidewater Community College that incorporates instruction in industrial applied sciences. The annual appropriation shall equal \$150,000; provided, however, that the annual appropriation when added to the beginning balance of the Fund on July 1 of the fiscal year shall not exceed \$200,000.

Patron - Wardrup

: **HB927 Safety belts in school buses.** Requires school buses purchased by, or for use by, any school or school division on or after July 1, 2004, to be equipped with safety belts or safety belts and shoulder harnesses of types approved by the Superintendent of State Police. All school buses would be required to be so equipped on and after July 1, 2009. The Board of Education must adopt policies, guidelines, and regulations to ensure that all passengers, including the driver, wear these belts or harnesses or both whenever the bus is in motion.

Patron - Fralin

: **HB1099 Teacher compensation; national average.** Establishes as a policy of the Commonwealth that the average salary for Virginia public school teachers equal or surpass the national average salary for public school teachers and directs the Board of Education and the General Assembly to implement this policy in prescribing and revising the Standards of Quality. The Director of Human Resource Management is to include in each biennial review of the compensation of teachers and other occupations requiring similar education and training the average salary for teachers in the Commonwealth, the national average salary for public school teachers, and the Commonwealth's national ranking for such salaries.

Patron - Moran

: **HB1161 Standards of Learning assessments; administration to teachers.** Directs the Board of Education to provide for the administration and scoring of such Standards of Learning assessments in the relevant subjects for public school teachers, and requires full-time teachers, whether probationary or on continuing contract status, to obtain a passing score annually as a condition of initial and continued employment. If a teacher provides instruction in a grade level for which there is no Standards of Learning assessment, such teacher shall be required to obtain a passing score on the relevant assessment for the next highest grade level. Failure of a probationary teacher to obtain such passing score shall result in such teacher's dismissal from employment. Failure of a continuing contract teacher to obtain a passing score will result in dismissal. These dismissals do not constitute a grievance for purposes of the teacher grievance procedures.

Patron - Frederick

: **HB1162 School personnel incentive award accounts.** Allows school boards, by resolution, to establish accounts in their schools committed solely for the grant of incentive awards to teachers and other school personnel. The school principal will manage the account and determine award recipients and amounts. Any remainder remains with the school account. The principal shall provide a description of award criteria and procedures for determining such amounts and an annual accounting of the funds with the division superintendent.

Patron - Frederick

: **HB1163 Teacher compensation.** Directs school boards to develop and implement teacher compensation practices that recognize and reward instructional excellence. These practices shall include, but shall not be limited to, (i) consideration of the results of the annual performance evaluations required for probationary teachers and (ii) procedures for the adjustment of compensation for continuing contract teachers

that are consistent with school division evaluation procedures and that recognize student academic progress and instructional excellence. Finally, the bill states that compensation, recognition, and rewards cannot be based solely on seniority and educational background, but shall be primarily based on performance.

Patron - Frederick

: **HB1273 Instructional materials.** Requires that instructional materials for physical and health education and for family life education be designed to provide medically and factually accurate and objective information.

Patron - Amundson

: **HB1339 Written contracts for school board employees.** Requires school boards to have a written contract with each person who is (i) employed on a full-time or part-time basis for a term of at least 10 months and (ii) not required to hold a license issued by the Board of Education. Written notice of the offer of such employment must be given to these persons not more than 10 days after the first regular school board meeting following the adoption of the school board budget by the appropriating body. This provision applies to various classified employees, such as bus drivers, cafeteria workers, and janitors. Some school boards contract for some of these services rather than hire the individuals to perform the work.

Patron - Alexander

: **HB1353 Extended Kindergarten Pilot Program.** Creates the Extended Kindergarten Pilot Program and Fund to provide grants on a competitive basis to school divisions for pilot programs of extended-year, full-day kindergarten for at-risk students. Such pilot programs shall incorporate, among other things, emphasis on academic and social readiness for school, small class size, and partnerships with the business community. Board of Education criteria will include indicators for students at risk for poor academic performance, procedures for determining amounts of grants to applicant school divisions, and an evaluation component to determine the effect of such extended kindergarten on the subsequent academic performance of participating students. The Board shall issue annually requests for proposals, in accordance with the appropriation act, for such grants. Local school boards may apply for these grants as provided in the Board's request for proposals. A sunset clause creates a July 1, 2007, expiration date.

Patron - Ward

: **HB1358 School calendar.** Adds to the "good cause" circumstances for which school divisions may be granted a waiver from the regular post-Labor Day school opening schedule a school division surrounded by a school division or divisions that have already received a waiver for other current "good cause" (severe weather, certain shared or innovative programs) and has at least 10 percent of its average daily membership comprised of nonresident students and shares program and curricula with other such school divisions.

Patron - Griffith

: **HJ73 Resolution; supplemental pay for school employees called to active duty.** Expresses the sense of the General Assembly that school divisions in the Commonwealth be encouraged to establish pay supplements for their employees called to active military duty.

Patron - Cox

: **HJ150 Recognizing the need for full funding of the Standards of Quality.** Recognizes the need for full funding of the Standards of Quality and that the legislature has an opportunity during the review and revision process to demon-

strate its commitment to public education by funding fully the newly prescribed Standards of Quality.

Patron - Miles

: **SB20 Virginia Public School Authority; School Construction Grant Act of 2004.** Authorizes the Virginia Public School Authority to issue bonds to fund grants to local school divisions in the total amount of \$1 billion to pay the costs of school construction, school renovation, and other school infrastructure projects. The schedule for the issuance of the bonds and the payment of the debt service on them shall be as provided in the general appropriation act, with the payment of debt service to be made from general funds. One-half of the grants (\$500 million) shall be distributed to each school division in an equal amount of \$3,676,471. The remaining one-half shall be distributed to each local school division on a set per pupil amount based on each school division's actual September 30, 2003, fall membership data as a proportion of total actual September 30, 2003, fall membership data for all school divisions. In implementing this bill, the Virginia Public School Authority shall not incur more than a total of \$250 million in debt in any fiscal year.

Patron - Puller

: **SB63 Character education; participation in community service.** Provides that character education programs in the public schools may include opportunities for voluntary participation in community service activities pursuant to guidelines developed by the Board of Education.

Patron - Edwards

: **SB138 Opening of the school year; school calendar to begin after Labor Day.** Repeals § 22.1-79.1 of the Code of Virginia---the statute that requires Virginia's public schools to set their school-year calendar so that the first day of school is after Labor Day and establishes the conditions for obtaining a waiver of the Labor Day rule from the Board of Education.

Patron - Cuccinelli

: **SB222 Cultural diversity policies for local school boards and institutions of higher education.** Requires the Board of Education to establish guidelines to assist school boards in developing cultural diversity policies that promote the knowledge of racial and ethnic cultures, and language minority populations represented in the public schools of the Commonwealth. School boards are required to develop cultural diversity policies that are consistent with Board guidelines and are designed to, among other things, prepare students to live and participate effectively in a global community and an increasingly pluralistic society, and promote communication between and reduce barriers among students and school personnel of diverse racial, ethnic, and cultural backgrounds. The Board must also identify best practices within and outside of the Commonwealth and disseminate this information to school divisions. The term, "cultural diversity policies," as used in the bill does not require mandatory training of students or school board employees concerning cultural diversity, nor does it require hiring quotas or the employment of persons on the basis of race or ethnicity. In addition, the bill requires the boards of visitors of each public institution of higher education in the Commonwealth and the State Board for Community Colleges to submit equal education opportunity plans to the State Council of Higher Education, the Governor, and the General Assembly on November 1 of each year. The plan requirements for the institutions of higher education will expire on July 1, 2009, one year after the expected expiration date for the reporting and monitoring phase of the agreement signed by

Governor Gilmore with the Office of Civil Rights of the United States Department of Education.

Patron - Marsh

: **SB299 Children with disabilities residing in state institutions operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS).** Provides that children residing in DMHMRSAS institutions in a school division who are appropriate to be placed in public schools will be identified by the school division in which the facility is located. In addition, each school board will prescribe rules to identify such children and no school division will be required to operate a specific program for the purpose of serving children placed in facilities operated by DMHMRSAS. The costs of education for DMHMRSAS children in the public schools will be borne by DMHMRSAS.

Patron - O'Brien

: **SB300 Computation of composite index.** Requires the General Assembly to modify the current Standards of Quality funding formula and calculation of composite index of local ability-to-pay to incorporate median adjusted gross income in certain localities, as provided in the appropriation act. This bill reflects a recommendation included in the Joint Legislative Audit and Review Commission Review on Elementary and Secondary School Funding (February 2002).

Patron - O'Brien

: **SB520 Written contracts for school board employees.** Requires school boards to have a written contract with each person who is (i) employed on a full-time or part-time basis for a term of at least 10 months and (ii) not required to hold a license issued by the Board of Education. Written notice of the offer of such employment must be given to these persons not more than 10 days after the first regular school board meeting following the adoption of the school board budget by the appropriating body. This provision applies to various classified employees, such as bus drivers, cafeteria workers, and janitors. Some school boards contract for some of these services rather than hire the individuals to perform the work.

Patron - Hanger

: **SJ77 Congress to amend No Child Left Behind Act.** Memorializes Congress to amend the No Child Left Behind Act immediately to include a mechanism for an automatic waiver from its provisions for school accountability for states, such as Virginia, that have successfully raised student achievement through their own standards and accountability reforms, and that this waiver be available to states so long as they maintain these proven standards and accountability programs. The resolution also requests that any action anticipated to enforce the Act be deferred until full funding to implement the law has been authorized.

Patron - Hanger

Carried Over

7 HB307 Adequacy of public education facilities in local school divisions. Requires the Board of Education to undertake a comprehensive assessment of the adequacy of public education facilities in each local school division of the Commonwealth. The bill sets forth factors that the Board must consider and requires that the locality cooperate during the assessment process. If the Board determines that a local school division's public education facilities are inadequate or will be inadequate within five years, then the local school board will have one year to develop a plan for curing such inadequacy. If the Board determines that such plan will not achieve adequacy,

then it shall impose a public education residential impact fee upon the builder of each new residential unit in the local school division, until such time as the facilities are adequate. The Board shall base such fee on the pro-rata impact of each additional residential unit on (i) existing public education facilities, and on (ii) the costs of improving or constructing new public education facilities. The Board shall hold all collected fees on behalf of the local school division in the Virginia Public School Construction Grants Fund, or the local Capital School Projects Fund, if established by the local governing body, and disbursements shall be made in accordance with the provisions of each fund. The Board is authorized to promulgate regulations for the implementation of the act.

Patron - Marshall, R.G.

7 HB337 No Child Left Behind; Virginia withdrawal. Requires Virginia's withdrawal from participation in the federal No Child Left Behind Act, effective July 1, 2005. The federal No Child Left Behind Act (NCLB), enacted in January 2002, requirements for standards, assessments, and consequences, including annual testing practices, the employment of highly qualified instructional personnel, data collection, and evidence of adequate yearly progress in the academic achievement of all students. Receipt of certain federal education funds is contingent upon compliance with the Act. While the federal law requires the Commonwealth to make modifications to its assessment policies and procedures prescribed in its current accountability system, its Consolidated State Application Accountability Workbook for NCLB funding was approved by the U.S. Department of Education in spring 2003.

Patron - Pollard

7 HB456 Alternative diplomas; absence of verified credits. Directs the Board of Education to establish guidelines for local school boards to award alternative diplomas for which 22 credits and satisfactory completion of coursework are required, but for which no verified units of credit are required. School boards shall report annually to the Board of Education the number of such diplomas awarded. The issuance of such diplomas cannot be considered in determinations of school accreditation. Currently, the Standards of Accreditation require the accumulation of a specific number of standard and verified units of credit for standard diplomas, beginning with the ninth grade class of 2001 (graduating class of 2004). The verified unit of credit is awarded upon passage of the relevant Standards of Learning (SOL) test (additional tests approved by the Board of Education), as well as the course (8 VAC 20-131-110 A, B). The Standard Diploma requires six verified units of credit, while the Advanced Studies Diploma requires nine (8 VAC 20-131-50). School accreditation is based on pass rates for the SOL assessments (8 VAC 20-131-300).

Patron - McQuigg

7 HB1272 Data on certain school employee convictions. Directs school boards to require on an application for employment certification (i) that the applicant has not been convicted of a felony or any offense involving the sexual molestation, physical or sexual abuse or rape of a child; and (ii) whether the applicant has been convicted of a crime of moral turpitude, and, if so, that 10 years have elapsed since the completion of the sentence resulting from any such conviction. Current law requires certification regarding the existence of any conviction of a crime of moral turpitude (as well as a certification that the applicant has not been convicted of certain felonies).

Patron - Melvin

7 HB1420 Reporting of students' nonattendance at school. Streamlines, clarifies, and strengthens the requirements for reporting and resolving students' nonattendance and

unexcused absences. The bill requires that the school principal also be notified of a student's absence from school throughout the reporting process. After five unexcused absences during the school year, the attendance officer must contact the parent directly to obtain an explanation for the student's absence, inform him of the consequences of the student's continued nonattendance, and of the required written documentation explaining the student's absence. The written documentation must be a notarized statement from the parent that the student was absent due to a family emergency or a written statement from a licensed physician or other health care provider, or a health care facility confirming that the student was absent due to illness. Current law requires that a plan be developed to resolve the issues related to the student's nonattendance. Under the provisions of this bill, the plan must now include the written documentation submitted by the parent regarding the student's absence. If the student is absent for an additional day after the school attendance officer has contacted the parent concerning the unexcused absence, and the attendance officer and the school principal have not been notified of the student's absence by the parent, the attendance officer must schedule a conference with the parent, school principal or his designee, other school personnel and community service providers, and the student to resolve the issues of his nonattendance. If the student has an unexcused absence after this step in the process, the attendance officer or the division superintendent must enforce the compulsory school attendance law. However, the provisions allowing the attendance officer or the division superintendent to seek immediate enforcement of the compulsory school attendance law and to proceed against the student and his parent for violation of the compulsory school attendance law have not been changed.

Patron - Marshall, D.W.

7 SB294 Schools to provide information to non-custodial parents. Requires that, unless a court order has been issued to the contrary, the noncustodial parent of a student enrolled in any public or private elementary, middle, or high school or day care center must be provided the full and complete information concerning the child's school or day care activities, scholastic record, test results, academic achievement and progress, and school behavior in the same manner and form as is provided to the custodial parent by the public or private elementary, middle, or high school or day care center.

Patron - O'Brien

7 SB425 Diplomas; student-selected verified credits. Directs the Board of Education to establish guidelines for local school boards to award diplomas for which 22 credits and satisfactory completion of coursework are required, but for which (i) any required verified units of credit may be selected by the student and (ii) certain industry certifications may be substituted for Standards of Learning assessments to earn verified units of credit. Such diploma requirements shall be designed to ensure that students have acquired the knowledge and skills required to enter a vocation upon graduation. School boards shall report annually to the Board of Education the number of such diplomas awarded. In no event shall the issuance of such diplomas be considered in determinations of school accreditation. Currently, the Standards of Accreditation (SOA) require the accumulation of a specific number of standard and verified units of credit for standard diplomas, beginning with the ninth grade class of 2001 (graduating class of 2004). The verified unit of credit is awarded upon passage of the relevant Standards of Learning (SOL) test (additional tests approved by the Board of Education), as well as the course (8 VAC 20-131-110 A, B). The Standard Diploma requires 22 credits, six of which must be verified units of credit, while the Advanced Studies Diploma requires 24 credits, with nine verified units. The SOA currently require verified units of credit in

specific subjects, such as English, mathematics, science, and history and social science. The Modified Standard Diploma is awarded to students with disabilities who are "unlikely to meet the credit requirements for a Standard Diploma" (8 VAC 20-131-50). School accreditation is based on pass rates for the SOL assessments (8 VAC 20-131-300).

Patron - Wagner

7 SB459 Standards of Quality; Standard 3. Provides that student outcome measures of the Standards of Learning assessments and other Virginia State Assessment Program Tests must be used for the purposes for which they have been designed and determined valid, reliable, and fair by the Standards of Learning Test Technical Advisory Committee, in accordance with accepted standards for educational testing. The Board of Education, in determining the validity of such tests, shall include Standards of Learning program effectiveness or consequential validity as recommended by the Standards of Learning Test Technical Advisory Committee. However, the results of Standards of Learning assessments and other Virginia State Assessment Program Tests may not constitute the sole or primary basis for student promotion, retention, or the awarding or denial of diplomas or school accreditation.

Patron - Whipple

7 SB666 Computation of composite index. Requires the General Assembly to modify the current Standards of Quality (SOQ) funding formula and calculation of composite index of local ability-to-pay that determines each locality's ability to pay for its share of providing an educational program meeting the prescribed SOQ to incorporate within the real estate indicator of local wealth the land use taxation value for those properties within a land-use plan. Localities may adopt land-use plans and provide for the use value assessment and taxation of certain properties, such as those designated for agricultural, horticultural, forest, or open-space use. The current composite index of local ability to pay incorporates the "true value" of real property (rather than any special use assessed values) weighted 50 percent, with adjusted gross income weighted at 40 percent, and taxable retail sales weighted at 10 percent, as indicators of local wealth.

Patron - Mims

Educational Institutions

Passed

D HB64 Faculty representatives to boards of visitors, the State Board for Community Colleges, and local community college boards. Authorizes the boards of visitors of four-year public institutions of higher education, the State Board for Community Colleges, and local community college boards to appoint a nonvoting, advisory faculty representative to their boards. In the case of the State Board for Community Colleges, the representative will be chosen from among persons elected by the Chancellor's Faculty Advisory Committee. Faculty representatives to boards of visitors and local community college boards will be chosen from among those individuals elected by the faculty, faculty senate, or other equivalent group of the institution. The State Board for Community Colleges, local community college boards, and boards of visitors may exclude the faculty representative from discussions of faculty grievances, faculty or staff disciplinary matters, salaries, or other matters, in their discretion.

Patron - Shuler

D HB82 University of Virginia's College at Wise; reduced tuition. Allows the University of Virginia's College at Wise to charge reduced tuition to any person enrolled at the College who lives within a 50-mile radius of the College, is domiciled in, and is entitled to in-state tuition charges in Tennessee institutions, contingent upon reciprocal reduced tuition arrangements being offered by Tennessee to Virginia students. In addition, the College and its partners or associates offering programs jointly at a regional off-campus center may also charge reduced tuition to any Tennessee resident enrolled in such joint programs who lives within a 50-mile radius of the College and is entitled to in-state tuition charges in Tennessee institutions of higher learning if Tennessee has similar reciprocal arrangements for Virginians. Any such respective partners or associates must separately establish and charge tuition rates for their independent classes or programs at such regional centers. This provision grants authority similar to that already granted to the University of Virginia's College at Wise students residing in Kentucky.

Patron - Kilgore

D HB478 University of Virginia Medical Center; procurement exemptions. Extends the procurement exemptions granted to the University of Virginia Medical Center to information technology and telecommunications projects and exempts the Medical Center from the oversight of the Virginia Information Technologies Agency (VITA). The exemptions set out in this bill existed under prior law as in effect before transferring information technology and telecommunications procurement authority to VITA (successor to the Department for Information Technology). These exemptions were preserved as delegated authority in enactment clause 2 in Chapter 579 of the 2002 Acts of Assembly and clauses 15 and 16 of Chapters 981 and 1021 of the 2003 Acts of Assembly. The bill renders these exemptions permanent in the new law. The bill also adds a cross reference to the Virginia Public Procurement Act stating the exemption and updates other cross references.

Patron - Nixon

D HB547 State Council of Higher Education for Virginia; policies and strategies to develop human capital. Requires the State Council of Higher Education for Virginia (SCHEV) to develop policies and strategies to eliminate the barriers between the Commonwealth's institutions of higher education and industry and enhance the development of human capital in the Commonwealth. These policies and strategies shall include a review of (i) offering incentives for industry to partner with universities in the practical training of undergraduate and graduate students; (ii) providing opportunities and incentives for corporate scientists and engineers to have adjunct appointments at universities to train and collaborate with faculty and students; (iii) assisting universities in acquiring funding to build or buy facilities where academic labs and corporate entities can work together; (iv) providing opportunities and assistance for academic researchers to take one- to two- year sabbaticals in a corporate setting or national lab and bring that experience back to the institution; (v) increasing the two-year leave of absence for science and engineering faculty to generate more industrial-sponsored research; (vi) allowing industry to fully fund faculty salaries and allow the faculty to work in industry while remaining a university employee, with proper safeguards in place; and (vii) allowing faculty to be part-time university employees and part-time industry employees, also with proper safeguards in place.

Patron - May

D HB617 Distance learning. Requires, effective January 1, 2005, that each public institution of higher education include information in its strategic plan indicating to what

extent, if any, it will use distance learning to expand access, improve quality, and minimize the cost of education. For institutions using or planning to use distance learning in the future, such information shall include the degree to which distance learning will be integrated into the curriculum, benchmarks for measuring such integration, and a schedule for the evaluation of such courses. The State Council of Higher Education must assist the governing boards in the development of such information. In addition, community colleges are required to maximize the availability and use of distance learning courses addressing workforce training needs.

Patron - Carrico

D HB637 Regulation of private, for-profit schools.

Eliminates division of regulatory responsibility between the State Council of Higher Education (SCHEV) and the Board of Education for privately owned, for-profit career training schools by granting SCHEV regulatory authority for private institutions of higher education operating in Virginia and post-secondary schools (which may or may not offer degree programs). The Board of Education will only license and regulate schools for students with disabilities; it will no longer review nondegree credit, certificate, and diploma programs offered by postsecondary schools offering diplomas or certificates. The bill offers definitions of noncollege degree schools (those offering academic-vocational programs and those limited to vocational (nondegree) programs). School definitions are distinguished by "degree," "nondegree," "college degree," and "noncollege degree" offerings. The bill also directs SCHEV to appoint the Career College Advisory Board, comprised of college and university representatives and other members, to assist in "academic and administrative matters related to private proprietary institutions of higher education and academic-vocational noncollege degree schools." The bill also provides that private institutions shall not be required to obtain another authorization from the Council to operate in Virginia if (i) they were formed, chartered or established in the Commonwealth, or chartered by an Act of Congress; (ii) have maintained a main or branch campus continuously in the Commonwealth for at least 10 calendar years under their current ownership; (iii) were continuously approved or authorized to confer or grant academic or professional degrees by the Council, by the Board of Education or by an act of the General Assembly during those 10 years; and (iv) are fully accredited by an accrediting agency that is recognized by, and has met the criteria for Title IV eligibility of the United States Department of Education. If authorization to confer or grant academic or professional degrees is revoked, the institution must seek reauthorization and must do so annually until it meets this criteria. Other changes in the bill provide that (a) only institutions of higher education and academic-vocational noncollege degree schools may offer degree programs; (b) academic-vocational and vocational noncollege degree schools are subject to various contractual, name, and other requirements that were previously limited only to private institutions of higher education (typically, four-year private institutions and other private entities using "college" in their names); and (c) SCHEV will maintain a list of postsecondary schools it has certified or licensed for operation in Virginia. SCHEV certification is required to operate as a postsecondary school (private institutions of higher education and academic-vocational or vocational noncollege degree schools); SCHEV approval is required for degree granting and use of the words "college" or "university" (institutions of higher education and academic-vocational noncollege degree schools).

Patron - Tata

D HB642 The Miller School of Albemarle. Reduces the appointments to be made by the Governor and the Judge of the Circuit Court of Albemarle County to the Board of Trustees

of The Miller School of Albemarle from five to two members, and allows the Board to consist of as many as 23 trustees. The Board, which already appoints five members of the currently 15-member Board, will appoint all remaining members, i.e., 19 members. The number of consecutive terms is reduced from three to two. Persons serving as of July 1, 2004, may complete their respective terms. The Miller School was created in 1874 by the General Assembly to "give effect to a compromise of the litigation in respect to the construction and effect of the will of Samuel Miller...." This educational institution was formerly known as the Miller Manual Labor School. Located outside Charlottesville, the Miller School is not a public school, but is an independent coeducational institution, enrolling about 165 boarding and day students in grades six through 12.

Patron - Abbitt

D HB710 Unfunded scholarships. Eliminates the restriction on the number of unfunded graduate and undergraduate scholarships public institutions of higher education may award to resident and nonresident students. The total value of all such scholarships, however, remains unchanged.

Patron - Nutter

D HB712 Policies for required reinstatement of certain military students. Directs the State Council of Higher Education (SCHEV) to include in its guidelines for tuition relief, refunds, and reinstatement for military students who withdrew from enrollment in a public institution of higher education due to service in a "defense crisis" provisions addressing (i) procedures for the required reenrollment of students whose call to active duty military service precluded their completion of a semester or equivalent term and (ii) policies providing for the required reenrollment of such military students. The current SCHEV guidelines direct the institutions to "detail the circumstances under which a student shall be allowed to re-enroll" and state that "[g]enerally, a student who is called to active duty or is mobilized should be assured a reasonable opportunity to re-enroll ... without having to re-apply for admission if the student returns to the same institution within one year"

Patron - Oder

D HB932 Institute for Advanced Learning and Research. Increases the membership of the governing board of the Institute for Advanced Learning and Research from nine to 15 by adding six citizen representatives, two each appointed by the Governor, the Senate Committee on Privileges and Elections, and the Speaker of the House of Delegates. Created by the 2002 Session, the Institute is located in Danville and was founded by Averett University, Danville Community College, and Virginia Polytechnic Institute and State University. The Institute is authorized to enter into and administer agreements with institutions of higher education to deliver traditional and electronic education and is to diversify the region's economy by providing a site for the development of technology and a trained workforce and expanding access to higher education in Southside Virginia.

Patron - Marshall, D.W.

D HB933 Institute for Advanced Learning and Research. Adds the Institute for Advanced Learning and Research to the list of those entities characterized as "educational institutions" and "governmental instrumentalities for the dissemination of education." Created by the 2002 Session, the Institute is located in Danville and was founded by Averett University, Danville Community College, and Virginia Polytechnic Institute and State University. The Institute is to diversify the region's economy by providing a site for the development of technology and a trained workforce and expanding access to higher education in Southside Virginia. Current law designates as "educational institutions" the Com-

monwealth's four-year public colleges and universities, the Virginia Community College System, the Woodrow Wilson Rehabilitation Center, the Virginia Schools for the Deaf and the Blind, the Eastern Virginia Medical School, and the Southwest Virginia Higher Education Center. This classification as an educational institution will enable the Institute to issue bonds with the approval of its governing board and the Governor (§§ 23-15 and 23-19), acquire property (§ 23-16), be eligible for its bonds to be purchased by the Virginia College Building Authority (§§ 23-30.24, 23-30.25, 23-30.27, and 23-30.28), establish a campus police department (§ 23-232), and authorize such campus police to purchase their service handguns (§ 23-232). This designation will not empower the Institute to establish unfunded scholarships (§ 23-31), nor will it place the Institute under the State Council of Higher Education for Virginia (SCHEV), the coordinating council for two- and four-year public colleges and universities. In addition, the designation does not require the Institute to submit an annual report to SCHEV regarding financial statements (§ 23-1.01). The term "educational institution" appears in a variety of contexts throughout the Code. The term, for purposes of § 23-14, does not necessarily include all entities described as "institutions of higher education" or "institutions of higher learning" elsewhere in the Code. "Educational institution" is used broadly in Code provisions addressing matters such as employment, prohibited contracts, and certain field permits. "Educational institutions" may also sell real estate (§ 13.1-901); establish educational television stations (§ 15.2-966); have students excluded from certain toll payments (§ 22.1-187); and have governing board members reimbursed for travel expenses (§ 23-3). Public "educational institutions" receiving state funds may not discriminate against persons with disabilities (§ 51.5-43). Not referenced in § 23-14, nor subject to SCHEV as a coordinating council, are these designated "educational institutions": the Miller School of Albemarle, the Board of Regents of Gunston Hall, the Frontier Culture Museum, the Science Museum of Virginia, the Jamestown-Yorktown Foundation, and The Library of Virginia. The term has also been used in reference to private correspondence schools (§ 22.1-319). Designation as an "institution of higher education" has been applied to the Virginia Museum of Fine Arts, (which is not designated as an "educational institution") as well as the Science Museum of Virginia, and specifically makes these entities eligible to receive property and funds from localities (§ 23-3.1) and to maintain their state appropriations, despite any increases in endowment funds (§ 23-9.2).

Patron - Marshall, D.W.

D HB989 Higher education; transfer of course credit. Directs the State Council of Higher Education (SCHEV), in cooperation with the governing boards of the public two- and four-year institutions of higher education, to develop a State Transfer Module that designates those general education courses offered within various associate degree programs at the public two-year institutions that are transferable for credit or admission with standing as a junior (third year) to the public four-year institutions. The bill also directs SCHEV to (i) facilitate the development of dual admissions and articulation agreements between the public and private two- and four-year institutions; and (ii) develop and make available to the public information identifying all general education courses offered at public two-year institutions and designating those that are accepted for purposes of transfer for course credit. Any articulation agreements will be subject to admissions requirements of the four-year institutions.

Patron - Hugo

D HB1029 University of Mary Washington. Changes the name of Mary Washington College to the University of Mary Washington. The State Council of Higher Educa-

tion for Virginia (SCHEV) is not charged with responsibility for review and approval of a name change for a public institution of higher education; however, SCHEV is required, pursuant to § 23-9.6:1, to "study any proposed escalation of any public institution to a degree-granting level higher than that level to which it is presently restricted" and to review and approve any proposed modifications in institutional missions. The Board of Visitors of Mary Washington College (MWC) approved the name change unanimously on November 22, 2003. This past year, the Carnegie Foundation, which certifies on a national basis the classification of all institutions of higher learning, reclassified MWC as a university, rather than a baccalaureate liberal arts college, based upon the number of graduate degrees awarded. This bill is identical to SB 464.

Patron - Cole

D HB1296 James Madison University. Facilitates James Madison University's ability to begin construction needed as a result of fire damage. On November 16, 2003, James Madison University's "medical arts" building burned, thereby rendering the building uninhabitable. The bill authorizes James Madison University to proceed immediately with the construction necessary to rebuild this structure by exempting James Madison University, for only this capital project, from the public procurement process and the Art and Architectural Review Board's evaluation. The bill also authorizes the Secretary of Finance to provide James Madison University with anticipation loans to begin the construction, with the loans being reimbursed from the insurance proceeds and other funds.

Patron - Putney

D HB1313 Virginia Institute of Marine Science; library named. Designates the library at the Virginia Institute of Marine Science (VIMS) the William Jennings Hargis, Jr. Library. Dr. Hargis received the Virginia Life Achievement in Science award in 2003, and is the former VIMS director. Pursuant to § 23-49.1:1, VIMS is subject to the supervision, management and control of the board of visitors of the College of William and Mary.

Patron - Morgan

D HJ122 Campus safety. Directs the Virginia State Crime Commission to study campus safety at public and private institutions of higher education in Virginia. The Commission shall examine (i) current Virginia policies, procedures, and programs used to promote safety at institutions of higher education; (ii) the nature of criminal offenses at Virginia's public and private institutions of higher education; (iii) the use of best practices or models for campus safety nationally; and (iv) the need to develop statewide procedures to ensure the dissemination of information pertaining to best practices for campus safety.

Patron - Hamilton

D SB153 Roanoke Higher Education Authority; Board of Trustees. Revises the Board of Trustees for the Roanoke Higher Education Authority to delete the Executive Director of the Fifth District Employment and Training Consortium and to add the president or his designee of Virginia Intermont College.

Patron - Edwards

D SB173 Regulation of certain private and out-of-state institutions of higher education. Revises the definition of "institution of higher education" as set forth in the law regulating private and out-of-state colleges, universities, etc., to provide an explicit exception for any public institution of higher education established in statute as an authority and declared a governmental instrumentality pursuant to § 23-14. Present law provides an exception for all state-supported insti-

tutions of higher education that are listed in § 23-9.5. However, Eastern Virginia Medical School is covered by the law by virtue of the fact that it is not so listed as a "state-supported institution of higher education" (although EVMS does receive some state funds). Thus, this public institution is currently inadvertently captured under the reporting, etc. requirements of the law relating to private and out-of-state entities.

Patron - Stolle

D SB230 Brown v. Board of Education Scholarship Program and Fund. Creates the Brown v. Board of Education Scholarship Program for the purpose of assisting students who were enrolled in the public schools of Virginia between 1954 and 1964, in jurisdictions in which such public schools were closed to avoid desegregation, in obtaining a high school diploma, the General Education Development certificate, career or technical education or training, or an undergraduate degree from a public institution of higher education in Virginia. The State Council of Higher Education shall administer the Program. The Brown v. Board of Education Scholarship Awards Committee, established in the legislative branch of state government, is composed of legislators and nonlegislative citizen members appointed by the Joint Rules Committee and the Governor and is authorized to award the scholarships and govern the Program. The Brown v. Board of Education Scholarship Program Fund, a special nonreverting fund, is established on the books of the Comptroller to receive appropriations, gifts, grants, donations, and bequests for the Program. The bill also establishes student eligibility for such scholarships and stipulates that scholarships may be used only for payment of tuition charges. In addition, the bill provides that (i) the Program does not establish any legally enforceable right or entitlement on the part of any person or any right or entitlement to participation in the program; and (ii) scholarships must be awarded to the extent funds are made available or as directed by the appropriation act. This bill also allows individuals entitled to an income tax refund to contribute a portion, at least \$1, or all of the refund to the Brown v. Board of Education Scholarship Fund for taxable years beginning on and after January 1, 2004. The Fund provides support by means of grants to persons who were enrolled in the public schools of Virginia between 1954 and 1964, in jurisdictions in which such public schools were closed to avoid desegregation, in obtaining a high school diploma, the General Education Development certificate, career or technical education or training, or an undergraduate degree from a public institution of higher education in Virginia. The State Council of Higher Education shall administer the Program. The second enactment clause provides that educational terms used in the act shall be construed as defined in Titles 22.1, 23, and 40.1. The third enactment clause requires the Tax Commissioner to include a description of the Brown v. Board of Education Scholarship Program in the instructions for the annual Virginia income tax return package. The fourth enactment clause expresses the General Assembly's acknowledgement of the irreparable harm suffered by African-American and Caucasian students due to the school closings. This bill is supported by the Dr. Martin Luther King, Jr. Memorial Commission. The provisions of the bill expire July 1, 2008.

Patron - Lambert

D SB244 Faculty representatives to boards of visitors, the State Board for Community Colleges, and local community college boards. Faculty representatives to boards of visitors, the State Board for Community Colleges, and local community college boards. Authorizes the boards of visitors of four-year public institutions of higher education, the State Board for Community Colleges, and local community college boards to appoint one or more nonvoting, advisory faculty representatives to their boards. In the case of the State Board for

Community Colleges, any representatives must be appointed from persons elected by the Chancellor's Faculty Advisory Committee. Faculty representatives to boards of visitors and local community college boards must be appointed from individuals elected by the faculty, faculty senate, or other equivalent group of the institution. Any representatives will serve terms of not less than one 12-month period, which is coterminous with the institution's fiscal year, or for terms mutually agreed to by the State Board for Community Colleges and the Chancellor's Faculty Advisory Committee, or the local community college board or the board of visitors, as the case may be, and the institution's faculty senate or other equivalent group. The State Board for Community Colleges, local community college boards, and boards of visitors may exclude faculty representatives from discussions of faculty grievances, faculty or staff disciplinary matters, or salaries.

Patron - Edwards

D SB283 University of Virginia's College at Wise; reduced tuition. Allows the University of Virginia's College at Wise to charge reduced tuition to any person enrolled at the College who lives within a 50-mile radius of the College, is domiciled in, and is entitled to in-state tuition charges in Tennessee institutions if Tennessee has similar reciprocity provisions for Virginians. In addition, the College and its partners or associates offering programs jointly at a regional off-campus center may also charge reduced tuition to any Tennessee resident enrolled in such joint programs who lives within a 50-mile radius of the College and is entitled to in-state tuition charges in Tennessee institutions of higher learning if Tennessee has similar reciprocity provisions for Virginians. Any such respective partners or associates shall establish and charge separately tuition rates for their independent classes or programs at such regional centers. This provision grants authority similar to that already granted to College at Wise students residing in Kentucky. This bill is identical to HB 82.

Patron - Wampler

D SB338 State Council of Higher Education. Directs the State Council of Higher Education to facilitate the development of dual admissions and articulation agreements between two- and four-year public and private institutions of higher education in Virginia and requires the Council to develop estimates of the number of degrees to be awarded by each institution and include those estimates in its reports of enrollment projections. The dual admissions and articulation agreements would be subject to the admissions requirements of the four-year institutions. Articulation agreements are agreements between two-year and four-year institutions of higher education or between K-12 schools and two-year institutions of higher education that detail the transferability of courses and credits between two-year and four-year institutions of higher education or between high schools and two-year institutions of higher education.

Patron - Edwards

D SB397 College of William and Mary; board of visitors. Increases to four the three-person limit on the number of non-Virginia residents who may be appointed to the board of visitors of the College of William and Mary.

Patron - Norment

D SB464 University of Mary Washington. Changes the name of Mary Washington College to the University of Mary Washington. The State Council of Higher Education for Virginia (SCHEV) is not charged with responsibility for review and approval of a name change for a public institution of higher education; however, SCHEV is required, pursuant to § 23-9.6:1, to "study any proposed escalation of any public institution to a degree-granting level higher than that level to which

it is presently restricted" and to review and approve any proposed modifications in institutional missions. The Board of Visitors of Mary Washington College (MWC) approved the name change unanimously on November 22, 2003. This past year, the Carnegie Foundation, which certifies on a national basis the classification of all institutions of higher learning, reclassified MWC as a university, rather than a baccalaureate liberal arts college, based upon the number of graduate degrees awarded. This bill is identical to HB 1029.

Patron - Chichester

D SB570 Institute for Advanced Learning and Research. Increases the membership of the governing board of the Institute for Advanced Learning and Research from nine to 15 by adding six citizen members. The initial citizen appointments will be for various terms of one and two years in order to stagger the members' terms. This bill is identical to HB 932.

Patron - Reynolds

D SB583 Virginia College Building Authority. Clarifies that boards of visitors of public institutions of higher education must designate as Virginia College Building Authority (VCBA) projects those projects to be financed by VCBA bonds secured by a pledge of any one or more of the revenue sources cited in subdivisions (1) through (4) of subsection (d) of § 23-19 (such as project rentals and fees or increased rentals and fees for existing facilities; new rentals and fees for existing facilities; student building fees and other student fees; and other general and nongeneral fund appropriations to the institution). The bill is designed to eliminate the need for institutional designation of projects financed under the VCBA 21st Century Program. A second enactment clause "validates, ratifies, approves, and confirms" all VCBA bonds issued previously to purchase educational institution bonds pursuant to § 23-30.27, to acquire equipment pursuant to § 23-30.27.1, or to pay for all or any portion of the cost of one or more projects or portion or portions thereof.

Patron - Saslaw

D SB653 College of William and Mary; easements. Provides for certain drainage and temporary construction easements related to the proposed right-of-way and easement dedication by The College of William and Mary for widening of the intersection of Monticello Avenue and Ironbound Road.

Patron - Norment

Failed

: HB36 Approval of certain institutions of higher education. Provides that nonpublic institutions of higher education that have been approved by the State Council of Higher Education (SCHEV) to operate in Virginia and confer degrees at a specific level before July 1, 2004, are not required to obtain subsequent SCHEV approval unless the approval was revoked or the institution desires to confer degrees at a level other than that previously approved. Technical amendments track the language in current subdivision A 4 to clarify that subsequent approval is necessary for new degree levels as well as new degree programs. The current "grandfather clause" extends this benefit to private institutions for which SCHEV had approved specific degree levels before July 1, 1980. Since that date, several nonpublic institutions, such as Shenandoah University, Hampton University, Sweet Briar College, and Hollins University, have been granted SCHEV approval to confer advanced degrees. These institutions, and others, have been required by law and SCHEV regulations to seek annual certification and approval. Emergency regulations issued by SCHEV in July 2003 impose fees for this annual certification; the annual fees are \$2,500 and \$6,000 for accredited and non-

accredited private institutions, respectively (Schedule A, 8 VAC 40-31-30 et seq.). The emergency regulations state that, in considering an institution's application for certification, SCHEV cannot "take into account either duplication of effort by public and private institutions in Virginia or need within the Commonwealth for the course for degree credit, program of study, or degree program for which certification is sought" (8 VAC 40-31-190).

Patron - Sherwood

: HB156 Higher education; admission of illegal aliens prohibited. Provides that public institutions of higher education may not knowingly accept for enrollment any illegal alien, and directs each institution, upon discovering an enrollment of an illegal alien, to provide for the prompt dismissal of any such person from the institution. In 1982, the U.S. Supreme Court ruled that undocumented alien children are ensured access to public education in grades K through 12; the Court found that the denial of public school enrollment violated the equal protection clause of the Fourteenth Amendment to the U.S. Constitution. This case was limited to public school enrollment and did not address postsecondary education. (Plyler v. Doe, 457 U.S. 202 (1982)). In September, 2003, a lawsuit was filed in U.S. District Court in Alexandria, Virginia, on behalf of anonymous high school students and recent high school graduates, challenging the denial of college admission to undocumented alien students by the College of William and Mary, George Mason University, James Madison University, Northern Virginia Community College, the University of Virginia, Virginia Commonwealth University, and Virginia Tech. (Chronicle of Higher Education, September 12, 2003).

Patron - Reid

: HB517 Admissions policies of public institutions of higher education. Requires the board of visitors of each public institution of higher education to establish admissions policies that prohibit preferential consideration regarding the admission of an applicant on the basis of his relationship by birth or marriage to an alumnus. Beginning on July 1, 2004, each institution of higher education must report annually the number and percentage of first-time entering freshmen, disaggregated by gender, race, ethnicity, age, and familial relationship to alumni of the institution, to the State Council of Higher Education, which must transmit the findings to the Governor and the General Assembly annually, beginning on December 1, 2004.

Patron - Jones, D.C.

: HB574 In-state tuition for spouses and dependents of certain military personnel. Eliminates various residency, income tax, and employment requirements governing eligibility for in-state tuition for spouses and dependents of military personnel residing in Virginia pursuant to military orders and claiming residency in another state, and extends in-state tuition eligibility only to the child or spouse of active duty, enlisted, nonofficer military personnel in certain instances. Children and spouses of other military personnel would no longer be able to establish in-state tuition eligibility by meeting the various residency, income tax, and other requirements. If the nonresident student is the child of an active, enlisted, nonofficer member of the armed forces, the nonmilitary parent must be a registered voter in Virginia, and the child must have been claimed as a dependent by the member of the armed forces for income tax purposes. If the student is the spouse of an active, enlisted, nonofficer member of the armed forces, then the student must be a registered Virginia voter. The period of eligibility for in-state tuition shall not exceed the period of residency required by military orders. These students would be counted as in-state students for

admissions, enrollment, and tuition and fee revenue policy purposes. Children and spouses of all military personnel--regardless of status--may also establish domicile in the same manner as any other student. Under current law, spouses and dependents of military personnel--regardless of active duty or officer status--must meet various residency, income tax, and employment requirements to be eligible for in-state tuition; military personnel are not currently granted in-state tuition.

Patron - Hamilton

: HB806 Ratios of in-state and out-of-state students; tuition adjustments. Requires the governing body of a four-year public institution of higher education to maintain a ratio of the in-state and out-of-state student population in each incoming freshman class that is not more than 25 percent out-of-state undergraduate students, or the percentage determined for the incoming freshman class in 2000, whichever is greater, beginning with the incoming freshman class in 2005. Out-of-state students on athletic scholarships are not included in calculations of out-of-state enrollments. Institutions that adhere to these ratio requirements can then increase tuition and fee charges as they deem necessary and appropriate; any increases may be reviewed by the State Council of Higher Education (SCHEV). The General Assembly will determine annually any increases of tuition and fees for institutions that do not adhere to the ratio requirements. The increase cannot exceed five percent annually. Pursuant to various provisions in Title 23, individual boards of visitors are typically empowered to "fix, in their discretion, the rates charged...for tuition and fees and other necessary charges." The 2003 Appropriation Act (Item 136 E (3)) directs boards of visitors to "(a) make every effort to achieve potential cost savings as opposed to tuition increases and (b) not increase the current proportion of nonresident undergraduate students if the institution's nonresident undergraduate enrollment exceeds 25 percent." Two-year institutions and VMI, Norfolk State, and Virginia State are exempt from this second requirement. In addition, the 2003 budget authorized institutions to increase tuition by no more than five percent (Item 136 E (1)(b)). In setting increases, institutions are to consider, among other things, the consumer price index; in-state tuition charges of peer institutions; the "maximization of other revenues by setting tuition rates for out-of-state students, graduate students and first professional students at market rate or higher without adversely affecting the access of in-state students"; and "the impact of a tuition increase on the composition of the institution's applicant pool" (Item 136 E (2)). According to SCHEV, the percentage of out-of-state students in fall 2001 headcount enrollment (not just the incoming freshman class) at all four-year public institutions was 21.9 percent. Out-of-state students comprised 4.2 percent of fall 2001 headcount enrollment at Christopher Newport University; 37.7 percent at the College of William and Mary; 13.8 percent at George Mason University; 29.1 percent at JMU; 4.4 percent at Longwood University; 25.9 percent at Mary Washington College; 28.6 percent at Norfolk State University; 17 percent at ODU; 12.1 percent at Radford University; 33.6 percent at UVa; 5.9 percent at the UVa's College at Wise; 6.7 percent at VCU; 49.4 percent at VMI; 31.7 percent at Virginia State University; and 30.7 percent at Virginia Tech.

Patron - Petersen

: HB838 In-state tuition for certain alien students. Provides eligibility for in-state tuition, but not classification as a Virginia resident, upon a showing of clear and convincing evidence that such individual (i) resided in the Commonwealth for five or more years; (ii) received a high school diploma or a general educational development certificate from a public or private high school in the Commonwealth; (iii) registers as an entering student in a public institution of higher education in the Commonwealth not earlier than the 2004-2005 academic

year; (iv) submits evidence that he, or in the case of a dependent student at least one parent or person standing in loco parentis, has paid Virginia income taxes for at least one year prior to the date of enrollment; and (v) files an affidavit with the enrolling public institution of higher education in the Commonwealth stating that the individual will file an application to become a permanent resident within 90 days of the date such individual becomes eligible to do so. The bill addresses "individuals" rather than a specific class of immigrant or alien students, as the federal Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. § 1623 (a)) provides that an alien "who is not lawfully present in the United States shall not be eligible for ... any post-secondary benefit unless a citizen or national of the United States is eligible for such a benefit...without regard to whether the citizen or national is such a resident." This bill is similar to legislation enacted in Texas, New York, California, and Utah. Section 23-7.4 is cross-referenced throughout the Code of Virginia for purposes of defining "domicile," "domiciliary status," "bona fide resident," and other similar terms. The grant of eligibility for in-state tuition provided by this bill does not confer domicile on the alien student; the only other provision referencing students who are granted in-state tuition under this section is § 23-7.4:2, which permits a community college to charge in-state tuition to "[a]ny student from a foreign country who is enrolled in a foreign exchange program approved by the state institution during the same period that an exchange student from the same state institution, who is entitled to in-state tuition pursuant to § 23-7.4, is attending the foreign institution." A special subcommittee of the House Committee on Education and a special subcommittee of the Senate Committee on Education and Health met three times in 2003 to examine the issues raised by bill addressing in-state tuition for undocumented alien students.

Patron - Ebbin

: HB846 Brown v. Board of Education Scholarship Program and Fund. Creates the Brown v. Board of Education Scholarship Program and Fund for the purpose of assisting students who were enrolled in the public schools of Virginia between 1954 and 1964, in jurisdictions in which the public schools were closed to avoid desegregation, in obtaining a high school diploma, the General Education Development certificate, career or technical education or training, or an undergraduate degree from a public institution of higher education in Virginia. The bill also establishes student eligibility for the scholarships and stipulates that scholarships may be used only for payment of tuition charges. In addition, the bill provides that (i) the Program does not establish any legally enforceable right or entitlement on the part of any person or any right or entitlement to participation in the program; and (ii) requires that scholarships be awarded to the extent funds are made available to the Program. The Program is funded solely with nonstate funds, i.e. gifts, grants, donations, bequests, and other nonstate funds. The Brown v. Board of Education Scholarship Program Fund, a special nonreverting fund, is established on the books of the Comptroller as the repository for such funds. The Brown v. Board of Education Scholarship Awards Committee, established in the legislative branch of state government and composed of legislators and nonlegislative citizen members appointed by the Joint Rules Committee and the Governor, will govern the Program and make awards to eligible students. The State Council of Higher Education is requested to provide assistance to the Committee. The second enactment clause provides that educational terms used in the act shall be construed as defined in Titles 22.1, 23, and 40.1. The third enactment clause provides that the act will expire on July 1, 2008. This bill is supported by the Dr. Martin Luther King, Jr. Memorial Commission as a part of its responsibilities

for leading and coordinating the Commonwealth's commemoration of the 50th anniversary of *Brown v. Board of Education*.

Patron - Baskerville

: **HB1000 Mason Enterprise Center of George Mason University; duties.** Transfers all duties and responsibilities of the Innovative Technology Authority and its non-stock corporation, the Center for Innovative Technology, to the Mason Enterprise Center of George Mason University, including responsibility for the Advanced Communications Access Fund and the Commonwealth Technology Research Fund. The bill also repeals Article 3 (§ 2.2-2218 et seq.) of Chapter 22 of Title 2.2, thereby dissolving the Authority.

Patron - Hugo

: **HB1082 Eligibility for in-state or reduced tuition.** Allows students who have lived outside the Commonwealth for not more than five years due to the out-of-state relocation of a parent, who was a resident of the Commonwealth before leaving, to comply with a temporary job transfer or to care for an elderly, disabled, or infirm parent to become eligible for in-state tuition charges upon the nonresident parents (i) claiming them as dependents, (ii) returning as residents of the Commonwealth, (iii) accepting employment full time inside Virginia immediately prior to the date of the alleged entitlement, and (iv) paying Virginia income taxes on all taxable income earned in this Commonwealth while a former resident. The parents must also pay Virginia income taxes on all taxable income for the tax year prior to the date of college enrollment. Such students will continue to be eligible for in-state tuition charges as long as they or their qualifying parent is employed full time in Virginia, paying Virginia income taxes on all taxable income earned in Virginia, and the student is claimed as a dependent for Virginia and federal income tax purposes.

Patron - Parrish

: **HB1218 Consideration of domicile when awarding certain benefits.** Provides that the public policy of the Commonwealth shall be that the public institutions of higher education shall not treat any student or applicant differently, on the basis of his status as a Virginia resident or domicile, in determining whether he receives any grant, scholarship, employment, housing or other benefit offered to students generally. This provision also prohibits the public institutions of higher education in Virginia from utilizing any criteria or methods of administration that have the effect of awarding such benefits solely to out-of-state students or applicants when determining the recipients of any grant, scholarship, employment, housing or other benefit. This section is not to be construed as prohibiting any special privileges that may be extended to, or otherwise favorable treatment of, a student or applicant by virtue of his status as a Virginia resident or domicile.

Patron - Landes

: **HB1228 Frontier Culture Museum of Virginia.** Clarifies that the Frontier Culture Museum of Virginia is deemed an educational institution and reduces the membership of the Board of Trustees from 25 to 13 members. The bill also simplifies the language pertaining to the compensation of legislative and nonlegislative members, removes provisions allowing discretionary membership, and provides several technical amendments to conform the current statute to the Joint Rules Committee's legislative guidelines for collegial bodies. This bill is a recommendation of the Joint Rules Committee.

Patron - Wardrup

: **HB1242 Higher education; competitive sealed bidding.** Requires the boards of visitors of any public institution of higher education providing cafeteria services or sales of

food, beverages, sundries, and related services as an auxiliary enterprise within state-owned facilities or properties used as cafeteria, classroom, dormitory, student union, or student lounge areas to procure and provide such services through the competitive sealed bidding requirements set forth in the Virginia Public Procurement Act.

Patron - Griffith

: **HB1374 Admissions policies.** Requires the board of visitors or other governing body of each public institution of higher education in Virginia to establish admissions policies that prohibit discrimination on the basis of the geographical region of the Commonwealth where the applicant resides.

Patron - Hugo

: **HB1414 Morning-after pill; public institutions of higher education prohibited from making such available.** Prohibits any public institution of higher education in the Commonwealth from making available the morning-after pill in its delivery of health care services to students.

Patron - Marshall, R.G.

: **HJ158 Affirming the Supreme Court decision in *Grutter v. Bollinger*.** Affirms the Supreme Court's decision in the recent landmark case, *Grutter v. Bollinger*, in which the Court upheld the constitutionality of the University of Michigan Law School's admissions policy designed to promote diversity in higher education by ensuring the inclusion of racial and ethnic minority students historically underrepresented in the law school. The law school's admissions policy considers race as one of many factors in the context of an individualized consideration of all applicants. This resolution calls upon Virginia's policy makers and educators to affirm the Supreme Court's decision by encouraging public institutions of higher education to shape or revise their college admissions policies to comply with the Court's decision. This resolution is a recommendation of the Dr. Martin Luther King, Jr. Commission's Steering Committee on the 50th Anniversary of *Brown v. Board of Education*.

Patron - Baskerville

: **SB219 Admissions policies of public institutions of higher education.** Requires the board of visitors of each public institution of higher education to establish admissions policies that prohibit preferential consideration regarding the admission of an applicant on the basis of his relationship by birth or marriage to an alumnus. Beginning on July 1, 2004, each institution of higher education must report annually the number and percentage of first-time entering freshmen, disaggregated by gender, race, ethnicity, age, and familial relationship to alumni of the institution, to the State Council of Higher Education, which must transmit the findings to the Governor and the General Assembly annually, beginning on December 1, 2004.

Patron - Marsh

: **SB229 Admissions policies.** Requires the board of visitors or other governing body of each public institution of higher education in Virginia to establish admissions policies that prohibit discrimination on the basis of the geographical region of the Commonwealth where the applicant resides.

Patron - Cuccinelli

: **SB430 Ratio of in-state and out-of-state students.** Requires the governing bodies of public four-year institutions of higher education, beginning with the incoming freshman class of fall 2005, to maintain a ratio of the in-state and out-of-state student population in each incoming freshman class that is not less than 75 percent in-state students. Out-of-state students receiving full or partial athletic scholarships are

not included in the calculation of out-of-state enrollments. Institutions whose out-of-state enrollments within the incoming freshman class of fall 2004 exceeded 25 percent shall reduce such out-of-state enrollments by at least two percentage points annually to reach such required ratio. The bill does not apply to Virginia Military Institute, Norfolk State University, and Virginia State University. According to the State Council of Higher Education (SCHEV) the percentage of out-of-state students in fall 2001 headcount enrollment (not just the incoming freshman class) at all four-year public institutions was 21.9 percent. Out-of-state students comprised 4.2 percent of fall 2001 headcount enrollment at Christopher Newport University; 37.7 percent at the College of William and Mary; 13.8 percent at George Mason University; 29.1 percent at James Madison University; 4.4 percent at Longwood University; 25.9 percent at Mary Washington College; 28.6 percent at Norfolk State University; 17 percent at Old Dominion University; 12.1 percent at Radford University; 33.6 percent at the University of Virginia; 5.9 percent at the University of Virginia's College at Wise; 49.4 percent at Virginia Military Institute; 31.7 percent at Virginia State University; and 30.7 percent at Virginia Tech.

Patron - Wagner

Carried Over

7 HB65 Guidelines for increased tuition. Directs the State Council of Higher Education to establish guidelines, in consultation with the institutions of higher education, for the implementation of increased tuition rates for in-state, full-time undergraduate students who exceed by more than two semesters, or equivalent terms or quarters, of full-time enrollment the number of semesters, terms, or quarters of full-time enrollment necessary to complete a four- or five-year degree program.

Patron - Shuler

7 HB726 Designation of student fees. Directs the State Council of Higher Education to develop guidelines for procedures for the designation by students of that portion of mandatory student fees not applied to educational or auxiliary programs, athletic teams and programs, student health services, or student activities, for donation to approved, tax-exempt charitable and civic organizations. Such procedures shall provide for the automatic application of such fee portion to men's and women's athletic programs, including intercollegiate and intramural activities, in the event the student fails to designate an approved recipient. The State Council shall develop and maintain a list of charitable or civic organizations approved for such designated fees. The relevant boards of visitors shall implement procedures consistent with such guidelines for students to designate that portion of any student fees not applied to educational or auxiliary programs, athletic teams and programs, student health services, or student activities, for donation to approved, tax-exempt charitable and civic organizations. Pursuant to the 2003 Appropriation Act, the "determination of proper tuition, fees and charges shall be made by the Board of Visitors ..." (§ 4-2.01 (b)(2)(b)). Institutions were permitted to increase mandatory undergraduate fees for "purposes other than Educational and General Programs" by no more than five percent; however, this restriction did not apply to fee increases related directly to capital projects and student health services. (§ 4-2.01 (b)(5)). In addition, each institution is to "communicate its tuition and fee charges, as approved by its board of visitors, to the Secretary of Education, the State Council of Higher Education, and the Chairmen of the House Appropriations and Senate Finance Committees by May 15 of each fiscal year (Item 136 E 6).

Patron - Marshall, R.G.

7 HB1009 Virginia Educational Ventures Consortium. Creates the Virginia Educational Ventures Consortium to facilitate the development of innovative and cost-effective distance learning instructional initiatives that address underserved constituencies. Comprised of participating public and private institutions of higher education in the Commonwealth, the Consortium is to (i) establish and administer agreements with public and private institutions of higher education in the Commonwealth and other entities to conduct studies examining the need for distance learning initiatives and to develop and execute, on a continuing basis, strategies to address such distance learning needs of underserved constituencies in the Commonwealth and (ii) enter into contracts for distance learning program development. The gubernatorial-appointed 13-member Board of Trustees is comprised of eight members to be nominated by the participating institutions, five of whom shall represent participating members of the Consortium and three citizen members, all of whom shall have expertise in information technology systems or instructional systems design and delivery; the Director of the State Council of Higher Education, the Chancellor of the Virginia Community College System, the Secretary of Technology, and the Secretary of Education, as ex officio members with full voting privileges; and one non-voting representative of the Office of the Attorney General. This bill expires on July 1, 2009.

Patron - Rust

7 HB1359 Commonwealth Chartered Universities and Colleges. Authorizes the creation of Commonwealth Chartered Universities and Colleges, comprised of public institutions of higher education that will, among other things, (i) exist as political subdivisions of the Commonwealth and not as state agencies; (ii) be able to participate in the Commonwealth's risk management system, and continue participation in the Virginia Retirement System; (iii) continue to have bond-issuing authority as do other public institutions of higher education or state agency, but shall not be required to obtain legislative or other approval for bond issuance; (iv) have authority to own and operate "projects," such as research programs and research, training, teaching, dormitory and classroom facilities; (v) employ campus police; (vi) continue its preexisting licenses and permits after any conversion to chartered institution status; (vii) have the power of eminent domain; (viii) remain subject to the Freedom of Information Act and the Conflicts of Interest Act; (ix) no longer be subject to the Virginia Procurement, Virginia Personnel Act, or state grievance procedures, but will adopt its own procurement, personnel, and grievance procedures; (x) continue to participate in the Virginia College Building Authority, the Educational Facilities Authority, various college and university scholarship provisions, student loan funds, and college savings plans; (xi) not be subject to local law or regulation unless specified by the General Assembly; (xii) maintain its funds, including general fund appropriations, with its treasurer for deposit in banks or trust companies; (xiii) be exempt from any state legislative or executive branch rules, regulations, and guidelines pertaining to submission, review, approval or implementation of capital projects, with the exception capital projects funded in whole or in part by a general fund appropriation, which remain subject to certain preappropriation approvals; (xiv) determine tuition and fees and its budget, and control the expenditures of all moneys generated or received by the institution, including tuition, fees and other nongeneral fund revenue sources; however, all state general funds remain fully subject to the appropriations process; and (xv) be exempt from the assessment and payment of all state and local taxes. As a political subdivision, rather than a state agency, a chartered institution is not subject to (a) Department of General Services review of property acquisitions (§ 2.2-1149); (b) state surplus property requirements; (c) state agency

budget estimates (§ 2.2-1504); (d) requirements for environmental impact statements for the Department of Environmental Quality (§10.1-1188); (e) Virginia Information Technologies Agency provisions (§ 2.2-2005 et seq.); (f) approval provisions of the Information Technology Investment Board (§ 2.2-2457 et seq.); (g) Division of Purchases and Supply procurement requirements (§ 2.2-1110); and (h) Division of Engineering and Buildings review of leases (§ 2.2-1136) and property acquisitions (§ 2.2-1149). Although the bill provides that chartered institutions continue to be "public institutions of higher education" and "educational institutions," it also provides that these institutions are not "subject to local law or regulation except as the General Assembly may explicitly authorize." Therefore, sections referencing public institutions of higher education have been amended to designate the inclusion of these institutions as appropriate. The institutions are not subject to higher education requirements regarding (1) student visa reporting (§ 23-2.2); (2) state property registry (§ 23-4); and (3) the provision of copies of certain reports regarding campus crime (§ 23-9.1:1). This bill is identical to SB 638.

Patron - Callahan

7 HJ109 Boards of Visitors of Virginia's public institutions of higher education; construction projects. Encourages the Boards of Visitors at Virginia's public institutions of higher education, in cooperation with the Department of General Services, to recognize and incorporate those portions of the Leadership in Energy and Environmental Design (LEED) Green Building Rating System into state and local practices for the design and procurement of construction projects which have a reasonable pay back.

Patron - Van Yahres

7 SB638 Commonwealth Chartered Universities and Colleges. Authorizes the creation of Commonwealth Chartered Universities and Colleges, comprised of public institutions of higher education that will, among other things, (i) exist as political subdivisions of the Commonwealth and not as state agencies; (ii) be able to participate in the Commonwealth's risk management system, and continue participation in the Virginia Retirement System; (iii) continue to have bond-issuing authority as do other public institutions of higher education or state agency, but shall not be required to obtain legislative or other approval for bond issuance; (iv) have authority to own and operate "projects," such as research programs and research, training, teaching, dormitory and classroom facilities; (v) employ campus police; (vi) continue its preexisting licenses and permits after any conversion to chartered institution status; (vii) have the power of eminent domain; (viii) remain subject to the Freedom of Information Act and the Conflicts of Interest Act; (ix) no longer be subject to the Virginia Procurement, Virginia Personnel Act, or state grievance procedures, but will adopt its own procurement, personnel, and grievance procedures; (x) continue to participate in the Virginia College Building Authority, the Educational Facilities Authority, various college and university scholarship provisions, student loan funds, and college savings plans; (xi) not be subject to local law or regulation unless specified by the General Assembly; (xii) maintain its funds, including general fund appropriations, with its treasurer for deposit in banks or trust companies; (xiii) be exempt from any state legislative or executive branch rules, regulations, and guidelines pertaining to submission, review, approval or implementation of capital projects, with the exception capital projects funded in whole or in part by a general fund appropriation, which remain subject to certain preappropriation approvals; (xiv) determine tuition and fees and its budget, and control the expenditures of all moneys generated or received by the institution, including tuition, fees and other nongeneral fund revenue sources; however, all state general funds remain fully subject to the appropriations process; and

(xv) be exempt from the assessment and payment of all state and local taxes. As a political subdivision, rather than a state agency, a chartered institution is not subject to (a) Department of General Services review of property acquisitions (§ 2.2-1149); (b) state surplus property requirements; (c) state agency budget estimates (§ 2.2-1504); (d) requirements for environmental impact statements for the Department of Environmental Quality (§10.1-1188); (e) Virginia Information Technologies Agency provisions (§ 2.2-2005 et seq.); (f) approval provisions of the Information Technology Investment Board (§ 2.2-2457 et seq.); (g) Division of Purchases and Supply procurement requirements (§ 2.2-1110); and (h) Division of Engineering and Buildings review of leases (§ 2.2-1136) and property acquisitions (§ 2.2-1149). Although the bill provides that chartered institutions continue to be "public institutions of higher education" and "educational institutions," it also provides that these institutions are not "subject to local law or regulation except as the General Assembly may explicitly authorize." Therefore, sections referencing public institutions of higher education have been amended to designate the inclusion of these institutions as appropriate. The institutions are not subject to higher education requirements regarding (1) student visa reporting (§ 23-2.2); (2) state property registry (§ 23-4); and (3) the provision of copies of certain reports regarding campus crime (§ 23-9.1:1). This bill is identical to HB 1359.

Patron - Norment

Elections

Passed

D HB316 Senatorial districts. Makes a technical change in the boundary between the Fifth and Fourteenth Districts within the City of Chesapeake to eliminate a confusing situation where the Senate line follows a nonvisible precinct line. The adjustment moves the Senate line to visible roads and follows a new precinct line that the City is establishing. The two districts remain within the two percent population deviation followed in the 2001 redistricting. This bill is identical to SB 184.

Patron - Cosgrove

D HB317 House of Delegates districts. Makes a technical change in the boundary between the Forty-seventh and Forty-ninth Districts within Arlington County to place all of the Barcroft Precinct in the Forty-seventh district. The precinct was divided between the two districts in the 2001 redistricting plan. The population deviation for both districts remains within the two percent guideline applied in the 2001 redistricting. This bill incorporates HB 816.

Patron - Ebbin

D HB373 Distribution of information on local referenda. Authorizes local governing bodies of counties and cities to disseminate neutral explanations of pending local referenda at polling places and by publication one or more times before the election. The explanation is limited to 500 or fewer words. In addition, the bill provides that this authorization shall not be construed as a limitation on the dissemination of other neutral materials or advertisements on issues of public concern that are the subject of a referendum and that do not advocate passage or defeat of the referendum. This bill is identical to SB 359.

Patron - Lingamfelter

D HB410 Post-election procedures and securing of election equipment and materials. Applies to localities that

have opted to have election materials delivered after the election to the office of the general registrar rather than to the clerk of the circuit court. The bill provides that voting equipment keys, including electronic locking devices, and other election materials shall be secured and retained by the general registrar and then delivered to the clerk of the circuit court by noon of the day following the day that the electoral board ascertains the results of the election rather than by noon of the day following the election.

Patron - Welch

D HB411 Duties of State Board of Elections; electronic pollbooks. Authorizes the State Board to provide a regional or statewide list of registered voters to those localities using electronic pollbooks or using electronic devices at polling place to check voter registration information.

Patron - Welch

D HB604 Voter registration applications and records. Permits a person, who signs a statement that he is in fear for his personal safety from another party who has threatened or stalked him, to provide a post office box address, either for his residence or another location in the Commonwealth. The statement must be accompanied by evidence that the person has filed a complaint with a law-enforcement official in connection with the threat or stalking. The bill also excludes the residence address for these voters from publicly available lists of registered voters and persons voting and from the scope of the public inspection provisions on voter registration records.

Patron - Gear

D HB682 Campaign Finance Disclosure Act; information required of candidates, campaign committees, and other persons and committees. Deletes the requirement, or possibility of an administratively mandated requirement, that campaign committees and other persons and committees provide the account number for the depository account for campaign or committee funds. The law would continue to require the name of the financial institution where the account is held.

Patron - Rapp

D HB767 Elections; requirements for polling places. Authorizes the distribution on election day of campaign materials on the property where a polling place is located, except to the extent prohibited by law. For example, § 24.2-604 prohibits the distribution of campaign materials within 40 feet of the entrance to a polling place.

Patron - Hurt

D HB837 Voting equipment and technology and related election law offenses; penalties. Incorporates a number of changes in current law provisions on voting equipment and related offenses to cover new developments in voting technology, software, programming and related security and operations issues. As passed, this bill is similar to SB 313 except that this bill contains a provision prohibiting the removal of inoperative voting equipment from a polling place on election day unless the removal is explicitly authorized by statute.

Patron - Brink

D HB850 Campaign Finance Disclosure Act; filing schedules. Provides that candidates for public office who have not filed a final report closing their past campaign are required to file reports on an election year schedule in succeeding election years for the same office. The bill also provides for semi-annual nonelection-year reports in municipal elections and clarifies reporting requirements pertaining to certain last-

minute pre-election expenditures by persons and committees other than candidates.

Patron - Jones, S.C.

D HB908 Senatorial and House of Delegates districts. Makes adjustments to the Tenth and Fifteenth Senatorial district boundaries in Cumberland County and to the Twenty-fifth and Fifty-ninth House of Delegates district boundaries in Albemarle County and the Fifty-ninth and Sixtieth House of Delegates district boundaries in Prince Edward County in order to eliminate split precincts. The adjustments place the population deviations of the Tenth Senatorial district and the Twenty-fifth House of Delegates district slightly in excess of the two percent deviation followed in the 2001 redistricting plans.

Patron - Abbitt

D HB986 Voting equipment at the polling place. Provides that voting and counting equipment, including inoperative equipment, must remain in plain view of the officers of election and in the polling place during the election and through the determination of the vote after the polls close. The bill provides for use of easily portable electronic voting devices for curbside voting under certain conditions. This bill is identical to SB 94.

Patron - Hugo

D HB1026 Campaign Finance Disclosure Act; disclosure requirements for political campaign advertisements. Includes various revisions, including revisions to definitions, filing requirements, and enforcement provisions. This bill incorporates HB 1253.

Patron - Albo

D HB1191 Campaign finance disclosure; reporting requirements; certain exempt political party committees. Raises from \$10,000 to \$15,000 the annual amount of contributions or expenditures that triggers the requirement for certain local political party committees to file periodic campaign finance disclosure reports. The bill also deletes the requirement that the State Board of Elections adjust the trigger amount annually for inflation.

Patron - Scott, J.M.

D HB1266 Voter registrars; appointment, term, and removal. Provides for an annual performance review by each local electoral board beginning with the year ending June 30, 2006, of the work of the general registrar using the format and forms developed by the State Board of Elections in consultation with representatives of the Virginia Electoral Board Association and Voter Registrars Association of Virginia and available by July 1, 2005. The bill provides for terms of general registrars to begin July 1 rather than April 1. It also clarifies provisions pertaining to the removal of a general registrar by the local electoral board and on petition of the State Board of Elections to the circuit court in certain situations. This bill is identical to SB 215.

Patron - Jones, S.C.

D HB1320 House of Delegates districts. Makes a technical adjustment in the boundary between the Eighty-seventh and Ninetieth House of Delegates districts within the City of Norfolk by moving one census block in order to eliminate a split precinct. Both districts remain within the two percent population deviation established for the 2001 redistricting plan.

Patron - Drake

D HB1321 Campaign Finance Disclosure Act; required filings and penalties. Provides for a civil penalty of up to \$500 for the failure to file, or the late filing, of candidate or committee statements of organization. The bill also gives the

State Board of Elections or local election official 14 days, rather than seven days, to notify the filer of a campaign disclosure report that the report is incomplete and requires additional information.

Patron - Brink

D HB1340 Voting by persons under age 18. Clarifies that persons who will be 18 by the November presidential election may vote in the presidential primary (and other primaries held on the date of the presidential primary) held in advance of the presidential election. The bill restates the current law that is set out in the provisions on presidential primaries and adds this provision to the laws on voter registration.

Patron - Alexander

D HB1363 Campaign advertisement requirements; requirements for radio and television advertisements. Provides that the additional disclosure statement required for candidate-sponsored radio and television advertisements that "I am (or "This is") [name of candidate], candidate for [name of] office, and I (or 'my campaign') sponsored this ad." will not apply to advertisements that support the sponsoring candidate and that do not identify or make reference to any other clearly identified candidate. The bill also permits candidates and candidate campaign committees to use the phrase "Authorized by" as an alternative to the phrase "Paid for by" in the legend that is part of the basic requirements for all campaign advertisements.

Patron - Jones, S.C.

D HB1427 Senate and House of Delegates districts. Makes adjustments in the boundaries between the Thirty-eighth and Fortieth Senatorial districts and the First and Second Delegate districts in Wise County in order to eliminate a split precinct and between the Sixth and Seventh Delegate districts in Pulaski County to follow local election district lines. The First District population deviation after the adjustment will be -2.3 percent, greater than the two percent deviation followed in the 2001 redistricting plan.

Patron - Phillips

D SB94 Voting equipment at the polling place. Provides that voting and counting equipment, including inoperative equipment, must remain in plain view of the officers of election and in the polling place during the election and through the determination of the vote after the polls close. The bill provides for use of easily portable electronic voting devices for curbside voting under certain conditions. This bill is identical to HB 986 and incorporates SB 142.

Patron - Devolites

D SB184 Senatorial districts. Makes a technical change in the boundary between the Fifth and Fourteenth Districts within the City of Chesapeake to eliminate a confusing situation where the Senate line follows a nonvisible precinct line. The adjustment moves the Senate line to visible roads and follows a new precinct line that the City is establishing. The two districts remain within the two percent population deviation followed in the 2001 redistricting. This bill is identical to HB 316.

Patron - Blevins

D SB215 Voter registrars; appointment, term, and removal. Provides for an annual performance review by each local electoral board beginning with the year ending June 30, 2006, of the work of the general registrar using the format and forms developed by the State Board of Elections in consultation with representatives of the Virginia Electoral Board Association and Voter Registrars Association of Virginia and available by July 1, 2005. The bill provides for terms of gen-

eral registrars to begin July 1 rather than April 1. It also clarifies provisions pertaining to the removal of a general registrar by the local electoral board and on petition of the State Board of Elections to the circuit court in certain situations. This bill is identical to HB 1266.

Patron - Martin

D SB286 Persons entitled to have name printed on ballot. Provides that a person may have his name on the ballot for only one office at any one election. However, the bill allows a candidate for federal or statewide office, or a candidate for an office being filled in a special election, to have his name printed on the ballot for two offices at an election. Present law allows a person to run for two offices simultaneously in all situations.

Patron - O'Brien

D SB313 Voting equipment and technology and related election law offenses; penalties. Incorporates a number of changes in current law provisions on voting equipment and related offenses to cover new developments in voting technology, software, programming and related security and operations issues. As passed, this bill is similar to HB 837 except that HB 837 contains a provision prohibiting the removal of inoperative voting equipment from a polling place on election day unless the removal is explicitly authorized by statute.

Patron - Howell

D SB359 Distribution of information on local referenda. Authorizes local governing bodies of counties and cities to disseminate neutral explanations of pending local referenda at polling places and by publication one or more times before the election. The explanation is limited to 500 or fewer words. In addition, the bill provides that this authorization shall not be construed as a limitation on the dissemination of other neutral materials or advertisements on issues of public concern that are the subject of a referendum and that do not advocate passage or defeat of the referendum. This bill is identical to HB 373.

Patron - Colgan

D SB457 Electronic voting systems. Requires that electronic voting devices be equipped to provide an opportunity for the voter to correct any error in his vote before a permanent record is preserved.

Patron - Whipple

D SB462 Election laws; implementation of Help America Vote Act. Provides for implementation of the Act with respect to voter registration, identification and provisional voting; absentee voting for military and overseas voters; and recounts.

Patron - Whipple

D SB470 Campaign finance disclosure; special reports of large contributions received by members of boards of supervisors and city and town councils. Requires an incumbent member to report any single contribution, or aggregate contributions from a single donor, of more than \$500 within five business days of receipt to the local electoral board where the incumbent resides. The bill applies only to contributions received in nonelection years.

Patron - Ticer

D SB528 Postponement of certain elections; emergency situations. Revises and provides more detail on procedures to be followed when an election is postponed pursuant to an order of the Governor due to a state of emergency.

Patron - Hanger

Failed

: **HB21 Electoral College.** Provides that the Commonwealth's votes in the Electoral College shall be allocated by the popular vote statewide and in each congressional district. The candidates for President and Vice President who win the popular statewide vote will receive the votes of the two statewide electors and the candidate who wins the popular vote in each congressional district will receive the vote of that district's elector. Maine and Nebraska allocate electoral college votes in this manner. This bill is identical to HB 398.

Patron - Scott, J.M.

: **HB102 Virginia voter registration cards.** Provides that the cards are issued for the information of the voter and are not to be used as evidence of identity or residence for firearms transfers, in-state tuition privileges, insurance agents' licenses, or driver's licenses. The bill preserves the use of the cards for certain election law purposes such as evidence of registration and identity at the polls on election day.

Patron - Cole

: **HB398 Electoral College.** Provides that the Commonwealth's votes in the Electoral College shall be allocated by the popular vote statewide and in each congressional district. The candidates for President and Vice President who win the popular statewide vote will receive the votes of the two statewide electors and the candidate who wins the popular vote in each congressional district will receive the vote of that district's elector. Maine and Nebraska allocate electoral college votes in this manner. This bill is identical to HB 21.

Patron - Amundson

: **HB400 Elections; activities at polling places.** Authorizes the electoral board and the person in charge of the facility where a polling place is located to approve a sale of refreshments by a nonprofit, nonpartisan group within the 40-foot prohibited area at the polling place. This bill is identical to SB 55.

Patron - Amundson

: **HB418 Primary elections; voter registration by political party; penalty.** Adds party affiliation to the information that an applicant is asked to provide when registering to vote. The applicant may indicate that he is an independent. Voters registered prior to January 1, 2005, will be designated as independent unless they provide a political party designation in writing to the general registrar. Voters may change their party affiliation or independent status by written notice at any time except the 28 days before an election when the registration records are closed. The state party chairman of each political party must notify the State Board by January 31 of each year of the party rules governing who may participate in the party primary. This bill is identical to SBs 265 and 567.

Patron - Lingamfelter

: **HB680 Instructions for compliance with the disclosure requirements for political campaign advertisements.** Requires the State Board of Elections to provide instructions for compliance with disclosure requirements to be available in printed form on request and to be posted on its official website. The instructions shall be reviewed by the Office of the Attorney General for accuracy and completeness.

Patron - Rapp

: **HB799 Expert review of voting devices and systems.** Requires the State Board of Elections to have a panel of experts review, and report on, the accuracy and security of vot-

ing devices and systems in use in Virginia and proposed for use in Virginia.

Patron - Petersen

: **HB816 House of Delegates districts.** Makes a technical change in the boundary between the Forty-seventh and Forty-ninth districts within Arlington County to place all of the Barcroft Precinct in the Forty-seventh district. The precinct was divided between the two districts in the 2001 redistricting plan. The population deviation for both districts remains within the two percent guideline applied in the 2001 redistricting. This bill is incorporated into HB 317.

Patron - Eisenberg

: **HB915 Elections; absentee voting procedures.** Provides that the general registrar or electoral board shall not reject an absentee ballot solely because of an error or omission made by the voter in his residence address stated on the absentee ballot return envelope so long as the address can be verified through the records of the Virginia voter registration system.

Patron - Phillips

: **HB956 Instant runoff voting to elect candidates to local governing bodies and school boards.** Authorizes the governing body of any county or city to provide by ordinance for the instant runoff voting method of determining winners in elections for the governing body or school board. The method produces a majority winner in a single election by simulating a series of runoff elections. All first choices are counted, and if any candidate receives a majority of first choices, that candidate is elected. If no candidate receives a majority, the candidate with the fewest votes is eliminated, and all ballots are recounted as one vote for each voter's highest-ranked candidate who has not been eliminated. The process of eliminating candidates and recounting ballots continues until one candidate receives a majority.

Patron - Barlow

: **HB992 Party designations on the ballot.** Extends to local constitutional officers (the clerk of the circuit court, attorney for the Commonwealth, sheriff, commissioner of the revenue, and treasurer) the provision that candidates nominated by a political party will be identified by party name on the ballot. Current law provides for party identification of candidates on ballots only for federal, statewide, and General Assembly elections. The bill explicitly provides that an endorsement by a political party of a candidate who qualifies for the ballot through the petition process is not grounds for identifying that candidate by the party's name. The provision for party identification on the ballot does not apply to members of local governing bodies, school boards, and soil and water conservation districts.

Patron - Hugo

: **HB999 Voter registration; indication of political party affiliation.** Adds party affiliation to the information that an applicant is asked to provide when registering to vote on and after July 1, 2006. The applicant may indicate that he is an independent. Voters registered prior to July 1, 2006, will be designated as independent unless they provide a political party designation in writing to the general registrar. Voters may change their party affiliation or independent status by written notice at any time except during the 28 days before an election when the registration records are closed. The bill does not change Virginia's present primary laws, and all registered voters remain eligible to participate in the primaries of any political party.

Patron - Hugo

: **HB1017 Absentee ballot applications.** Provides for the submission of applications for absentee ballots to local registrars through the official website of the State Board of Elections. The online application will contain all the information of the standard application, except for the signature requirement, plus a field for the applicant's e-mail address. The information provided by the applicant is subject to felony penalties for false statements. The State Board website will e-mail the application automatically to the appropriate local registrar and generate an e-mail confirmation of receipt of the application to the applicant.

Patron - Dillard

: **HB1097 Redistricting commission and process.** Establishes a redistricting commission to prepare state legislative and congressional redistricting plans; spells out standards for developing plans; and provides for General Assembly action on plans submitted by the commission.

Patron - Moran

: **HB1167 Taking of office following certain vacancies.** Applies to situations in which a person is elected to a full term in an office at the regular general election for the office, there is a vacancy in that office not subject to being filled by a special election or by appointment, and there are 90 or fewer days remaining in the term of that vacancy. The bill provides that the person elected for the full term may take office early and fill the vacancy for the remainder of that term.

Patron - Frederick

: **HB1253 Campaign finance disclosure; record retention requirements.** Requires State Board of Elections and local boards to retain records for a candidate, who has not filed a final report and seeks election to the same office in a successive election, through the next general election for the office to which they pertain. This bill is incorporated into HB 1026.

Patron - O'Bannon

: **HB1282 Virginia voter registration cards.** Provides that the cards are issued for the information of the voter and are not to be used as evidence of identity or residence for in-state tuition privileges, insurance agents' licenses, or driver's licenses. The bill preserves the use of the cards for certain election law purposes such as evidence of registration and identity at the polls on election day and other purposes specifically authorized by law.

Patron - Cole

: **SB33 Primaries for statewide offices.** Requires political party candidates for the offices of Governor, Lieutenant Governor, and Attorney General to be nominated by a statewide primary.

Patron - Potts

: **SB55 Elections; activities at polling places.** Authorizes the electoral board and the person in charge of the facility where a polling place is located to approve a sale of refreshments by a nonprofit, nonpartisan group within the 40-foot prohibited area at the polling place. This bill is identical to HB 400.

Patron - Puller

: **SB142 Voting equipment at the polling place.** Provides that voting and counting equipment, including inoperative equipment, must remain in plain view of the officers of election and in the polling place during the election and through the determination of the vote after the polls close. This

bill is identical to SB 94 and HB 986 and is incorporated into SB 94.

Patron - Cuccinelli

: **SB243 Party designations on the ballot.** Extends to local elections, other than school board and soil and water conservation district elections, the identification of candidates by party name on the ballot. Current law provides for party identification of candidates on ballots only for federal, statewide, and General Assembly elections. The bill also allows any locality to provide by charter or by ordinance for nonpartisan elections for the governing body without any party identification on the ballot for governing body candidates. The bill explicitly provides that an endorsement by a political party of a candidate who qualifies for the ballot through the petition process is not grounds for identifying that candidate by the party's name.

Patron - Cuccinelli

: **SB265 Primary elections; voter registration by political party; penalty.** Adds party affiliation to the information that an applicant is asked to provide when registering to vote. The applicant may indicate that he is an independent. Voters registered prior to January 1, 2005, will be designated as independent unless they provide a political party designation in writing to the general registrar. Voters may change their party affiliation or independent status by written notice at any time except the 28 days before an election when the registration records are closed. The state party chairman of each political party must notify the State Board by January 31 of each year of the party rules governing who may participate in the party primary. This bill is identical to SB 567 and HB 418.

Patron - Cuccinelli

: **SB567 Primary elections; voter registration by political party; penalty.** Adds party affiliation to the information that an applicant is asked to provide when registering to vote. The applicant may indicate that he is an independent. Voters registered prior to January 1, 2005, will be designated as independent unless they provide a political party designation in writing to the general registrar. Voters may change their party affiliation or independent status by written notice at any time except the 28 days before an election when the registration records are closed. The state party chairman of each political party must notify the State Board by January 31 of each year of the party rules governing who may participate in the party primary. This bill is identical to SB 265 and HB 418.

Patron - Martin

Carried Over

7 HB131 Prohibited activities at the polls. Expands from 40 feet to 60 feet the area at a polling place where campaign activities are prohibited.

Patron - Pollard

7 HB348 Conditional ballots; voters whose names do not appear on pollbooks. Modifies the identification requirements for voters who cast conditional ballots to take into account provisions in the Help America Vote Act and to require identification before counting a conditional ballot. The bill specifies the only valid reasons for counting conditional ballots: the failure of the officer of election to notice the voter's name on the pollbook or the failure of the general registrar to enter the voter's information properly into the Virginia voter registration system.

Patron - Albo

7 HB351 Elections; assistance to voters. Provides, with certain exceptions, that no person shall assist more than two voters at the polls or voting absentee.

Patron - Albo

7 HB678 Removal of certain elected and appointed officers by the courts. Adds certain misdemeanor convictions to the list of grounds for removal of an officer. The bill adds convictions for assault and battery, sexual battery, attempted sexual battery, and indecent exposure to the list of grounds for removal in cases where the victim or complaining witness is an employee of the officer or under the officer's supervision.

Patron - Rapp

7 HB681 Campaign Finance Disclosure Act; information required on reports of contributions and expenditures. Provides that for purposes of aggregating contributions and reporting aggregate contributions and expenditures by candidates who seek election to successive terms in the same office, aggregations shall cover an election cycle that begins on January 1 of the election year to January 1 of the next regular election year for the office.

Patron - Rapp

7 HB844 Virginia Clean Election Act and Fund; penalties. Establishes an alternative, publicly financed, campaign financing option for candidates for Governor, Lieutenant Governor, and Attorney General. A candidate may volunteer to participate and be certified for public funds after a qualifying process. A participating candidate may not accept or spend private contributions and must abide by the campaign contribution and spending restrictions set out in the Act. The bill establishes the Virginia Clean Election Commission to administer the Act and Fund. The bill is based on the Maine Clean Election Act.

Patron - Baskerville

7 HB951 Campaign finance disclosure; special reports of large contributions received by candidates for and incumbents in local offices. Requires any candidate for or incumbent in a constitutional or local office to report any contribution of more than \$500 within five business days of its receipt to the local electoral board where the candidate or incumbent resides. The bill applies only to contributions received in nonelection years. This bill is identical to SB 470 as introduced.

Patron - Ebbin

7 HB987 Electronic voting systems. Requires that direct electronic voting devices be equipped to provide voter-verified paper ballots by January 1, 2007, and that the State Board of Elections begin a testing program for direct electronic voting devices and accompanying voter-verified paper ballots at the November 2004 general election. The Board shall conduct a random audit of direct electronic voting devices for comparison with the results obtained under the testing program.

Patron - Hugo

7 HB1023 Absentee ballot applications. Provides for the submission of applications for absentee ballots to local registrars through the official website of the State Board of Elections. The online application will contain all the information of the standard application, except for the signature requirement, plus a field for the applicant's e-mail address. The information provided by the applicant is subject to felony penalties for false statements. The State Board website will e-mail the application automatically to the appropriate local registrar

and generate an e-mail confirmation of receipt of the application to the applicant.

Patron - Dillard

7 HB1200 Electronic voting systems. Provides that on and after January 1, 2006, direct electronic voting devices such as touch screen devices must be equipped to provide a paper copy record of the votes cast on a contemporaneous and continuing basis as votes are cast and accumulated on the device.

Patron - Cline

7 HB1351 Elections; solicitation of absentee ballot applications or ballots. Makes it unlawful for anyone to solicit, in person, absentee ballot applications or ballots in any hospital, nursing home, or assisted living facility. The prohibition does not apply to family members or to general or assistant registrars, electoral board members or their staffs. A violation of the section is a Class 1 misdemeanor under § 24.2-1017.

Patron - Purkey

7 HB1465 Campaign Finance Disclosure Act; record retention requirements and reviews of campaign finance disclosure reports. Provides that (i) the State Board of Elections shall review the campaign finance reports of candidates for Governor, Lieutenant Governor, Attorney General and 10 percent of the candidates for the General Assembly selected at random; (ii) the review shall be for the purposes of (a) reconciling the balance in the campaign depository with the amounts reported in the candidate's reports of receipts and expenditures and (b) reviewing the reports for mathematical accuracy and facial completeness including the reporting of specific information required by law; (iii) the Board shall meet publicly to select by a random drawing the General Assembly candidate campaigns to review; (iv) a campaign committee shall be exempt from review if it has received less than \$25,000 in contributions; and (v) the campaign treasurer shall retain, and provide on request by the Board, the bank statements and copies of checks issued on campaign depositories and receipts for campaign fund expenditures greater than \$500. The bill will take effect January 1, 2005.

Patron - Scott, J.M.

7 SB102 Electronic voting systems. Provides that direct electronic voting devices such as touch screen devices must be equipped to provide a paper copy record of the votes cast on a contemporaneous and continuing basis as votes are cast and accumulated on the device. This bill is identical to SB 137.

Patron - Devolites

7 SB137 Electronic voting systems. Provides that direct electronic voting devices such as touch screen devices must be equipped to provide a paper copy record of the votes cast on a contemporaneous and continuing basis as votes are cast and accumulated on the device. This bill is identical to SB 102.

Patron - Cuccinelli

7 SB268 Campaign Finance Disclosure Act; reports of large pre-election in-kind contributions and independent expenditures; penalties. Applies to in-kind contributions and independent expenditures greater than \$5,000 in a statewide election or \$2,500 in other elections made in the 30 days before a primary or special election or 60 days before a general election to pay for advertisements referring to a clearly identified candidate. The bill requires the maker of the in-kind contribution or independent expenditure and recipient of the in-kind contribution to file a campaign disclosure report on the next business day. The bill provides for a civil penalty of

\$2,500 for the first failure to report and \$5,000 for each subsequent failure in an election cycle.

Patron - Potts

7 SB391 Absentee ballot applications. Provides for the submission of applications for absentee ballots to local registrars through the official website of the State Board of Elections. The online application will contain all the information of the standard application, except for the signature requirement, plus a field for the applicant's e-mail address. The information provided by the applicant is subject to felony penalties for false statements. The State Board website will e-mail the application automatically to the appropriate local registrar and generate an e-mail confirmation of receipt of the application to the applicant.

Patron - Norment

Eminent Domain

Carried Over

7 HB826 Acquisition of property by Commonwealth; strengthening "Landowner's Bill of Rights." Provides, with respect to acquisition of property by the Commonwealth, that (i) the fair rental property to a short-term occupier is less than that for a long-term occupier; (ii) the state agency seeking to obtain the property shall not introduce a lower appraisal at trial than it initially offers the owner; (iii) any owner whose property is taken pursuant to eminent domain and who recovers at trial more than 15 percent above the value of the condemning authority's initial offer shall receive all reasonable costs and experts' fees, excluding attorneys' fees; (iv) condemnation cases are given priority on the civil docket and (v) after depositing funds into court pursuant to § 33.1-120 or § 25.1-305 and after depositing funds into court after the award of just compensation in a condemnation trial, the condemnor shall prepare an order permitting the owner to withdraw such funds and shall perform all work necessary to prepare and provide such order. This last provision is binding on all condemnors regardless of the statutory authority under which a condemnor proceeds. The bill also strikes the references to "real" preceding the term "property" and eliminates the statement that the statute creates no rights or liabilities and shall not affect the validity of any property acquisitions by purchase or condemnation.

Patron - Drake

7 SB301 Eminent domain. Requires that property be put to the public use for which it was condemned within 10 years and that if it is not, it will be offered for sale to the person who owned it at the time of condemnation before being publicly auctioned. There are exceptions for property acquired by the Commonwealth Transportation Commissioner and for situations where the failure to put the property to public use is for reasons beyond the reasonable control of the condemnor.

Patron - O'Brien

Fiduciaries Generally

Passed

D HB983 Mailing of notice, etc., by clerk. Allows the clerk to serve a notice, process or rule by certified or overnight mail as well as by registered mail as currently allowed.

Patron - Reese

Carried Over

7 HB138 Creditors; retirement benefits. Eliminates the limitations on the amount of an individual retirement account, to which an employer does not contribute, that are exempt from the claims of an individual's creditors.

Patron - Kilgore

7 HB140 Fiduciaries; investment in securities. Restricts the investment protections of the "legal list" of securities afforded fiduciaries to accounts of less than \$1 million.

Patron - Kilgore

Fire Protection

Passed

D HB451 Statewide Fire Prevention Code; enforcement. Clarifies that the State Fire Marshal may establish procedures for the enforcement and administration of the Statewide Fire Prevention Code (Code) in jurisdictions that do not enforce the Code at the local level. In addition, the bill authorizes the State Fire Marshal, subject to the approval of the Board of Housing and Community Development, to recover the actual enforcement and administration costs in those jurisdictions for which he serves as the enforcement authority.

Patron - McQuigg

D HB622 Use of natural cut Christmas trees in certain places of worship. Provides that the Board of Housing and Community Development adopt regulations permitting the use of natural cut Christmas trees in the common areas of places of worship that do not have automatic sprinkler systems. In October, the International Code Council building and fire codes were adopted for Virginia, which included the international fire code regulation of the use of natural cut Christmas trees. This bill would overrule this regulation to allow for the use of natural cut Christmas trees in places of worship that do not have automatic sprinkler systems. This bill contains an emergency clause and incorporates HB 1180 and HB 1203.

Patron - Orrock

Failed

: HB1203 Statewide Fire Prevention Code; buildings or structures intended for worship; natural cut trees. Removes the authority of the Board of Housing and Community Development, in cooperation with the Fire Services Board, to adopt regulations prohibiting the use of natural cut trees in a building or structure intended for worship. This bill is incorporated into HB 622.

Patron - Cline

: **HB1482** **Definition of explosive.** Amends the definition of explosive to exclude small arms ammunition or components thereof that are packaged in the manufacturer's original packaging, except for black powder, or permissible fireworks. The bill also provides that the Fire Prevention Code does not apply to the handling, storage or sale by a licensed firearms dealer of small arms ammunition or components thereof packaged in the manufacturer's original packaging, except for black powder.

Patron - McDonnell

Fisheries and Habitat of the Tidal Waters

Passed

D HB182 **Royalties for use of state-owned bottomland.** Exempts riparian owners of commercial facilities (i) engaged in ship construction or repair, (ii) providing services to the ship cargo industry, and (iii) engaged in the business of selling or servicing watercraft from having to pay any rents or royalties to the Virginia Marine Resources Commission. The owners of such facilities will still have to pay a fee between \$25 to \$100 for the use of state bottomlands. The Commission is required to charge a royalty for any easement or lease it grants for the right to prospect for oil, gas and other minerals. In addition, \$100 will be charged to public service companies, which are placing pipelines or cables on or in state-owned bottomland. Uncollected rents and royalties assessed by the Commission prior to July 1, 2004, are declared void and the agency is prohibited from assessing any rents or royalties, except those collected in the removal of bottom material, until July 1, 2005. This bill is identical to SB 606.

Patron - Oder

D HB489 **Wetlands boards.** Directs localities that have enacted wetlands zoning ordinances and created wetlands boards to appoint one to three alternate members to the wetlands board. Alternate members may serve at board meetings in place of absent members.

Patron - Tata

D HB1024 **Saltwater licenses and permits.** Authorizes the Virginia Marine Resources Commission to adjust fees for saltwater fishing licenses and permits. This bill caps the fee increases at \$5 or a percentage equal to the increase in the CPI calculated from the time the fee was last set or adjusted, whichever is greater. Any such adjustment in a permit or license fee cannot occur more often than once every three years. The amount generated from increases in the commercial fishing licenses and permits is to be paid into the Marine Fishing Improvement Fund and the increased amounts generated from increases in the recreational fishing licenses are to be paid into the Virginia Saltwater Recreational Fishing Development Fund. The bill also authorizes the Commission to establish permit fees for the delayed or limited entry fisheries, as well as for shellfish relaying and scientific collections.

Patron - Dillard

D HB1278 **Theft of oysters and clams.** Provides that any person who takes naturally occurring oysters or clams from leased planting grounds without the permission of the owner is guilty of larceny.

Patron - Suit

D HB1436 **Property conveyance.** Authorizes the Virginia Marine Resources Commission to grant an easement and 50-foot right-of-way to Virginia Electric and Power Company in the Elizabeth River for the construction of an additional electrical transmission line cable to provide service to Norfolk and the surrounding area. The easement will cross several Baylor Survey Grounds.

Patron - Suit

D HB1452 **Combined fresh water and saltwater fishing licenses.** Establishes a special combined fishing license for persons who want to fish in freshwater and saltwater. If a person purchases this license, he will not have to buy a basic state fishing license issued by the Department of Game and Inland Fisheries or the saltwater recreational fishing license issued by the Virginia Marine Resources Commission. The cost of this license is \$19.50 for residents and \$37.50 for non-residents. Of the \$19.50 fee for the resident combined license, \$7 will be paid into the Virginia Saltwater Recreational Fishing Development Fund, \$12 will be paid into the Game Protection Fund and 50 cents will be paid to a Virginia Marine Commission sales agent. Of the \$37.50 fee for the nonresident combined license, \$7 will be deposited in the Virginia Saltwater Recreational Fishing Development Fund, \$30 will be deposited into the Game Protection Fund and 50 cents will go to the sales agent. The bill also establishes a trip license that allows persons to fish in all inland and tidal waters for five successive days. [HKB31] This license can be obtained in lieu of having to purchase a basic trip fishing license and a saltwater recreational license at a cost of \$10.50 for residents and \$15.50 for nonresidents. Five dollars per license sold will be paid into the Virginia Saltwater Recreational Fishing Development Fund, and \$5 per resident license sold and \$10 per nonresident license sold shall be paid into the Game Protection Fund. The sales agent will receive 50 cents for each license sold.

Patron - Oder

D SB432 **Bottomlands permit.** Prohibits any person from reapplying for a Virginia Marine Resources' bottomlands permit within a year of the denial of the original permit if it is for the same or substantially similar use of the bottomlands.

Patron - Wagner

D SB605 **Leasing of water column.** Authorizes the Virginia Marine Resources Commission to lease the water column above certain state-owned bottomlands for aquacultural purposes. In applying for a lease, a person has to identify the size, location and characteristics of the proposed leased area, describe the types aquaculture structures to be deployed, and provide a five-year development plan detailing the activities to take place in the leased area. There is a \$100 application fee for a lease of less than one acre and a \$250 fee for a lease of between one to 10 acres. The Commission is empowered to determine the amount of the annual rent taking into account the actual time that the water column will be used each year. The rent cannot exceed \$50 per acre for the first four years of the lease and \$250 for the fifth and subsequent years. Each five-year lease may be renewed for an additional five-year period, if the leased area has been aquaculturally productive. The bill has a delayed effective date of July 1, 2005, and is only effective if state funding is included for this specific purpose in the general appropriation act for the period July 1, 2005, through June 30, 2006.

Patron - Bolling

D SB606 **Royalties for use of state-owned bottomland.** Exempts riparian owners of commercial facilities (i) engaged in ship construction or repair, (ii) providing services to the ship cargo industry, and (iii) engaged in the business of

selling or servicing watercraft from having to pay any rents or royalties to the Virginia Marine Resources Commission. The owners of such facilities will still have to pay a fee between \$25 to \$100 for the use of state bottomlands. The Commission is required to charge a royalty for any easement or lease it grants for the right to prospect for oil, gas and other minerals. In addition, \$100 will be charged to public service companies, which are placing pipelines or cables on or in state-owned bottomland. Uncollected rents and royalties assessed by the Commission prior to July 1, 2004, are declared void and the agency is prohibited from assessing any rents or royalties, except those collected in the removal of bottom material, until July 1, 2005. This bill is identical to HB 182.

Patron - Bolling

Failed

: **HB446 Fishing of menhaden.** Directs the Virginia Marine Resources Commission to prepare and implement a menhaden fishery management plan.

Patron - Suit

: **HB797 Property conveyance.** Authorizes the Virginia Marine Resources Commission to convey a permanent easement of approximately 0.9 acres in the Mattaponi River, in King William County, to the City of Newport News for the purpose of constructing a raw water intake structure to provide water supply for the Newport News reservoir project.

Patron - Oder

: **SB109 Submerged land permit exemption.** Exempts a water supply project that has received a Virginia Water Protection Permit from the State Water Control Board from having to receive a separate permit from Virginia Marine Resources Commission for use of state-owned bottomland. However, the Virginia Water Protection Permit would not be issued until the State Water Control Board has consulted with the Commission and considered any of its written recommendations. The Commission's written recommendations are to include an analysis of all applicable statutory and regulatory responsibilities of the Commission as they relate to the activity for which the Water Protection Permit is being sought. The issuance of the permit by the State Water Control Board would constitute the final state action on the project.

Patron - Williams

: **SB420 Property conveyance.** Authorizes the Virginia Marine Resources Commission to convey a permanent easement of approximately 0.9 acres in the Mattaponi River, in King William County, to the City of Newport News for the purpose of constructing a raw water intake structure to provide water supply for the Newport News reservoir project.

Patron - Wagner

Game, Inland Fisheries and Boating

Passed

D HB25 Spotlighting of deer or elk. Repeals the 1958 Act of Assembly that makes it unlawful to take or attempt to take deer or elk between sunset and sunrise by the use of a spotlight or flashlight. This act is obsolete since § 29.1-523

currently prohibits such activity. This bill is a recommendation of the Code Commission.

Patron - Landes

D HB26 Hunting antlerless deer. Repeals a 1956 Act of Assembly that permits the killing of antlerless deer if a person has purchased a special permit. The cost of the permit is \$2.20. This act is obsolete as a result of the enactment of § 29.1-305, which establishes a bear, deer, and turkey license. Tags are attached to this license that allow a hunter to take antlerless deer. The conditions under which these deer can be taken are prescribed by a specific Game Department regulation. This bill is a recommendation of the Code Commission.

Patron - Landes

D HB27 Hunting of wild turkeys. Repeals the 1954 Act of Assembly that establishes a season for hunting wild male turkeys in Pittsylvania County. The 1954 act also prohibited the hunting, capturing or killing of wild turkey hens. This Act of Assembly is obsolete since the Code of Virginia empowers the Board of Game and Inland Fisheries to promulgate regulations pertaining to the hunting of any wild animals or freshwater fish. The turkey season and bag limits are currently set by regulation. This bill is a recommendation of the Code Commission.

Patron - Landes

D HB28 Squirrel-hunting season. Repeals a 1952 Act of Assembly mandating that squirrel-hunting season in Floyd County could not begin before September 15 of each year. This act is obsolete because §§ 29.1-501 and 29.1-502 empower the Board of Game and Inland Fisheries to adopt regulations pertaining to the hunting and taking of wild animals and freshwater fish. The Board has adopted a specific regulation that makes it unlawful to hunt squirrel from the first Saturday in September through January 31 of each year.

Patron - Landes

D HB54 Killing of beaver. Allows landowners whose crops or property has been damaged by beavers to kill, or employ someone to kill, beavers out of season without having to obtain a permit from the Department of Game and Inland Fisheries.

Patron - Morgan

D HB75 Damage stamp program. Repeals the 1948 Act of Assembly that required a person to obtain a \$1 damage stamp to hunt bear or deer in Craig County. This bill is a recommendation of the Virginia Code Commission.

Patron - Landes

D HB76 Bird sanctuary. Repeals a 1954 Act of Assembly that allows Roanoke County to designate an area, upon the request of all landowners in that area, as a bird sanctuary. This bill is a recommendation of the Virginia Code Commission.

Patron - Landes

D HB77 Hunting in Halifax and Cumberland Counties. Repeals the 1958 Act of Assembly that made it illegal in Halifax and Cumberland Counties to hunt deer with a rifle and to hunt any wild bird or other wild animal with a rifle larger than .22-caliber rifle. This bill is a recommendation of the Virginia Code Commission.

Patron - Landes

D HB132 Stationary duck blinds. Clarifies the definition of a stationary duck blind. Such a blind has to be erected at a fixed location for the purpose of hunting or shooting waterfowl. This will eliminate the practice of erecting what are

known as "dummy blinds," which are placed on the shore or in the water in order to prevent the construction of an actual blind in the immediate vicinity.

Patron - Cox

D HB133 Nonresident youth hunting licenses. Establishes license fees for nonresident youth who wish to hunt in Virginia. Currently, there is no distinction by age for the various nonresident-hunting licenses. Under this bill the basic nonresident hunting license would be \$12 for nonresident youth under 12, \$15 for nonresidents between the ages of 12 to 15, and would remain at \$80 for nonresidents 16 or older. The cost of the youth resident combination license, which allows residents under the age of 16 to hunt (i) bear, deer and turkey, (ii) with a bow and arrow during special archery season, and (iii) with a muzzleloader during muzzleloading season, is \$15. For a nonresident under 16, the cost of this license would be \$30. Finally, the fee for the big game license for a nonresident, which is \$12 for a resident older than 16 and \$7.50 for a resident under 16, would be \$60 for a nonresident 16 or older, \$15 for a nonresident 12 to 15, and \$12 for a nonresident under 12.

Patron - Cox

D HB301 License fees revised. Authorizes the Board of Game and Inland Fisheries, through the adoption of regulations, to revise the fees for hunting, trapping, fishing, and motorboat registration. The fees cannot be changed more than once every three years. Any increase or decrease in the fee cannot be for more than \$5.

Patron - Cox

D HB536 Annual hunting stamp. Authorizes the Board of Game and Inland Fisheries to establish an annual hunting stamp. The stamp would be required of anyone who hunts on lands leased by the Department. The cost of the stamp would be the same as the cost of an annual resident hunting license, which is currently \$12.

Patron - Stump

D HB758 Hunting, trapping and fishing license exemption. Exempts the children and grandchildren of a landowner and the spouses of the landowner's children and grandchildren from having to obtain a license to hunt, trap or fish on landowner's property. Currently, the exemption extends to the landowner, his or her spouse, their children and only minor grandchildren, and the landowner's parents.

Patron - Hurt

D HB809 Baiting of deer. Allows the baiting of deer if it is done pursuant to a permit issued by the Department of Game and Inland Fisheries under its urban deer management program.

Patron - Ware, O.

D HB1044 Baiting of wild animals. Provides a rebuttable presumption for any person charged with hunting over baited areas that he knew he was occupying a baited blind or other baited place for the purpose of taking wild birds or wild animals.

Patron - Saxman

D HB1069 Damage stamp program. Extends coverage under the damage stamp program to beekeepers to collect for damages to their bee colonies and beekeeping equipment caused by bear, deer, elk or big game hunters. This bill is identical to SB 199.

Patron - Armstrong

D SB54 Feeding of waterfowl. Allows localities to prohibit the feeding of migratory and nonmigratory waterfowl

in a heavily populated area where the feeding of waterfowl, in the opinion of the governing body, would be a threat to public health or the environment. The locality is required to give notice to the Department of Game and Inland Fisheries of its intent to adopt such an ordinance and the Department is to make available to the locality a suggested model ordinance. The penalty for violation of such an ordinance is a civil fine not to exceed \$50.

Patron - Puller

D SB199 Damage stamp program. Extends coverage under the damage stamp program to beekeepers to collect for damages to their bee colonies and beekeeping equipment caused by bear, deer, elk or big game hunters. This bill is identical to HB 1069.

Patron - Reynolds

D SB261 Use of drugs on wildlife. Prohibits persons from administering drugs to any vertebrate wildlife except as allowed under a Department of Game and Inland Fisheries permit or regulation. The penalty for violation of this prohibition is a Class 2 misdemeanor.

Patron - Hawkins

Failed

: **HB78 Bird sanctuary.** Repeals a 1962 Act of Assembly that authorized the Town Council of Culpeper to establish a bird sanctuary with the town's corporate limits. This bill is a recommendation of the Virginia Code Commission.

Patron - Landes

: **HB169 Waterfowl blinds.** Repeals a 1928 and a 1942 Act of Assembly that prohibited hunting from floating blinds in the Counties of Caroline, King George, Essex, Westmoreland and Richmond, and in several segments of the Rappahannock and Potomac Rivers.

Patron - Shuler

: **HB338 Youth waterfowl hunting.** Exempts youth who hunt waterfowl on the Saturday and Sunday designated by the Board of Game and Inland Fisheries as Youth Waterfowl Hunting Days from the prohibition on hunting on Sunday.

Patron - Pollard

: **HB401 Feeding of waterfowl.** Allows localities to prohibit the feeding of migratory and nonmigratory waterfowl. The penalty for violation of such an ordinance is a Class 4 misdemeanor.

Patron - Amundson

: **HB442 Hunting on Sunday.** Allows a person to hunt or kill any wild bird or wild animal on Sundays.

Patron - Suit

: **SB554 Personal flotation devices required for children; civil penalty.** Requires all children 12 years of age or younger to wear a Type I, II, III, or Type V U.S. Coast Guard-approved personal flotation device on recreational vehicles under 21 feet in length. The Director of Game and Inland Fisheries shall assess any recreational vessel operator who violates or permits the violation of this provision a civil penalty of up to \$250. However, this penalty may be waived if the person subsequently completes an approved boating safety education course. All penalties collected are to be paid to the Motorboat and Water Safety Fund of the Game Protection Fund. The bill does not apply to a recreational vessel that is moored or anchored, or to children below deck or in an enclosed cabin. The bill defines "recreational vessel" as a vessel manufactured

or operated for leisure or recreational purposes, or a vessel leased, rented or chartered for noncommercial use. "Recreational vessel" includes motorboats, sailboats, canoes, kayaks, rowboats, and any other vessel capable of being used for transportation on water, when the vessel is being used for other than commercial purposes. This bill contains a delayed enactment clause until January 1, 2005.

Patron - Lucas

: **SB586 Powers of the Board of Game and Inland Fisheries.** Allows the Board of Game and Inland Fisheries to grant easements and rights of way over lands and waters acquired for game and fish refuges and preserves. To become effective, the provisions of this bill must be reenacted by the 2005 Session of the General Assembly.

Patron - Puckett

: **SB657 Firearms.** Amends the definitions of "muzzleloading rifle" and "shotgun," and deletes the definition of "muzzleloading shotgun" to resolve an inconsistency. This bill adds a definition of "shooting," and requires localities that prohibit hunting with a shotgun loaded with slugs, or with a rifle of a caliber larger than .22 rimfire, to permit the use of muzzleloading rifles during the prescribed open seasons for the hunting of game species. The bill also deletes the enabling language that allows localities to specify what type of ammunition is permissible for hunting. This bill is incorporated into SJR 38.

Patron - Quayle

Carried Over

7 HB331 Floating blinds in certain waters. Amends an Act of Assembly to allow floating blinds in the waters of Caroline, Essex, King George, Richmond and Westmoreland Counties and in portions of the Rappahannock and Potomac Rivers, so long as they are staked and meet certain siting requirements. The hunter may purchase four stake licenses at a cost of \$17.50 for the first and \$5 each for the other three licenses.

Patron - Pollard

7 HB695 Personal watercraft. Allows any locality, by ordinance, to regulate the operation of personal watercraft on any body of water within its territorial limits and requires the locality to set penalties and have the principal responsibility for providing enforcement of the ordinance.

Patron - Morgan

7 SB175 Sunday hunting. Allows persons to hunt on Sunday between noon and one-half hour after sunset.

Patron - Stolle

7 SB198 Bear damage stamp. Requires any person licensed to hunt bear to also obtain a \$4 bear damage stamp. The moneys collected from the stamp will be deposited into the newly created Bear Damage Stamp Fund. The Fund will be used to compensate landowners for damages to their property caused by bears. Under a newly established Bear Damage Stamp program, a property owner will file a claim for damages with the Department of Game and Inland Fisheries. The report will include three estimates of the damages. The Department's game wardens or wildlife biologists will investigate the claim and the Board of Game and Inland Fisheries will make the decision regarding whether the claim is valid and the amount of compensation that will be awarded to the property owner.

Patron - Reynolds

7 SB249 Waterfowl blinds. Repeals a 1928 and a 1942 Act of Assembly that prohibited hunting from floating blinds in the Counties of Caroline, King George, Essex, Westmoreland and Richmond, and in several segments of the Rappahannock and Potomac Rivers.

Patron - Deeds

General Assembly

Passed

D HB3 General Assembly; prefilng. Establishes a set day of the month for prefilng to begin. Currently, prefilng begins 60 days prior to even-numbered-year sessions and 180 days prior to the odd-numbered-year sessions. Pinpointing the date that prefilng begins has been challenging because the convening date for the session varies and the statute is unclear whether the first day of the session is included within the time allowed. The bill establishes the third Monday in November prior to even-numbered year sessions and the third Monday in July prior to odd-numbered year sessions for prefilng to begin. The bill provides that the deadline for prefilng legislation will be established by the procedural resolution of the General Assembly, or the Joint Rules Committee, if the General Assembly has not acted. This schedule is closest to the current prefilng period.

Patron - Griffith

D HB692 Joint Commission on Health Care; cooperation of other agencies. Provides that upon request, every department, division, board, bureau, commission, authority or other agency created by the Commonwealth, and any political subdivision of the Commonwealth, shall cooperate with and assist the Commission in performance of its duties. Such provisions already exist in statute for other state commissions, such as the Virginia Crime Commission and the Virginia Commission on Youth.

Patron - Morgan

D HB817 The Virginia Disability Commission. Establishes the Virginia Disability Commission ("Commission") as a legislative commission, with the purpose of identifying and recommending legislative priorities and policies that should be adopted or examined by the General Assembly in order to provide ongoing support in developing and reviewing services and funding related to Virginians with disabilities. The Commission shall consist of 12 members that include six legislative members, five nonlegislative citizen members, and the Lieutenant Governor. Of the five nonlegislative members, two shall be consumers with disabilities, two shall be members of the medical, insurance, or rehabilitation professions, and one shall be a citizen at large. The Lieutenant Governor shall continue to serve as chairman until January 14, 2006, at which time the chairmanship of the Commission shall be assumed by a legislative member. The bill provides that the Commission must seek approval from the Joint Rules Committee if it is not funded in the first year of its existence. If the Commission is not funded in the second year, the provisions of the statute creating the Commission will expire. There is a three-year sunset provision on this bill. This bill is identical to SB 381.

Patron - Van Landingham

D HB1231 Clarifications for certain collegial bodies. Conforms certain collegial body requirements to meet the legislative guidelines adopted by the Joint Rules Committees and codifies certain existing collegial bodies. These bodies

include: the Institute for Advanced Learning and Research, the Commonwealth Council on Aging, Alzheimer's Disease and Related Disorders Commission, the Capitol Square Preservation Council, the Advisory Council on Career and Technical Education, the Chesapeake Bay Commission, the Chesapeake Bay Restoration Fund Advisory Committee, the Virginia Coal and Energy Commission, the Virginia Code Commission, the Virginia State Crime Commission, the Criminal Justice Services Board, the Criminal Sentencing Commission, the Advisory Board of Economists, the Commission on Electric Utility Restructuring, the Ethics Advisory Panels of the House and Senate, the Freedom of Information Advisory Council, the Council on Virginia's Future, the Geographic Information Network Advisory Board, the Hampton Roads Transportation District Commission, the Virginia Housing Study Commission, the Virginia Council on Human Resources, the Information Technology Investment Board, the Virginia Commission on Intergovernmental Cooperation, the Joint Legislative Audit and Review Commission, the Judicial Council, the Judicial Inquiry and Review Commission, the Advisory Committee on Juvenile Justice, the Legislative Support Commission, the Virginia Military Advisory Council, the Dr. Martin Luther King, Jr. Memorial Commission, the Martin Luther King, Jr. Living History and Public Policy Center, the Northern Neck-Middle Peninsula Public Education Consortium, the Northern Virginia Transportation Authority, the Northern Virginia Transportation District Commission, the Potomac and Rappahannock Transportation District Commission, the Governing Board of the Virginia Office for Protection and Advocacy, the Virginia Public Buildings Board, the Public-Private Partnership Contracts Oversight Group, the Joint Reapportionment Committee, the Advisory Council on Revenue Estimates, the Roanoke Higher Education Authority, the Small Business Commission, the Small Business Environmental Compliance Advisory Board, the Southern Growth Policies Board, the Southern Regional Education Board, the Southern States Energy Board, the Board of Trustees of the Southwest Virginia Higher Education Center, the Board of Trustees of the Virginia Tobacco Settlement Foundation, the Board of Veterans' Services, the Board of Directors of the Virginia Commonwealth University Health System Authority, the Virginia Israel Advisory Board, the Board of Trustees of the Virginia Retirement System, Commission on Unemployment Compensation, the State Water Commission, the Statewide Coordinating Committee for the Medical Costs Peer Review Program under the Workers Compensation Act, the Workforce Council, and Virginia Commission on Youth.

Patron - Griffith

D SB381 The Virginia Disability Commission. Establishes the Virginia Disability Commission ("Commission") as a legislative commission, with the purpose of identifying and recommending legislative priorities and policies that should be adopted or examined by the General Assembly in order to provide ongoing support in developing and reviewing services and funding related to Virginians with disabilities. The Commission shall consist of 12 members that include six legislative members, five nonlegislative citizen members, and the Lieutenant Governor. Of the five nonlegislative members, two shall be consumers with disabilities, two shall be members of the medical, insurance, or rehabilitation professions, and one shall be a citizen at large. The Lieutenant Governor shall continue to serve as chairman until January 14, 2006, at which time the chairmanship of the Commission shall be assumed by a legislative member. The bill provides that the Commission must seek approval from the Joint Rules Committee if it is not funded in the first year of its existence. If the Commission is not funded in the second year, the provisions of the statute creating the Commission will expire. There is a three-year sunset provision on this bill. This bill is identical to HB 817.

Patron - Puller

D SB434 Joint Commission on Administrative Rules. This bill repeals the sunset clause that provided for the expiration of the Commission on June 30, 2004; deletes provisions prohibiting establishment of any full-time equivalent position to staff the Commission and permitting use of existing staff and transferred funds to assist the Commission; and retains the provision requiring the Division of Legislative Services to provide staff support.

Patron - Wagner

D SB664 Unemployment compensation; bills affecting revenue of the Commonwealth. Provides that bills enhancing unemployment compensation benefits payable to a claimant must contain a statement prepared by the Virginia Employment Commission, in consultation with the Department of Planning and Budget, estimating potential revenue losses, in the form of decreased tax revenues, to the Commonwealth. The bill provides that no bill enhancing unemployment compensation benefits can be considered at a regular session of the General Assembly unless the bill contains the revenue loss statement in the second or final enactment clause.

Patron - Wagner

Failed

: **HB277 General Assembly; disclosure of office allowances.** Requires members of the General Assembly who receive an allowance for office expenses and supplies provided by the general appropriation act to file an annual disclosure statement. The disclosure statement must be filed with the member's clerk no later than January 8, which coincides with the date members must file their statements of economic interests. The statement must include an account of all receipts and expenditures recorded during the prior calendar year. Unexpended balances must be carried forward and accounted for in the next reporting period. The bill exempts the disclosure of expense items of \$25 or less that in combination do not exceed \$250 during the reporting year.

Patron - Purkey

: **HB279 General Assembly; introduction limits.** Prohibits a member of the General Assembly from introducing more than a combined total of 12 bills and resolutions during any regular session of the General Assembly. Exceptions to this limitation include legislation that (i) commends, congratulates or memorializes and is not referred to a standing committee under the rules of the respective house; (ii) relates to the administration of government and is introduced at the request of the Governor; or (iii) affects the procedures or schedule of the General Assembly. The provisions of the bill will expire on July 1, 2006.

Patron - Purkey

: **HB336 House of Delegates; office allowance subject to Freedom of Information Act.** Provides explicitly that any record pertaining to the use of funds from the office allowance provided to members of the House of Delegates be opened to public inspection and copying under the Freedom of Information Act (FOIA). FOIA currently provides that nothing in the Act shall be construed to deny access to "records of allowances or reimbursements for expenses paid to any officer, official or employee of a public body." However, it is not clear whether the office allowance records of members are subject to disclosure under FOIA because current law does not require a separate record accounting for the use of these funds.

Patron - Pollard

: **HB387 Bills that increase fees.** Requires that any bill that increases a fee of the Commonwealth be introduced no

later than the first day of the General Assembly session, and requires that certain information about the history of the fee be presented to the committee of the General Assembly to which the bill is referred. This information includes: (i) when the fee was first established; (ii) the dates and amounts by which the fee has increased over the past 10 years; (iii) the purpose for the revenue from the fee, and whether any amounts of such revenue have been spent for other purposes in the past 10 years; (iv) the total annual amount of revenues raised from the fee each year for the past 10 years; and (v) the estimated amount of revenues that will be generated by the proposed increase and the reason for the increase. The same information also must be presented to any committee before the committee considers any amendment to a bill that would increase fees.

Patron - Lingamfelter

: **HB560 General Assembly; members' salaries.** Requires that the salaries of members of the General Assembly be adjusted to equal 40 percent of the average salary of classroom teachers in the Commonwealth, including librarians and guidance counselors, as calculated by the Virginia Department of Education. Any adjustment that would decrease members' salaries would become effective beginning in 2005 upon passage of the appropriation act. Pursuant to the Constitution of Virginia, any adjustment that would increase members' salaries would not become effective until January 9, 2008, following the election of all of the members of the General Assembly. In fiscal year 2003, the average teacher salary in the Commonwealth was \$42,778.

Patron - Albo

: **HB1098 General Assembly; office expense allowance.** Requires members of the General Assembly who receive an allowance for office expenses and supplies provided by the general appropriation act to substantiate their business expenses on a quarterly basis and return any amount in excess of the substantiated expenses. These requirements are necessary to establish the office expense allowance as an "accountable plan" under the Internal Revenue Code Tax Regulations.

Patron - Moran

: **HB1297 General Assembly; office allowances.** Changes the nonvouchered office expense allowance arrangement for members of the General Assembly to an accountable plan within the meaning of the Internal Revenue Code regulations. Beginning January 11, 2006, members will be required to substantiate their business expenditures on a quarterly basis and return any amount in excess of the substantiated expenses. The bill also provides a separate office equipment allowance not to exceed \$2,000 during a two-year period. Members will be required to submit a voucher and accompanying receipts prior to receiving payment for equipment expenses. The Clerk of the House of Delegates and the Clerk of the Senate, under the direction of their respective Rules Committee, are required to establish policies in their houses regarding the transfer of office equipment purchased with the allowance to the Commonwealth when the equipment falls into disuse or the member leaves office. The Clerks must submit by November 1, 2004, the policies and forms needed to implement the bill to their respective Rules Committees for approval.

Patron - Brink

: **HR3 House of Delegates; session coverage.** Directs the House Rules Committee to adopt procedures governing live television coverage of the sessions of the House of Delegates beginning with the 2005 Regular Session of the General Assembly.

Patron - Armstrong

: **HR11 House of Delegates; portrait of the former Speaker Quillen.** Authorizes the painting of a portrait of Ford C. Quillen, former acting Speaker of the House of Delegates, to be hung in the Chamber of the House of Delegates.

Patron - Kilgore

: **SB656 Joint Commission on Health Care.** Removes the Commission's authority to hire a director and staff and provides that staff support for the Commission is to be provided by the Division of Legislative Services.

Patron - Martin

: **SB689 Television or other electronic signals generated by the Senate of Virginia.** Prohibits the use of certain video or audio signals generated by the Senate for political or commercial purposes, including campaigns for elective office and bond referenda. Specifically, the bill excludes educational, news, and public affairs programming and authorized unedited video feeds. A person who is convicted for a violation of these restrictions will be guilty of a Class 1 misdemeanor.

Patron - Wampler

: **SJ42 Tax bills; prohibiting amendments.** Prohibits amendments to any bill introduced during the 2004 Session that increases a tax, imposes a new tax, or extends a tax, if requested by the patron of the bill.

Patron - Cuccinelli

Carried Over

7 HB459 Joint Commission on Reduction of Non-essential State Expenditures. Creates the Joint Commission on Reduction of Nonessential State Expenditures in the legislative branch of state government. The purpose of the Commission is to review the operations of state agencies and state-funded programs with a view toward the reduction of non-essential programs and expenditures. The Commission shall consist of nine members of the House of Delegates appointed by the Speaker thereof, of whom at least five shall be members of the House Appropriations Committee, and five members from the Senate appointed by the Privileges and Elections Committee of the Senate, of whom at least two shall be members of the Finance Committee, and the Auditor of Public Accounts, ex officio, who shall have no vote.

Patron - Athey

7 HB1236 General Assembly Conflicts of Interests Act; disclosure of fees and compensation from certain publicly regulated business. Requires a separate disclosure statement to be filed by any legislator receiving fees or compensation in excess of \$10,000 in a 12-month period from a publicly regulated business such as a bank, insurance company, or public utility.

Patron - Griffith

General Provisions of Virginia Code

Passed

D SB566 General provisions; appointment process. Shifts the appointing authority from the Senate Committee on Privileges and Elections to the Senate Committee on Rules by redefining references in the Code to the Committee on Privileges and Elections. Under the proposed Rules of the

Senate to be adopted in 2004, the Committee on Rules is designated the appointing authority for study committees and commissions. The bill also defines the term "nonlegislative citizen member," which is often used to describe who may serve as appointees to collegial bodies. There has been confusion that this terminology excludes all elected officials from serving on a collegial body, although the intent is only to exclude members of the General Assembly.

This bill does not affect existing appointments that have not expired. However, new appointments and appointments to fill vacancies made after the effective date of the act must be made in accordance with the act. This act is effective upon its passage. This bill is identical to SB 691

Patron - Martin

Failed

: SB691 General provisions; appointment process. Shifts the appointing authority from the Senate Committee on Privileges and Elections to the Senate Committee on Rules by redefining references in the Code to the Committee on Privileges and Elections. Under the proposed Rules of the Senate to be adopted in 2004, the Committee on Rules is designated the appointing authority for study committees and commissions. The bill also defines the term "nonlegislative citizen member," which is often used to describe who may serve as appointees to collegial bodies. There has been confusion that this terminology excludes all elected officials from serving on a collegial body, although the intent is only to exclude members of the General Assembly.

This bill does not affect existing appointments that have not expired. However, new appointments and appointments to fill vacancies made after the effective date of the act must be made in accordance with the act. This act is effective upon its passage. This bill is identical to SB 566

Patron - Wampler

Carried Over

7 HB996 Associational standing; definition of person aggrieved. Confers associational standing in Virginia as articulated in *Hunt v. Washington Apple Advertising Comm'n*, 432, U.S. 333 (1977). Currently, Virginia follows the common law rule that the person seeking standing must have an immediate, pecuniary and substantial interest in the litigation, and not a remote or indirect interest. Unlike federal law, the injury to an individual of an association does not vest in the association.

Patron - Hugo

Health

Passed

D HB159 Vital records; filing of death certificates. Specifies that a licensed funeral director, funeral services licensee, office of the state anatomical program, or the next of kin can file the death certificate with the registrar of vital records. The bill addresses the problem encountered by the registrar of vital records under the present law when the surface transportation and removal companies that are registered with the Board of Funeral Directors and Embalmers or persons who are not licensed by the Board of Funeral Directors and Embalmers fail to file the death certificate with the registrar. This bill makes it quite clear that even the next of kin, if first to assume custody

of the body, has an obligation to file the certificate of death with the registrar.

Patron - Reid

D HB224 Medical assistance services; marriage and family therapy. Mandates Medicaid reimbursement to licensed marriage and family therapists for services covered by the state plan. This bill does not mandate any new services, but merely adds marriage and family therapists to the list of mandated Medicaid providers who may be reimbursed for services that are already covered by the state plan and Medicaid regulations.

Patron - Shuler

D HB391 Certificate of public need for medical care facilities; criteria for determining need. Modifies the criteria relating to the extent to which the project will be accessible to all residents of the area proposed to be served by a medical care facility to require the Commissioner of Health to consider the effects on accessibility of any proposed relocation of an existing service or facility. The bill also requires the appropriate health planning agency to notify the local governing bodies in the planning district where the project is proposed to be located. Finally, the bill requires the health planning agency to consider comments from the relevant local governing bodies and all other public comments in making its decision, and stipulates that such comments must be part of the record provided to the Department of Health.

Patron - Amundson

D HB501 Certain certificate of public need for nursing facility or extended care services. Amends Chapter 912 of the 2000 Acts of Assembly to authorize the Commissioner of Health to accept and approve a request to amend the conditions of certain certificates of public need that were issued pursuant to an exception to the statutory moratorium on nursing home beds that was in effect until 1996. This bill revises the previously amended authority for the issuance of certificates of public need for three continuing care providers located in Loudon County, Williamsburg, and Virginia Beach. This provision authorizes the facilities to request that the Commissioner approve changes in their certificates to allow them to continue to admit private-pay patients who are not contract holders if the facility was established for the care of retired military personnel and their spouses or widows or widowers and the facility's nursing home facility has a contract holder occupancy rate less than 85 percent.

Patron - Callahan

D HB627 Ambulance permits to be consistent with certain federal requirements. Requires the Commissioner of Health to issue permits or licenses for emergency medical services agencies and vehicles as needed to ensure compliance with federal regulations relating to reimbursement of ambulance services pursuant to Medicare and Medicaid.

Patron - O'Bannon

D HB628 Health maintenance organizations; Medicaid; Family Access to Medical Insurance Security Plan (FAMIS). Removes the requirement that Medicaid HMOs include in the evidence of coverage a statement entitling any Medicaid recipient or FAMIS participants to conversion of their coverage to an individual contract. The bill conforms the requirements for the explanation of benefits for Medicaid recipients and FAMIS participants to the standards prescribed in the state plan for medical assistance services and the FAMIS Plan. Statutory requirements will not apply to the extent such requirements differ from the Department of Medical Assistance Services' standards. A second enactment clause declares

that an emergency exists and this bill will become effective upon passage.

Patron - O'Bannon

D HB633 Nurse Licensure Compact; holder of multistate licensure privilege. Clarifies and reinforces the regulatory authority of the Board of Nursing and the Department of Health Professions over persons issued a multistate licensure privilege to practice nursing in Virginia. This bill renders provisions relating to discipline, practice protocols, and other scope of practice requirements applicable to any person holding a multistate licensure privilege issued under the Nurse Licensure Compact. The Compact will become effective on January 2005. The Board of Nursing is required to promulgate emergency regulations to implement the provisions of the Compact.

Patron - O'Bannon

D HB836 Children's Health Insurance Program Advisory Committee. Revises the name, purpose, membership, and responsibilities of the current Outreach Oversight Committee to Family Access to Medical Insurance Security (FAMIS) to create the Children's Health Insurance Program Advisory Committee and declares the purpose of the committee to be to assess policies, operations and outreach for FAMIS and FAMIS Plus (Medicaid for children) and to evaluate various enrollment, utilization, and outcomes of children for these programs. The committee's membership is limited to 20 members and will include the Joint Commission on Health Care, the Department of Social Services, the Department of Health, the Department of Education, the Department of Mental Health, Mental Retardation and Substance Abuse Services, the Virginia Health Care Foundation, various provider associations and children's advocacy groups, and other individuals with significant knowledge and interest in children's health insurance. The committee will make recommendations on FAMIS and FAMIS Plus to the Director of the Department of Medical Assistance Services and the Secretary of Health and Human Resources.

Patron - Brink

D HB855 Licensed nurse practitioners; forms and certificates. Provides that licensed nurse practitioners may sign various forms and certificates, and provide medical information or treatment in certain situations, including situations involving the immunization of children, examination of persons suspected of having tuberculosis, prenatal tests, nursing homes, release of certain privileged medical information, competency for driver licenses, release of certain veterinary records, and assisted living facilities. The bill also provides that whenever any law or regulation requires a signature, certification, stamp, verification, affidavit or endorsement by a physician, it will be deemed to include a signature, certification, stamp, verification, affidavit or endorsement by a nurse practitioner. Three enactment clauses provide that: (i) these provisions will take effect 60 days after the effective date of the regulations of the Boards of Medicine and Nursing; (ii) the Boards of Medicine and Nursing must promulgate emergency regulations, i.e., within 280 days of enactment, with the amendments requiring the nurse practitioners' authority for signatures, certifications, stamps, verifications, affidavits and endorsements to be included in the written protocol between the supervising physician and the nurse practitioner; and (iii) that the tanning facility signs will be updated in compliance with the new law when posted or replaced after the effective day of the act.

Patron - Jones, S.C.

D HB877 Health records privacy; procedure for certain patients to obtain access to their records. Revises

the various laws setting out an exception to the patient's traditional access to his own health records to provide consistency with a new procedure that must be used to ensure fair appraisal of the judgment of a treating physician or clinical psychologist concerning the potential harm to the patient or others that could result from such access. This provision revises the standard by which a patient can be denied access to his records to require the treating physician or clinical psychologist to find that a review of the individual's health records would be reasonably likely to endanger the life or physical safety of the individual or another person, or that a reference in the health records to another person would be reasonably likely to cause substantial harm to the referenced person. The individual may designate a reviewing physician or clinical psychologist at his own expense, or the relevant health care provider or insurance entity denying access to the health record will designate a reviewing physician or clinical psychologist at the expense of the relevant health care provider or insurance entity. The designated physician or clinical psychologist will make a judgment as to whether the health record should be made available to the individual. The access decision of the designated reviewing physician or clinical psychologist must be followed.

Patron - O'Bannon

D HB879 Health records privacy. Revises the Virginia patient privacy provision to comply more closely with the regulations promulgated pursuant to the federal Health Insurance Portability and Accountability Act of 1996, as amended, relating to health records. Closer compliance is achieved through various syntax changes in terminology, definitions, and forms, and revisions and additions to the definitions, e.g., "health care entity," as defined in this provision, includes all health care providers, health plans or health care clearing-houses. The bill refers to an "individual" instead of a "patient"; to "health records" instead of "medical records"; and "health care providers" or "health care entities" instead of providers. This provision also revises the standard by which a patient can be denied access to his records to require the treating physician or clinical psychologist to find that a review of the individual's health records would be reasonably likely to endanger the life or physical safety of the individual or another person, or that a reference in the health records to another person would be reasonably likely to cause substantial harm to the referenced person. The individual may designate a reviewing physician or clinical psychologist at his own expense or the health care entity denying access to the health record will designate a reviewing physician or clinical psychologist at the expense of the relevant health care entity. The designated physician or clinical psychologist will make a judgment as to whether the health record should be made available to the individual.

Patron - O'Bannon

D HB891 Location of licensed nursing homes and assisted living facilities; notification to electric utilities. Requires the State Health Commissioner to notify electric utilities in Virginia on a quarterly basis as to the location of all licensed nursing homes in the State, and requires the Commissioner of the Department of Social Services to do the same for assisted living facilities. The purpose of the bill is to facilitate the restoration of electrical service and prioritization of customers during widespread power outages. The requirement of a quarterly notification can also be met by the maintenance of an accessible electronic database.

Patron - Sickles

D HB930 Validity of septic tank permits. Grandfathers certain onsite sewage systems into the Board of Health's regulatory scheme. The bill provides that whenever any onsite sewage system is failing and the Board's regulations for repairing it impose (i) a requirement for treatment beyond the level

of treatment provided by the existing onsite sewage system when operating properly or (ii) a new requirement for pressure dosing, the owner may request a waiver from such requirements. The Commissioner is required to grant such request, unless he finds that the failing system was installed illegally without a permit. Such waivers must be recorded in the land records of the clerk of the circuit court. Except between a husband and a wife, such waivers are not transferable and are null and void upon transfer or sale of the property. The owner of the property is required to disclose, in writing, to any and all potential purchasers or mortgage holders that any operating permit for the onsite sewage system that has been granted a waiver shall be null and void at the time of transfer or sale of the property and that the Board's regulatory requirements for additional treatment or pressure dosing are required before an operating permit may be reinstated.

Patron - Suit

D HB952 Adult Protective Services; reporting and investigation procedures; adult fatality review teams; penalties. Revises and adds new provisions to existing adult protective services law, including reporting and investigation procedures. The bill requires local departments of social services to initiate investigations of suspected adult abuse, neglect or exploitation within 24 hours of receiving a valid report, and requires them to notify the appropriate law-enforcement agency when in receipt of reports involving sexual abuse, serious bodily injury or disease believed to be the result of abuse or neglect, or criminal activity involving abuse or neglect that places the adult in imminent danger of death or serious bodily harm. When denied access to an adult in need of protective services, local departments are given authority to seek a court order, upon a showing of good cause, permitting such access. The bill adds guardians, conservators and emergency medical services personnel to the list of persons who, acting in their official capacities, are required to report suspected cases of adult abuse, neglect or exploitation, and clarifies other mandated reporter provisions. Mandated reporters are required to report such matters to local departments or to the hotline immediately, and employers of mandated reporters must notify them of this requirement upon hiring. The bill adds employees of accounting firms to the financial personnel listed under the voluntary reporter provisions. Anyone 14 years of age or older who knowingly makes a false report of adult abuse is guilty of a Class 4 misdemeanor, and a Class 2 misdemeanor for subsequent false reports. The bill also increases the initial time period in which involuntary adult protective services may be provided through an appropriate court order from five to 15 days. Enactment clauses require (i) the Department of Social Services to develop a plan to educate newly mandated reporters on adult abuse, neglect and exploitation, and the delay of penalty provisions on newly mandated reporters until the delivery of such training; and (ii) the Secretary, in consultation with the Departments of Social Services and Health and other state and local entities, to establish procedures and cost estimates for the operation of adult fatality review teams to review suspicious deaths of vulnerable adults. This bill is identical to SB 318.

Patron - Ebbin

D HB1133 Screening tests for infants. Directs that the physician or certified nurse midwife charged with an infant's care after delivery perform the screening test for inborn errors of metabolism rather than the physician, nurse or midwife in charge of the delivery of the baby.

Patron - McDonnell

D HB1178 Vaccines in certified nursing facilities and nursing homes. Requires, unless the vaccination is medically contraindicated or the resident declines the offer of the

vaccination, that each nursing home and certified nursing facility provide or arrange for the administration to its residents of (i) an annual vaccination against influenza and (ii) a pneumococcal vaccination, in accordance with the most recent recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.

Patron - Bryant

D HB1198 Emergency plans for the safe handling of community public water supplies during any extended power outage. Authorizes the Board of Health to promulgate requirements and criteria for the development and maintenance of an emergency management plan for each community public water supply for the provision of pure water during any extended power outage.

Patron - Jones, D.C.

D HB1202 Promotion of pharmaceutical assistance programs and pharmaceutical discount purchasing cards. Requires the Commissioner of Health and the Commissioner of the Department for the Aging to develop a strategy, in coordination with the Virginia Area Agencies on Aging and other private and nonprofit organizations, for disseminating information to the public concerning the availability of pharmaceutical assistance programs and for training senior citizen volunteers to assist in completing applications for such programs and discount purchasing cards. The bill also requires the Commissioners to disseminate, with such funds as may be made available, information to the public relating to recent congressional actions concerning pharmaceutical benefits to be provided under the Medicare program and how such benefits may help senior citizens with the costs of pharmaceutical benefits. In addition, the two Commissioners will encourage pharmaceutical manufacturers to include application forms for pharmaceutical discount purchasing card programs on their respective websites in a format capable of being downloaded and printed by consumers. The Department for the Aging will include direct links to the forms on its website, when practicable. The bill also requires the Commissioners to report to the Governor and the General Assembly on the feasibility of developing a single application form for Virginians to use to seek eligibility for the nearly 50 pharmaceutical assistance programs and pharmaceutical discount purchasing cards. In determining the feasibility, the Commissioners must obtain copies of the application forms used by such pharmaceutical assistance programs and pharmaceutical discount purchasing cards in Virginia, compile a list of the various information required to complete such application forms, identify common elements, and analyze the forms for readability and simplicity. In order to perform the duties provided in the new subsection, the Commissioners may appoint an advisory task force of stakeholders to assist them.

Patron - Cline

D HB1483 Communicable diseases of public health threat; quarantine and isolation. Sets out a procedure for the State Health Commissioner to issue orders of quarantine when a person or persons or an affected area in Virginia have been known to be exposed to or infected with or may reasonably be suspected to be exposed to or infected with a communicable disease of public health threat. The bill also sets out a procedure for the State Health Commissioner to prepare orders of isolation when he determines that a person or persons or an affected area have been infected or reasonably may be suspected to be infected with a communicable disease of public health threat and that exceptional circumstances exist rendering the isolation procedures that apply to communicable diseases of public health significance insufficient control measures to contain the communicable disease of public health threat. Amendments are provided to exempt the State Health

Commissioner's records of findings for an order of quarantine or order of isolation from the Freedom of Information Act, to authorize disclosure of patient's health records to the State Health Commissioner or his designee, to coordinate any quarantine or isolation of an affected area with a declaration of a state of emergency by the Governor and to make certain cross-related sections consistent. The Board of Health is required to promulgate emergency regulations to implement this provision. An enactment clause states there is an emergency thus rendering the bill effective upon passing. Technical amendments to list definitions in alphabetical order and correct archaic syntax are also included.

Patron - O'Bannon

D SB86 Certificate of public need for medical care facilities; criteria for determining need. Modifies the criteria relating to the extent to which the project will be accessible to all residents of the area to be served to add consideration of the effects on accessibility of any proposed relocation of an existing service or facility. The bill also modifies the administrative procedures law to require the health planning agency (i) to notify local governing bodies in the planning district of the required public hearing on relevant applications and (ii) to consider the comments of governing bodies and all other public comments in making its decision. The comments will be part of the record provided to the Department of Health.

Patron - Puller

D SB125 Private well construction; local standards. Adds Goochland County to those localities that may by ordinance establish their own standards, consistent with State Board of Health regulations, pertaining to location and testing of water from private wells, and more stringent than those adopted by the Board pertaining to construction and abandonment of such wells.

Patron - Watkins

D SB158 Dissemination of Medicare pharmaceutical benefits information; certain training of senior citizen volunteers. Requires the Commissioners of Health and the Department for the Aging to disseminate, with such funds as may be made available, information to the public relating to recent congressional actions relating to pharmaceutical benefits to be provided under the Medicare program and how such benefits may help senior citizens with the costs of pharmaceutical benefits. This bill also requires the Commissioner of Health and the Commissioner of the Department for the Aging to develop a strategy, in coordination with the Virginia Area Agencies on Aging, for disseminating information to the public concerning the availability of pharmaceutical assistance programs and for training senior citizen volunteers to assist in completing applications for pharmaceutical assistance programs and pharmaceutical discount purchasing cards.

Patron - Potts

D SB197 Certificate of public need for medical care facilities; intermediate care facilities for the mentally retarded. Removes the requirement to obtain a certificate of public need (COPN) for intermediate care facilities for the mentally retarded that will have no more than 12 beds and are in an area identified as in need of residential services for people with mental retardation in any plan of the Department of Mental Health, Mental Retardation and Substance Abuse Services. Other intermediate care facilities will continue to be covered by COPN.

Patron - Reynolds

D SB223 Health statistics and vital records. Deletes the requirement that any statement indicating racial designation be omitted from reports of divorces and annul-

ments required to be filed by the clerk of court with the State Registrar regarding a final decree of divorce or annulment, and in marriage and adoption records. Information pertaining to racial designation is essential in establishing health histories, and in conducting anthropological, sociological, and genealogical research, particularly among racial and ethnic minority persons.

Patron - Marsh

D SB278 Reporting of telemedicine initiatives. Repeals the statute that requires the Commissioner of Health to annually report by October 1 to the Governor and the General Assembly on the status of telemedicine initiatives by agencies of the Commonwealth.

Patron - Wampler

D SB318 Adult Protective Services; reporting and investigation procedures; adult fatality review teams; penalties. Revises and adds new provisions to existing adult protective services law, including reporting and investigation procedures. The bill requires local departments of social services to initiate investigations of suspected adult abuse, neglect or exploitation within 24 hours of receiving a valid report, and requires them to notify the appropriate law-enforcement agency when in receipt of reports involving sexual abuse, serious bodily injury or disease believed to be the result of abuse or neglect, or criminal activity involving abuse or neglect that places the adult in imminent danger of death or serious bodily harm. When denied access to an adult in need of protective services, local departments are given authority to seek a court order, upon a showing of good cause, permitting such access. The bill adds guardians, conservators and emergency medical services personnel to the list of persons who, acting in their official capacities, are required to report suspected cases of adult abuse, neglect or exploitation, and clarifies other mandated reporter provisions. Mandated reporters are required to report such matters to local departments or to the hotline immediately, and employers of mandated reporters must notify them of this requirement upon hiring. The bill adds employees of accounting firms to the financial personnel listed under the voluntary reporter provisions. Anyone 14 years of age or older who knowingly makes a false report of adult abuse is guilty of a Class 4 misdemeanor, and a Class 2 misdemeanor for subsequent false reports. The bill also increases the initial time period in which involuntary adult protective services may be provided through an appropriate court order from five to 15 days. Enactment clauses require (i) the Department of Social Services to develop a plan to educate newly mandated reporters on adult abuse, neglect and exploitation, and the delay of penalty provisions on newly mandated reporters until the delivery of such training; and (ii) the Secretary, in consultation with the Departments of Social Services and Health and other state and local entities, to establish procedures and cost estimates for the operation of adult fatality review teams to review suspicious deaths of vulnerable adults. This bill is identical to HB 952.

Patron - Howell

D SB337 Health records privacy; access to health records; compliance with federal Health Insurance Portability and Accountability Act regulations. Makes statutes relating to the Freedom of Information Act, civil procedure, denial of access to health records, juvenile and domestic court proceedings, health records privacy, involuntary commitment, court-appointed guardians and conservators, release of mental health information, and health insurance information consistent with federal regulations concerning disclosure and electronic transmission of protected health information promulgated pursuant to the Health Insurance Portability and Accountability Act. The bill provides a modified procedure for a patient to

pursue obtaining his own records when a treating physician or clinical psychologist has placed a statement in his record denying such access. The standard for such statements is changed to reasonably likely to endanger the life or physical safety of the individual or another person, or that a reference in the health records to another person, who is not a health care provider, would be reasonably likely to cause substantial harm to the referenced person. The individual may, at his own expense, designate a reviewing physician or clinical psychologist with equivalent credentials to those of the physician or clinical psychologist denying him access to his records to determine whether he can have access to the information. In the alternative, the relevant health care entity is obligated to designate a physician or clinical psychologist, at its expense, to determine whether the individual will obtain access to his information. The decision of the designated physician or clinical psychologist must be followed. The bill also includes technical amendments to laws relating to disclosure of mental health information. The bill addresses access to health records and information for guardians ad litem and attorneys representing minors in juvenile and domestic court proceedings, proceedings to authorize treatment for patients incapable of providing consent to treatment, persons who are subject to petitions for involuntary commitment, and respondents who are the subjects of petitions to appoint guardians or conservators or both.

Patron - Stolle

D SB388 Certain certificate of public need for nursing facility or extended care services. Amends Chapter 912 of 2000 Acts of Assembly to authorize the Commissioner of Health to accept and approve a request to amend the conditions of a certificate of public need that was issued during the moratorium on nursing home beds that was in effect until 1996. This bill adjusts the previously amended certificate of public need authorization for three continuing care facilities that are established for the care of retired military personnel and their families to extend the deadline for discontinuing the admission of private-pay patients who are not contract holders from July 1, 2004, to July 1, 2008, if the facility's contract holder occupancy rate is less than 85 percent.

Patron - Norment

D SB685 Communicable diseases of public health threat; quarantine and isolation. Sets out a procedure for the State Health Commissioner to issue orders of quarantine when a person or persons or an affected area in Virginia have been known to be exposed to or infected with or may reasonably be suspected to be exposed to or infected with a communicable disease of public health threat. The bill also sets out a procedure for the State Health Commissioner to prepare orders of isolation when he determines that a person or persons or an affected area have been infected or reasonable may be suspected to be infected with a communicable disease of public health threat and that exceptional circumstances exist rendering the isolation procedures that apply to communicable diseases of public health significance insufficient control measures to contain the communicable disease of public health threat. Amendments are provided to exempt the State Health Commissioner's records of findings for an order of quarantine or order of isolation from the Freedom of Information Act, to authorize disclosure of patient's health records to the State Health Commissioner or his designee, to coordinate any quarantine or isolation of an affected area with a declaration of a state of emergency by the Governor and to make certain cross-related sections consistent. The Board of Health is required to promulgate emergency regulations to implement this provision. Technical amendments to list definitions in alphabetical order and correct archaic syntax are also included.

Patron - Howell

D SJ122 Medicaid reimbursement for translation and interpretation services. Requests the Department of Medical Assistance Services to seek reimbursement for translation and interpretation services for Medicaid-eligible persons with limited English proficiency. The resolution notes that in August 2000 the Office of Civil Rights of the United States Department of Health and Human Services issued "Policy Guidance on the Title VI Prohibition Against National Origin Discrimination as It Affects Persons with Limited English Proficiency," requiring all health care providers and entities that receive federal Medicaid or State Children's Health Insurance Program funds to provide oral and written translation or interpretation services to persons with limited English proficiency to enable them apply for and obtain services. Under the guidelines, federal matching funds are available to states for expenditures related to "oral and written translation administrative activities and services provided persons with limited English proficiency, whether provided by staff or contract interpreters, or through a telephone service." However, many states, including Virginia, have not applied to the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services to receive federal funds to cover translation and interpretation services for eligible Medicaid patients. In 2003, the Joint Legislative Audit and Review Commission recommended in its report, The Acclimation of Virginia's Foreign-Born Population, that the Department of Medical Assistance Services request Medicaid reimbursement for interpretation and translation services. The Department must submit an executive summary indicating its progress in meeting the objectives of this resolution in the 2005 Session of the General Assembly.

Patron - Lucas

Failed

: **HB116 Licensure of abortion clinics.** Requires all abortion clinics, defined as any facility, other than a hospital or an ambulatory surgery center, in which 25 or more first trimester abortions are performed in any 12-month period, to be licensed and to comply with the requirements currently in place for ambulatory surgery centers.

Patron - Marshall, R.G.

: **HB197 Department of Medical Assistance Services; Virginia Insurance Plan for Seniors (VIPS); prescription drug assistance.** Establishes the VIPS to provide assistance in the purchase of prescription drugs for those persons who are dually eligible for Medicaid and Medicare but who do not qualify for prescription coverage under Medicaid. Payment assistance is limited to \$80 per month per eligible person, but unused amounts may be rolled over and credited to that person for future use. However, no direct cash payment will be made to any eligible person. Participants must pay a \$10 copayment for each prescription. They are also required to use generic drugs unless they are willing to pay the difference between the generic and brand-name drug. Approved drugs in the Plan are those manufactured by pharmaceutical companies that agree to provide manufacturer rebates equal to the rebate required by the Medicaid program and to make the drug product available to the Plan for the best price that the manufacturer makes the drug available in the Medicaid program. Any licensed pharmacist may participate according to the rules adopted for the program and will be paid a reasonable reimbursement to cover the cost of the drug and costs for dispensing; payments to pharmacists will not vary based on the size of the entity dispensing the prescription. Beneficiary cost-sharing amounts will not vary based on the source of dispensing or method of distribution of the prescription. Three enactment clauses require the Board of Medical Assistance Services to

promulgate emergency regulations; the Department of Medical Assistance Services to seek a waiver for VIPS from the Centers for Medicare and Medicaid Services, if necessary; and set the effective date of the act as July 1, 2005, with implementation to occur on the earlier of 90 days following the adoption of emergency regulations or July 1, 2006.

Patron - Purkey

: **HB310 Information on nosocomial infections.** Requires the Board of Health to develop a procedure whereby aggregate information on each hospital's incidence of nosocomial infections, without patient identifiers, may be released to the public, upon request; filed in the hospital's licensure records within the Department of Health; and transmitted to the Division of Consumer Counsel and the Administrator of Consumer Affairs for use in determining any necessary actions to protect the interests of Virginia's consumers. Nosocomial infections are acquired in a hospital or other health care setting. The Board of Health is required to promulgate emergency regulations to implement this provision.

Patron - Purkey

: **HB312 Board of Health; interest rates for non-profit hospitals' unpaid bills.** Requires the Board of Health to establish, in their licensure regulations, a standard interest rate to be charged for bills of nonprofit hospitals that remain unpaid for 30 or more days that shall not exceed the then current rate for the one-year treasury bill.

Patron - Purkey

: **HB327 Health; Virginia Health Security Act.** Provides generally that the Commonwealth must fund state-funded health care services and programs in a manner that minimizes the need for subsidization of providers by those citizens who are privately insured, self-insured or uninsured; to do otherwise burdens all citizens of the Commonwealth and threatens the viability and availability of health care providers. The bill sets out the policy of the Commonwealth in funding such programs.

Patron - Griffith

: **HB359 Preventive pharmaceutical services for certain low-income patients.** Requires the Commissioner of Health to establish, by January 1, 2005, a mechanism whereby any public health clinic operated by a local or district health department that maintains pharmacy services shall continue to provide free or low-cost prescription drugs (on a sliding fee scale) to any low-income patients who do not have any prescription drug benefit and whose primary and specialty health care services have been transferred to a community health clinic delivering free or reduced price services to such patients at the recommendation of the public health clinic. However, any such patients shall be required to obtain prescription drugs from pharmaceutical companies' free or reduced price programs in so far as possible.

Patron - BaCote

: **HB413 Certificate of Public Need; exemption of certain facilities performing outpatient or ambulatory ophthalmic surgery.** Exempts from the requirements for obtaining a certificate of public need prior to building, obtaining licensure, and opening a covered medical care facility, any specialized centers or clinics or portions of physicians' offices developed for the provision of outpatient or ambulatory ophthalmic surgery upon meeting the following conditions: (i) providing annual charity care to the extent that, if charges had been levied for such charity care, the funds generated would have equaled two percent of the net profit for the relevant year or, in the event the specialized center or clinic or that portion of a physician's office developed for the provision of outpatient

or ambulatory ophthalmic surgery has failed to deliver such charity care in any year, contributing an amount to the Virginia Indigent Health Care Trust Fund that would equal two percent of the net profit for the relevant year after subtracting the charity care that was delivered, if any; and (ii) submitting documentation of accreditation by the Joint Commission on Accreditation of Health Care Organizations, the Accreditation Association of Ambulatory Health Care, Inc., or the American Association for Accreditation of Ambulatory Surgery Facilities, Inc. The Boards of Health and Medical Assistance Services are required to promulgate emergency regulations in a second enactment clause.

Patron - Purkey

: **HB479 Systematic reporting of abortion.** Requires physicians performing abortions or treating the complications of induced abortions to report detailed information on forms prepared and distributed by the Board of Health. The information will be collected for the purpose of ensuring compliance with statutory requirements for obtaining an abortion. In addition, the Board must issue a public report annually providing the same detailed information for the most recent year and all previous calendar years, adjusted to reflect any additional information from late or corrected reports. Filing fees to defray the costs of collecting, analyzing, and storage of the data will be charged by the Board. Physicians failing to report in a timely manner will be subject to a late fee of \$500 for each additional 30 days that the forms are overdue and the Board may pursue the penalties or other relief provided in § 32.1-27 in any case in which a physician has failed to file the required forms within one year or has filed incomplete forms.

Patron - Black

: **HB521 Reporting of medical errors.** Requires, as a condition of licensure, that each licensed hospital report medical errors committed by physicians, medical and nursing students, nurses, and other health care providers who are granted privileges to practice at the hospital. Each hospital must establish a procedure to identify, classify, and report medical errors. Also, hospitals are required to report this information under the patient level data system reporting requirements.

Patron - Jones, D.C.

: **HB542 Emergency medical services vehicles; local agency consolidation; vehicle markings.** Allows any locality that has granted authority or approval for the operation of emergency medical services vehicles to governmental agencies or agencies operating independent volunteer fire and rescue companies to combine such agencies under one consolidated agency for permitting purposes. Unless directed otherwise by the consolidated permitting agency, the bill provides for such independently operated fire and rescue companies to continue operating under their own name, which shall serve as the emergency medical services agency name required by regulation to appear on both sides of the vehicle body in reflective lettering.

Patron - May

: **HB684 Certain certificate of public need for nursing facility or extended care services.** Amends Chapter 912 of the 2000 Acts of Assembly to authorize the Commissioner of Health to accept and approve a request to amend the conditions of a certificate of public need that was issued during the moratorium on nursing home beds that was in effect until 1996. This bill adjusts the previously amended certificate of public need authorization for a continuing care facility that is established for the care of retired military personnel and their families and is located in Loudoun County to extend the deadline for discontinuing the admission of private-pay patients

who are not contract holders from July 1, 2004, to July 1, 2008. This bill is incorporated into HB 501.

Patron - Rapp

: **HB789 Health; nursing home standards.** Requires the Board of Health to establish staffing standards for nursing homes that will provide an average of three and one-half hours of direct care services per resident per 24-hour period. The Board must also adopt regulations defining direct care services and procedures for quarterly reporting.

Patron - Watts

: **HB1290 Licensure of abortion clinics.** Requires all abortion clinics, defined as any facility, other than a hospital or an ambulatory surgery center, in which 25 or more first trimester abortions are performed in any 12-month period, to be licensed and to comply with the requirements currently in place for ambulatory surgery centers effective January 1, 2005. The bill also places proposed and existing abortion clinics under the certificate of public need (COPN) law after January 1, 2005. Existing abortion clinics will be required to apply annually to the Board of Health to obtain an exemption by providing a rationale for being excluded. The Commissioner of Health will determine whether existing abortion clinics have demonstrated sufficient cause to be excluded from the COPN requirements according to certain criteria. The Commissioner is also empowered to deny, suspend or revoke the license upon finding the clinic is in violation of state or federal law or regulations.

Patron - Reid

: **HB1477 Support services activities; regional AIDS resource and consultation centers.** Requires, to the greatest extent practicable, that each regional AIDS resource and consultation center include in its support services for persons with human immunodeficiency virus (HIV) infection, activities designed to educate health care practitioners, students, and the community at large about the comorbidity of HIV with hepatitis C and mechanisms to prevent the transmission of infection with hepatitis C.

Patron - Sickles

: **HJ156 Adopting the American Academy of Pediatrics recommendations concerning the use of Synagis (palivizumab) for the treatment of respiratory syncytial virus (RSV).** Requests the State Health Department and the Virginia Academy of Pediatrics to adopt the recommendations issued by the American Academy of Pediatrics concerning the use of Synagis (palivizumab) for the treatment of respiratory syncytial virus (RSV). The State Health Department and the Virginia Academy of Pediatrics must submit an executive summary and report of its progress in meeting the request of this resolution by the first day of the 2005 Regular Session of the General Assembly.

Patron - Baskerville

: **SB146 Definition of hospitals; certain facilities to be regulated as hospitals.** Defines "hospital," for the purposes of the Board of Health's regulatory requirements, to include "any clinic or other facility performing 25 or more abortions per year."

Patron - Cuccinelli

: **SB220 Equal Education Opportunity Plan.** Requires the Secretary of Education to develop and implement a statewide plan to provide for equal education opportunity for all students in the Commonwealth. The Plan must include, but not be limited to, (i) an annual report of the number and percentage of minority students enrolled in the public schools by grade, and in undergraduate, graduate, professional, and post-

doctoral degree programs by discipline; (ii) strategies to increase college admissions, retention, and graduation rates of minority students at the undergraduate and graduate degree levels; (iii) an analysis of the preparation of minority students for college-level work; (iv) an evaluation of the impact of financial assistance and tuition rates as inducements and obstacles to college education; (v) a summary of existing programs in Virginia and nationally that have proven effective in providing equal education opportunity; and (vi) an evaluation of the effectiveness of the Plan. The Secretary shall modify the Plan as necessary and recommend appropriate and feasible strategies and alternatives, including the projected costs of implementing the Plan, to address issues and policies identified by the Secretary as essential to the furtherance of the objectives of the Plan. Effective on December 1, 2005, and biennially thereafter, the Secretary must submit to the Governor and the General Assembly an executive summary of the Equal Education Opportunity Plan no later than the first day of each regular session of the General Assembly. The Equal Education Opportunity Plan, although never implemented, was required initially as a result of *Adams v. Richardson*, 480 F.2d 1159 (DC Cir. 1973) and *Adams v. Califano*, 430 F. Supp. 118 (DC 1977), concerning the desegregation of Virginia colleges and universities, and, in 1973, the Plan was incorporated in the Virginia Plan for Equal Opportunity in State-Supported Institutions of Higher Education, Item 131.10 of the 2001 Budget communicated by the Governor. However, the Virginia plan for Equal Opportunity in State-Supported Institutions of Higher Education was removed from the budget during the 2003 Session. Nevertheless, the agreement entered into by Governor Gilmore on behalf of the Commonwealth with the United States Department of Education Office for Civil Rights on November 7, 2001, requires evidence of Virginia's good faith effort to comply with the Accord. The Plan would demonstrate the Commonwealth's good faith effort during the five-year monitoring and reporting phase of the United States. Office for Civil Rights federal compliance review precipitated by the United States Supreme Court's decision in *Ayers v. Fordice* (505 US 717, 112 S.Ct. 2727, 1992).

Patron - Marsh

: **SB292 Emergency electrical systems.** Directs the Virginia Board of Health and State Board of Social Services to promulgate emergency regulations to require emergency electrical systems in hospitals, nursing homes, certified nursing facilities and assisted living facilities. This bill is incorporated into SB 181.

Patron - O'Brien

: **SB671 Medical assistance services; consumer-directed care; cash and counseling project waiver.** Revises the provision relating to the Department of Medical Assistance Services and an application for a revision of or a new waiver for consumer-directed personal care services. The bill modifies the mandate for submission of the waiver to allow the Department to prepare the application "when appropriate and practicable" in order to provide time and opportunity for flexibility and consideration of various alternatives. In addition, the bill requires the Department of Medical Assistance Services, contingent on receiving (i) approval by the Robert Wood Johnson Foundation of a Cash and Counseling Demonstration and Evaluation grant or (ii) a state appropriation for the contracting or hiring of a fiscal agent and appropriate staff to implement such project to develop and submit an application for a research and demonstration project pursuant to § 1115 of the Social Security Act, 42 U.S.C. § 1315, for a Cash and Counseling Demonstration and Evaluation project to be implemented in two demonstration areas, i.e., Lynchburg and Winchester.

Patron - Newman

: **SB672 Board of Health regulations; guidelines for staffing of nursing homes.** Requires the Board of Health, in its licensure regulations for nursing homes, to establish staffing standards in nursing homes that provide a minimum of three and one-half hours of direct care services per resident per 24-hour period. The Board must adopt regulations defining direct care services and procedures for quarterly reporting.

Patron - Edwards

Carried Over

7 HB305 Assisted reproductive technology program; disclosure of gamete donors. Provides that a person conceived by assisted reproductive technology as a result of a donation of gametes may, if 18 years of age or older, request access to the records of the donor in the possession of an assisted reproductive technology program in order to acquire identifying information from the donor file, including any medical, psychological or genetic history and the name of the donor. Should the person receive identifying information on the donor, the assisted reproductive technology program shall, as soon as possible, inform the donor that the identifying information has been provided. The Board of Health must promulgate regulations to implement the provisions of the bill, including, but not limited to, the procedures for retaining donor files, requesting access to donor files, and notifying donors when identifying information has been provided.

Patron - Marshall, R.G.

7 HB740 Certificate of Public Need. Provides authorization and acceptance of certain certificate of public need applications for pediatric specialized care nursing beds in Planning District 15.

Patron - O'Bannon

7 HB747 Adequacy of local sewage systems and public water supplies. Directs the State Department of Health to undertake a comprehensive assessment process to determine the adequacy of local sewage systems and public water supplies provided to its citizens by each locality in the Commonwealth. If the Department determines that a locality's sewage systems or public water supplies are not adequate to serve its current population, or will be inadequate within the next five years, and the locality fails to develop a program to cure this situation, then Department shall establish and apply a local sewage system and public water supply residential development impact fee in such locality. The fee, collected from builders of new residential units, shall be based upon the Department's determination of the following (i) the pro-rata impact of each additional residential unit on existing sewage systems and public water supplies, and (ii) the pro-rata impact of each additional residential unit on the costs of improving or developing new sewage systems and public water supplies in order to adequately meet the needs of such new residential development. The Department shall make disbursements to the locality for the acquisition, improvement or development of new or existing sewage systems and public water supplies, until such time as the Department determines that the local sewage systems and public water supplies are adequate.

Patron - Marshall, R.G.

7 HB1215 Medical assistance services; asset transfer limit waiver. Directs the Department of Medical Assistance Services to seek a waiver pursuant to § 1115 of the Social Security Act (42 U.S.C. § 1315) from the Centers for Medicare and Medicaid Services to establish asset transfer limits that are more restrictive than those currently permitted under federal Medicaid law or regulations. This waiver application may provide, insofar as it is not already included in the

state plan for medical assistance services pursuant to § 32.1-325, that (i) transfer prohibitions would affect the transfer of all assets, including certain excluded assets set forth in § 1613 of the Social Security Act (42 U.S.C. § 1382b), such as vehicles and valuable jewelry; (ii) eligibility for all medical assistance services shall be subject to penalty periods for a calculated period for transfers of assets for less than fair market value; (iii) all transfers of assets for less than fair market value be subject to a 72-month look-back period; (iv) the transfer penalty period for applicants shall commence at the beginning of the month in which a person applies for medical assistance services or is otherwise eligible, or when the Department of Medical Assistance Services becomes aware of the transfer, whichever is later; (v) the transfer penalty period for recipients shall commence at the beginning of the month in which the Department of Medical Assistance Services becomes aware of the transfer and can give proper notice or the month following a period of ineligibility existing when the transfer was made; (vi) the divisor used to calculate a penalty period shall be the statewide average nursing facility payment made by the Department of Medical Assistance Service in effect at the time the penalty is determined and the penalty period begins, a figure that takes into consideration the income that would otherwise be applied to cost of care in the post-eligibility process; (vii) the transfer of the institutionalized person's interest in a homestead even to specified relatives be prohibited, except that the homestead may retain excluded status as long as the specified relatives continue to reside in the household; (viii) transfers to spouses for less than fair market value after eligibility for medical assistance services is established will be permitted only to an amount allowed under spousal impoverishment asset provisions so that assets acquired by or made available to the institutionalized spouse after medical assistance services are obtained would first be spent on the institutionalized spouse's medical costs; (ix) permissible transfers of assets to a disabled child would be limited to transfers into a trust for the child's sole benefit that reverts to the Commonwealth after the death of the disabled child, to recover medical assistance services payments made on behalf of either the grantor or the beneficiary of the trust, or both; (x) transfers to trusts for people with a disability who are under age 65 and who are not the children, adopted children, or legal wards of the transferor would no longer be permitted without penalty; and (xi) the Commonwealth would have discretion to designate some trust purposes as invalid under § 1917 (c) or (d) of the Social Security Act, such as care for a pet. The bill requires the Director of the Department of Medical Assistance Services to develop, in collaboration with the Office of the Attorney General, Department of Social Services, Office of Executive Secretary to the Supreme Court, the Trusts and Estates Section of the Virginia State Bar, local governments and other key stakeholders, an aggressive estate recovery program and a program to thoroughly pursue resources that become available to recipients subsequent to their enrollment in Medicaid. The Director shall report on the status of the programs, including recommendations for any legislation necessary to address the proposed waiver limitations on asset transfers, and an analysis of the amount of resources that would be required to implement such programs, to the Governor and to the Chairmen of the House Appropriations and Senate Finance Committees on or before September 30, 2004.

Patron - Landes

7 HB1333 Hospice licensure. Provides that a person may establish and operate an inpatient hospice under a hospice license within a facility that has a preexisting license to operate a hospital or nursing home. A certificate of public need will not be required for the person to establish and operate an inpatient hospice within a preexisting licensed hospital or nursing home. Upon closure of that inpatient hospice, a certificate

of public need will not be required for the reinstatement of the preexisting licensed hospital or nursing home's licensed bed capacity.

Patron - Hogan

7 HB1422 Health insurance; mandated coverage for ovarian cancer and screening; mammograms. Requires the state health plan, Medicaid, health insurers, health maintenance organizations, and corporations providing health care coverage subscription contracts to provide coverage for annual mammograms for persons age 40 and older and screening for ovarian cancer using the CA125 blood test, for individuals who are at risk for such cancer or who exhibit persistent undiagnosed symptoms that may be attributed to ovarian cancer.

Patron - Stump

7 SB195 Income eligibility for medical assistance services of aged and disabled individuals. Requires the Virginia Medicaid program to increase the income eligibility of aged and disabled individuals to 100 percent of the federal poverty lines as allowed by federal law.

Patron - Reynolds

7 SB196 Virginia Health Access Plan. Establishes the Virginia Health Access Plan (Plan) to be administered by the Department of Medical Assistance Services (DMAS), modeled on Vermont's Health Access Plan, to provide uninsured and underinsured adults in the Commonwealth with health benefits coverage. Uninsured or underinsured adults (i) with children with income at or below 185 percent of the federal poverty level or (ii) without children with income up to 150 percent of the federal poverty level are eligible under the plan. DMAS may contract with third-party administrators to provide administrative services that include enrollment, outreach, eligibility determination, data collection, financial oversight, and reporting. The Board of Medical Assistance Services shall implement emergency regulations to implement the Plan. No entitlement to health benefits coverage on the part of any eligible person or any right or entitlement to participation is created and such coverage shall only be available to the extent that funds are appropriated therefor. Enactment clauses require DMAS to seek a waiver for the Plan from the Centers for Medicare and Medicaid Services and set the effective date of the act as July 1, 2005, with implementation to occur on the earlier of 90 days following the adoption of emergency regulations or July 1, 2006.

Patron - Reynolds

7 SB377 Health; Virginia Prescription Drug Payment Assistance Plan. Establishes a program to be administered by the Department of Medical Assistance Services (DMAS), modeled on Delaware's Prescription Drug Payment Assistance Program, to assist eligible elderly and disabled Virginians in paying for prescription drugs. DMAS may contract with third-party administrators to provide administrative services that include enrollment, outreach, eligibility determination, data collection, financial oversight, and reporting. The benefit is limited to prescription drugs manufactured by pharmaceutical companies that agree to provide manufacturer rebates. Eligible persons must have incomes at or below 150 percent of the federal poverty level or have prescription drug expenses that exceed 40 percent of their annual income, as set forth in the appropriation act. They must also be age 65 or older or eligible for federal Old-Age, Survivors and Disability Insurance Benefits, not be receiving a prescription drug benefit through a Medicare supplemental policy or other third-party payor prescription benefit as of July 1, 2004, and be ineligible for Medicaid prescription benefits. However, nothing shall prohibit the enrollment of a person in the program during the period in which his Medicaid eligibility is determined. Eligible

enrollees will receive an identification card to be presented to pharmacists and will start receiving the benefit the month after their eligibility is determined. Benefits will be paid to pharmacies under a point-of-service claims procedure to be established by DMAS. Participants are required to make a copayment for each prescription, which in general will not exceed 25 percent of the cost, but not less than \$5. Money to pay the claims will come from the newly established Prescription Assistance Fund, which is to be financed by 10 percent of the proceeds received by the Commonwealth under the Master Tobacco Settlement Agreement and any federal funds available for this purpose. Administrative costs are to be paid from the pharmaceutical manufacturer rebates to the extent available and the \$20 annual enrollment fees. The Board shall develop a comprehensive statewide community-based outreach plan to enroll eligible persons and DMAS shall report annually on the program's implementation. No entitlement to prescription drug coverage on the part of any eligible person or any right or entitlement to participation is created and such coverage shall only be available to the extent that funds are appropriated therefor.

Patron - Deeds

7 SB611 Medical care facilities certificate of public need; parties to the case. Revises the designation of the parties to the case to provide that the staff or board members of the relevant health planning agency are parties if the health planning agency's recommendation is to approve the application in whole or in part and such recommendation is not consistent with the Department staff's report on the application. In present law, the health planning agency is only a party to the case if its recommendation was to deny the application.

Patron - Stolle

7 SB625 Hospice licensure. Provides that a person may establish and operate an inpatient hospice under a hospice license within a facility that has a preexisting license to operate a hospital or nursing home. A certificate of public need will not be required for the person to establish and operate an inpatient hospice within a preexisting licensed hospital or nursing home. Upon closure of that inpatient hospice, a certificate of public need will not be required for the reinstatement of the preexisting licensed hospital or nursing home's licensed bed capacity.

Patron - Houck

7 SB641 Insurance; mandated coverage for hearing aids for minors. Requires the state health plan, health insurers, health maintenance organizations, corporations providing health care coverage subscription contracts, and Medicaid to provide coverage for hearing aids and related services for children from birth to age five when a licensed audiologist prescribes such hearing aids and related services. Such coverage shall include one hearing aid per hearing-impaired ear, up to a cost of \$1,400, every 36 months. The insured may choose a higher priced hearing aid and pay the difference in cost above \$1,400. No copayment will apply. Hearing aids are not to be considered durable medical equipment.

Patron - Ticer

Highways, Bridges and Ferries

Passed

D HB151 HOT lanes. Provides for the designation of high-occupancy toll (HOT) lanes with electronically collected and photo-enforced tolls.

Patron - Albo

D HB408 Use of steel plates in connection with highway repairs. Provides that, prior to July 15, 2005, anyone using steel plates in connection with a temporary or permanent repair to the roadway of any highway must apply a reflective substance to the plate in order to improve visibility to oncoming traffic. The provisions of the bill do not apply to any portion of a roadway that is closed to vehicular traffic. The bill also requires that, prior to July 1, 2005, the Virginia Transportation Research Council will undertake an examination of best practices regarding the improved visibility of steel plates and report its findings to the Chairman of the House Committee on Transportation.

Patron - Welch

D HB485 Allocation of funds for secondary system highway construction. Provides that not more than one-third of the annual secondary system highway funds apportioned to a county under this section may be used to reimburse the county for (i) debt service for bonds or (ii) eligible project costs incurred on approved projects included in the county's Secondary Six-Year Plan and the county's capital improvement program. Such funds may also be used by the county for debt service for bonds issued for, or eligible project costs incurred or to be incurred on, approved projects included, at the time such bonds are issued or such costs are incurred or are to be incurred, in the Six-Year Improvement Program of the Commonwealth Transportation Board and the county's capital improvement program.

Patron - Cole

D HB502 Transportation improvement districts. Facilitates the establishment of local transportation improvement districts in Fairfax County in connection with the "Rail to Dulles" project.

Patron - Callahan

D HB644 Railway Preservation and Development Fund. Codifies language hitherto existing only in general appropriation acts, relating to the Railway Preservation and Development Fund.

Patron - Abbitt

D HB834 Condemnations by the Commonwealth Transportation Commissioner. Provides that the Commonwealth Transportation Commissioner is not permitted to force relocation on improved owner-occupied property until the owner is permitted to withdraw the funds represented by the certificate filed with the Court. However, if the owner refuses to withdraw the funds represented by the certificate filed with the Court or if the Commissioner reasonably believes that the owner does not possess clear title to the property being taken, that ownership of the property is disputed, or that certain owners cannot be located, the Commissioner may petition the Court to establish that the owner does not possess clear title, that the ownership of the property is in dispute, that certain owners can not be located, or that the owner has refused to withdraw the funds represented by the Certificate filed with the Court, and request that the Commissioner be given authority to force relocation.

Patron - Drake

D HB835 Condemnation by CTC. Reduces from one year to 180 days the time by which, if the Commonwealth Transportation Commissioner (CTC) has taken possession of property without instituting condemnation proceedings, commissioners or a jury shall be appointed to ascertain the amount of compensation to be paid for the property taken and damages done, if any.

Patron - Drake

D HB904 Agreements between CTC and certain cities and towns. Allows the Commonwealth Transportation Commissioner (CTC) to enter into agreements with cities and towns pursuant to which the cities and towns assume responsibility for the design, right-of-way acquisition, and construction of urban system highways.

Patron - Wardrup

D HB909 Virginia's Heritage Music Trail: The Crooked Road. Designates certain highways in Southwest Virginia "Virginia's Heritage Music Trail: The Crooked Road."

Patron - Phillips

D HB910 Country Music Highway. Designates that portion of U.S. 23 lying within Wise, Lee, and Scott Counties the "Country Music Highway."

Patron - Phillips

D HB997 Fairfax Station Road. Designates the entire length of Fairfax Station Road in Fairfax County a Virginia byway.

Patron - Hugo

D HB998 Pleasant Valley Road. Designates a portion of Pleasant Valley Road in Fairfax County a Virginia byway.

Patron - Hugo

D HB1005 Credit assistance revenue bonds. Authorizes the issuance of Commonwealth of Virginia transportation credit assistance revenue bonds for the purpose of funding a portion of the Dulles Corridor mass transit project.

Patron - Callahan

D HB1154 Virginia byway. Designates U.S. Route 17 from Tappahannock to Spotsylvania County a Virginia byway.

Patron - Morgan

D HB1157 Toll roads; failure to pay toll. Provides a civil penalty of \$25 for a first offense or \$50 for any subsequent offense plus the operator's administrative fee and the toll due, and applicable court costs if the vehicle is found to have used a toll facility without payment of the required toll. The operator of a toll facility may send an invoice or bill to the driver as part of an electronic or manual toll collection process prior to seeking remedies allowed by the bill. Penalties assessed as the result of action initiated by the Virginia Department of Transportation shall be remanded to the Virginia Department of Transportation's Toll Facilities Revolving Fund. Penalties assessed as the result of action initiated by an operator of a toll facility other than the Virginia Department of Transportation shall be remanded to the toll facility's account for expenses associated with operation of the facility and payments against any bonds or other liens issued as a result of the construction of the facility. The bill provides that imposition of a civil penalty for failure to pay a toll shall not be deemed a conviction as an operator and shall not be made part of the operating record of the person upon whom such civil penalty is imposed nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage.

Patron - Rust

D HB1182 Monacan Bridge. Designates the Lynchburg bypass bridge across the James River between Amherst County and the City of Lynchburg the "Monacan Bridge." This bill is identical to SB 560.

Patron - Bryant

D HB1263 Landfill gas pipelines; notice by VDOT to counties. Requires the Virginia Department of Transportation (VDOT), whenever it grants permission for the location of a landfill gas pipeline within any highway right-of-way, to notify every county through which the pipeline will pass.

Patron - Ingram

D HB1291 Woodlawn Road; property rights of the Commonwealth. Requires the Department of Transportation, with the assistance of the Office of the Attorney General, to assert the property rights of the Commonwealth with respect to Woodlawn Road in Fairfax County and Fort Belvoir. This bill is identical to SB 590.

Patron - Amundson

D HB1376 Tolls. Provides that in order to provide an incentive for motorists to travel at off-peak hours, on highways controlled by the Virginia Department of Transportation, the amount of the toll may vary according to the time of day, day of the week, traffic volume, or any or all of these variables. The amount of the toll and the time of day when such toll changes shall be fixed and revised by the Commonwealth Transportation Board; however, the variation must be reasonably calculated to minimize the impact on toll revenue generated by the toll.

Patron - Fralin

D HB1413 Korean War Veterans Memorial Highway, World War II Veterans Memorial Highway, Vietnam War Veterans Memorial Highway. Designates the entire length of Interstate Route 64 in Virginia as the "Korean War Veterans Memorial Highway," the entire length of Interstate Route 81 in Virginia as the "World War II Veterans Memorial Highway," and the entire length of Interstate Route 95 in Virginia as the "Vietnam Veterans Memorial Highway." The Department of Transportation is required to place and maintain appropriate markers indicating the designations of these highways; however, the cost of initially placing these markers must be paid from private sources.

Patron - Armstrong

D HB1419 Local transportation district for Charlottesville and Albemarle County. Provides for the creation of a local transportation district within Charlottesville and Albemarle County. Such district could be used to facilitate the construction of a U.S. Route 29 bypass.

Patron - Marshall, D.W.

D HB1444 Humelsine Parkway. Designates Virginia Route 199 between I-64 west of Williamsburg and I-64 east of Williamsburg the Humelsine Parkway.

Patron - Barlow

D HB1474 "The Stuart Finley Bridge." Designates the VA Route 2760 bridge over Lake Barcroft in Fairfax County "The Stuart Finley Bridge."

Patron - Hull

D HJ132 Entrepreneurial Education Region of Virginia. Recognizes the "Entrepreneurial Education Region of Virginia" with appropriate postings of the entrances to the region along Interstate Routes 77 and 81, and U. S. Routes 52, 58, 100, and 221 by the relevant localities comprising the region.

Patron - Carrico

D HJ291 I-81 improvements. Encourages the Commonwealth Transportation Board and the Virginia Department

of Transportation, upon completion of the 18-month NEPA environmental review, to consider various ways to address congestion and safety problems on Interstate 81. Some of the suggested improvements include the construction of truck climbing lanes and the placement and rotation of empty patrol vehicles in the median on I-81.

Patron - Cline

D SB13 Sam Snead Memorial Highway. Designates U.S. Route 220 in Bath County the Sam Snead Memorial Highway.

Patron - Deeds

D SB34 Jack and Carter Hardesty Bridge. Designates the U.S. Route 340 bridge over the Norfolk Southern right-of-way north of the Town of Berryville in Clarke County the Jack and Carter Hardesty Bridge.

Patron - Potts

D SB57 Richmond Metropolitan Authority; free use of toll facilities by quadriplegics. Allows toll-free use of Richmond Metropolitan Authority toll facilities by quadriplegic drivers.

Patron - Martin

D SB58 Nonconforming advertising signs. Provides that a maintenance of and repairs to nonconforming signs will be governed by Chapter 7 (Outdoor Advertising) of Title 33.1 (Highways) and regulations promulgated by the Commonwealth Transportation Commissioner.

Patron - Martin

D SB139 I-66 study; HOT lanes. Requires that any study by the Virginia Department of Transportation of possible improvements to Interstate Route 66 (I-66) outside the Capital Beltway (I-495) include consideration of High-Occupancy Toll (HOT) lanes.

Patron - Cuccinelli

D SB155 George Fortune, Jr., Memorial Bridges. Designates the Interstate Route 66 bridges over U.S. Route 29 in Fairfax County the "George Fortune, Jr., Memorial Bridges."

Patron - Cuccinelli

D SB246 Yard sales. Allows local governing bodies to require any person hosting any yard sale, auction, or other special event that is open to the public, held out-of-doors, and is within 100 feet of any public highway on which the posted speed limit is 35 miles per hour or more to notify the local governing body of the event. The local governing body may then provide for placement of temporary signs, 50 feet from the location of the event in both directions, stating: Caution--Congested Area Ahead. This bill will not become effective unless reenacted by the 2005 Session.

Patron - Deeds

D SB257 Subdivision streets. Revises the requirements and procedures by which subdivision streets opened to the public prior to July 1, 1992, may be brought up to state standards for acceptance into the state secondary highway system.

Patron - Hawkins

D SB260 Comprehensive roadside management program. Requires the Virginia Department of Transportation to promulgate regulations for a comprehensive roadside management program that includes opportunities for participation by individuals, communities, and local governments.

Patron - Hawkins

D SB277 Virginia Department of Transportation to maintain certain property. Requires the Virginia Department of Transportation to mow the grass and remove weeds and debris on property acquired for the construction of a transportation project. These activities must be performed in accordance with the same schedules used for these activities on other rights-of-way maintained by the Department in the same locality. At the written request of the governing body or a locality, the Department must provide additional services on the property acquired for the construction of a transportation project including removal of abandoned vehicles. These additional services are to be funded from the construction allocations to the project.

Patron - Wampler

D SB364 Design-build contracts. Grants the Director of the Department of Rail and Public Transportation the same capacity as the Commonwealth Transportation Commissioner to enter into design-build contracts.

Patron - Watkins

D SB508 HOV lanes. Doubles the fines for second, third, fourth, and subsequent high-occupancy vehicle (HOV) lane violations committed in the 8th Planning District, and provides for assessment of three driver demerit points for these second, third, fourth, and subsequent violations as well.

Patron - Mims

D SB560 Monacan Bridge. Designates the Lynchburg bypass bridge across the James River between Amherst County and the City of Lynchburg the "Monacan Bridge." This bill is identical to HB 1182.

Patron - Newman

D SB563 City street maintenance payments; payments to Arlington and Henrico Counties. Strengthens the accountability of Arlington and Henrico Counties and localities receiving city (or town) street maintenance payments by revising existing expenditure reporting requirements.

Patron - Stosch

D SB590 Woodlawn Road; property rights of the Commonwealth. Requires the Department of Transportation, with the assistance of the Office of the Attorney General, to assert the property rights of the Commonwealth with respect to Woodlawn Road in Fairfax County and Fort Belvoir. This bill is identical to HB 1291.

Patron - Puller

D SB670 U.S. Route 29 bypass around Charlottesville. Provides that, if the construction of a U.S. Route 29 bypass around Charlottesville is not constructed because of opposition from the local metropolitan planning organization, and the Federal Highway Administration requires the Commonwealth to reimburse the federal government for federal funds expended in connection with that project, an amount equal to the amount of the required reimbursement will be deducted by the Commonwealth Transportation Board from primary system highway construction funds allocated or allocable to the Culpeper Highway Construction District and an amount equal to the total of all state funds expended on the project will be deducted by the Commonwealth Transportation Board from state primary system highway construction funds allocated or allocable to the same highway construction district.

Patron - Newman

Failed

: HB81 Virginia Department of Transportation (VDOT) acquired real estate. Requires VDOT to maintain real property it acquires so that it doesn't become an eyesore or a danger to community residents.

Patron - Kilgore

: HB115 Toll of for use of I-81 by trucks. Requires VDOT to collect tolls for use of Interstate Route 81 (I-81) by trucks, tractor trucks, and combination vehicles. The amount of the toll is to be set by the Commonwealth Transportation Board. Proceeds from the toll collections are to be paid to the Department of Rail and Public Transportation to finance improvements to Virginia's rail infrastructure so that cargo shipments can be shifted from trucks to trains.

Patron - Marshall, R.G.

: HB181 Eminent domain. Provides that, in condemnations by the Commonwealth Transportation Commissioner, so long as any suit is being conducted in connection with acquisition of the property, the owner of the condemned property must be allowed to continue to occupy any structure located on the condemned property without payment of rent for a period of 180 days or until the conclusion of the court proceedings, whichever is later.

Patron - Oder

: HB188 Primary system highway construction allocation. Provides that funds for construction projects in the primary highway system will be distributed among the nine highway construction districts on the basis of vehicle miles traveled per lane-mile.

Patron - Black

: HB202 VDOT resident engineers. Provides that persons who have served successfully as assistant engineers with the Virginia Department of Transportation (VDOT) may be promoted by the Department to the position of resident engineer, provided they agree to complete requirements to be a Certified Professional Engineer within five years of promotion.

Patron - Athey

: HB287 "Smart Road" fund. Establishes a special fund "off the top" of funds available for highway construction to cover the costs of construction, reconstruction, and improvements to the "Smart Road" at the Virginia Tech Transportation Institute.

Patron - Griffith

: HB368 Urban and secondary highway system construction allocations. Allocates urban system and secondary system highway construction funds among affected jurisdictions on the basis of (i) area, (ii) vehicle miles traveled, and (iii) population, with area being weighted 15 percent, vehicle miles traveled weighted 25 percent, and population weighted 60 percent.

Patron - Rust

: HB369 Primary system highway construction allocation. Provides that funds for construction projects in the primary highway system will be distributed among the nine highway construction districts on the basis of vehicle miles traveled per lane-mile.

Patron - Rust

: HB486 Highway maintenance and construction funds. Redistributes 10 percent of highway maintenance and construction funds allocated to the Bristol, Salem, and Lynch-

burg highway construction districts to the Northern Virginia and Hampton Roads construction districts.

Patron - Cole

: **HB795 Highway construction funds; primary system allocations.** Allocates primary system construction funds among the nine highway construction districts on the basis of the ratio of vehicle-miles traveled on the primary system in each district divided by the number of primary system lane miles in each district, weighted 90 percent, and a primary road need factor, as determined by the Commonwealth Transportation Board, weighted 10 percent.

Patron - Watts

: **HB881 Statewide Transportation Plan.** Requires the Commonwealth Transportation Board to include representatives of homeowners associations that have 50,000 or more members in its processes and activities associated with new transportation construction projects.

Patron - Plum

: **HB906 VDOT highway logo sign program.** Requires the Virginia Department of Transportation (VDOT) to administer a highway logo sign program consistent with the requirements of the Manual on Uniform Traffic Control Devices. VDOT regulations implementing the program must "grandfather" certain program participants.

Patron - Wardrup

: **HB941 Signs.** Allows local governing bodies to put up "welcome" signs within highway rights-of-way or within sight of highway rights-of-way to welcome travelers. These signs may include statements or phrases such as "birthplace of _____", "site of the _____," or "home of the _____".

Patron - Pollard

: **HB1011 Transportation construction and maintenance.** Revises Virginia's transportation construction and maintenance allocation system in accordance with recommendations made by the Joint Legislative Audit and Review Commission to the 2002 Session of the General Assembly.

Patron - Rust

: **HB1165 Motor fuel sales reports; allocation of primary, urban, and secondary system highway construction funds.** Provides for quarterly reports to the Commonwealth Transportation Board (CTB) by retail sellers of motor fuels. Such reports shall include the quantities of motor fuels sold at retail and the locality in which they were sold. This data can be transmitted to the CTB either by mail (on a form no larger than a standard post card) or via Internet. This data will be used, beginning July 1, 2005, to allocate primary, urban, and secondary system highway construction funds.

Patron - Frederick

: **HB1345 Public-Private Transportation Act.** Disallows approval of a transportation facility on which the operator intends to impose tolls or user fees if the facility separates trucks from other motor vehicles utilizing the facility. The bill also disallows approval of a transportation facility involving Interstate 81 that separates trucks from other motor vehicles if the agreement provides for the improvement of more than 85 miles of roadway.

Patron - Saxman

: **HB1347 Public-Private Transportation Act of 1995.** Prohibits imposition of tolls or user fees for use of any demonstration or pilot project undertaken under the Public-Private

Transportation Act of 1995 if that project uses federal funds.

Patron - Saxman

: **HJ41 Transportation Trust Fund and Highway Maintenance and Operating Fund.** Admonishes the General Assembly to enact laws to maintain the Transportation Trust Fund and Highway Maintenance and Operating Fund and borrow from them only in the event of dire financial circumstances.

Patron - Shuler

: **HJ90 Virginia Route 5 Bikeway Project in Charles City County.** Memorializes the Commonwealth Transportation Board to move forward with the construction of Alternative 3 of the Virginia Route 5 Bikeway Project in Charles City County.

Patron - Miles

: **HJ91 Barrett's Ferry Bridge.** Memorializes the Commonwealth Transportation Board to include replacement of the Barrett's Ferry Bridge in Charles City County as a priority project in the Commonwealth's Transportation Improvement Plan.

Patron - Miles

: **SB70 H. Edward Steele Memorial Tunnel.** Redesignates the East River Mountain Tunnel on I-77 the "H. Edward Steele Memorial Tunnel."

Patron - Puckett

: **SB106 Virginia Department of Transportation engineering functions.** Prohibits, with a few exceptions, performance of engineering functions by employees of the Virginia Department of Transportation in connection with the planning, designing, construction, reconstruction, or maintenance of highways in the interstate, primary, or national highway system.

Patron - Williams

: **SB113 Urban system highway construction projects.** Allows the City of Newport News to include up to \$10 million in costs for underground utilities for state highway construction projects as part of total project costs.

Patron - Williams

: **SB307 Allocation of proceeds of Transportation Trust Fund.** Provides that, except as otherwise provided in the Virginia Constitution or federal law, after allocations to the Commonwealth Port Fund, Commonwealth Airport Fund and Commonwealth Mass Transit Fund, all remaining proceeds of the Transportation Trust Fund be distributed for highway construction. The Toll Facilities Revolving Account, the Unpaved Secondary Road Fund, the Industrial and Airport Access Fund, the Industrial Rail Access Fund, the Recreational Access Roads and Bikeways Fund, the Northern Virginia Transportation District Program and the Interstate 66 Economic Development Program Fund are repealed.

Patron - O'Brien

: **SB373 Industrial access road fund.** Deems capital investment made by the Central Virginia Electric Cooperative in its facilities and property in the Colleen Industrial Park in Nelson County sufficient to allow the use of state industrial access road funds for construction of Cooperative Way.

Patron - Deeds

: **SB413 Rail Transportation Development Authority.** Amends the second enactment of Chapter 1041 of the Acts of Assembly of 2003 to provide that that act (creating

the Rail Transportation Authority) will become effective on July 1, 2004.

Patron - Edwards

: **SB544 George F. Barnes Bridge.** Designates the bridge after Exit 3 on the US Route 19/460 bypass around the Town of Tazewell the "George F. Barnes Bridge."

Patron - Puckett

: **SB545 C. Don Dunford Bridge.** Designates the bridge located between Exit 4 and Exit 5 on the U.S. Route 19/460 bypass around the Town of Tazewell the "C. Don Dunford Bridge."

Patron - Puckett

Carried Over

7 HB89 High-occupancy vehicle (HOV) lanes; tolls. Provides that any and all HOV lanes or other HOV facilities designated, constructed, contracted for, or opened to traffic on or after July 1, 2004, will be subject to an electronically collected toll. These facilities become toll-free upon the retirement of any and all bonds, notes, certificates, or other evidences of debt issued in order to cover any portion of the cost of the facility.

Patron - Purkey

7 HB99 High-occupancy vehicle (HOV) lanes. Repeals the July 1, 2006, "sunset" on use of HOV lanes by vehicles bearing clean fuel vehicle license plates, regardless of the number of their occupants. The provisions of the bill "sunset" if found to contravene federal law.

Patron - Cole

7 HB185 Virginia Department of Transportation; independent audit required. Requires, as soon as practicable, the conduct of an independent audit of the Virginia Department of Transportation. Follow-up audits would be required during the first year of every Governor's term.

Patron - Oder

7 HB306 Statewide Transportation Plan; inadequacy of local or regional system. Requires the Commonwealth Transportation Board to establish and apply an impact fee in any locality or region where pursuant to a comprehensive review, it determines that transportation needs are not being adequately met. The bill requires the Board to collect a fee from the builder of each new residential or commercial unit constructed in the locality or region until it determines that the transportation needs in the locality or region are being adequately met and are likely to remain so for at least the next five years. The fee shall be based on standards and criteria established by the Board, including but not limited to (i) average levels of traffic congestion and vehicle miles traveled by residents in such locality or region, (ii) the pro-rata impact of each residential or commercial unit on the existing transportation network, and (iii) the pro-rata impact of each additional residential or commercial unit on the costs of improving, expanding or developing new transportation systems in order to adequately meet the needs of such new development. The Board shall allocate all fees collected under these provisions to a special account within the Transportation Trust Fund on behalf of the locality or localities subject to the fee requirement. The Board shall make disbursements from such account for the improvement, maintenance or expansion of the transportation system in such locality or region. Upon a determination by the Board that the local or regional transportation system is adequate and is likely to remain adequate for at least the next five years, the Board shall release to the locality or

localities all funds that may remain in the Transportation Trust Fund on their behalf.

Patron - Marshall, R.G.

7 HB804 Definitions and certain laws on outdoor advertising in sight of public highways. Adds an explicit reference to advertisements concerning political candidacies and referenda issues. Current law regulates the placement of advertisements in sight of public highways, provides for their removal, and imposes penalties for violations of state regulations. The bill also amends the provision on agreements between the Commonwealth Transportation Commissioner and Fairfax County for joint enforcement to allow joint enforcement agreements with respect to signs in place more than three days before an election or special event as well as more than three days after the election or event.

Patron - Petersen

7 HB905 Tolls on I-81. Repeals the third enactment of Chapter 593 of the Acts of Assembly of 2002 to provide that, if tolls are imposed for the use of Interstate Route 81 (I-81), all vehicles will be subject to the toll. The repealed enactment exempts passenger cars, pickup or panel trucks, and motorcycles from the toll.

Patron - Wardrup

7 HB945 Audits of VDOT. Requires that, beginning on July 1, 2004, and at least once every two years thereafter, the Commonwealth Transportation Commissioner must accept contract proposals from private companies to conduct a thorough, comprehensive, and independent audit of the Virginia Department of Transportation (VDOT). All costs of these audits are to be borne by the companies performing them.

Patron - Oder

7 HB1032 Unit cost analysis by VDOT. Requires the Virginia Department of Transportation (VDOT) to conduct unit cost analysis of full-cost accounting, and then use data generated thereby to identify activities that are ripe for competition.

Patron - Lingamfelter

7 HB1106 High-occupancy vehicle (HOV) lanes. Repeals the July 1, 2006, "sunset" on use of HOV lanes by vehicles bearing clean fuel vehicle license plates, regardless of the number of their occupants. The provisions of the bill "sunset" if found to contravene federal law.

Patron - Moran

7 HB1166 Town of Dumfries; construction of debris barrier. Authorizes the Town of Dumfries to use I-95 right-of-way to construct a barrier to prevent the deposition of highway debris on property abutting the right of way. Costs of construction are to be paid out of funds allocated for primary system highway construction in the Northern Virginia District.

Patron - Frederick

7 HB1344 I-81 safety improvement; pilot project. Provides for a one-year pilot project, modeled on Augusta County's Project Alliance, directed by a designee of the Superintendent of State Police, to improve highway safety along Interstate Route 81 (I-81). At the end of the year, the results of the project are to be reported to the Governor and the General Assembly.

Patron - Saxman

7 SB178 Maintenance and operation of drawbridges in Chesapeake. Requires the Department of Transportation to reimburse the City of Chesapeake for its actual costs

incurred in the maintenance and operation of drawbridges within its boundaries.

Patron - Blevins

7 SB637 Jail inmates; use on certain highway maintenance and construction projects. Allows use of inmates of local and regional jails in local highway maintenance and construction projects without permission from the Department of Transportation, the Commonwealth Transportation Commissioner, or the Commonwealth Transportation Board.

Patron - Norment

Hotels, Restaurants, Summer Camps and Campgrounds

Passed

D HB158 Nudist camps for juveniles. Provides that the Board of Health shall not issue a license to the owner or lessee of any hotel, summer camp, or campground in the Commonwealth that maintains or conducts as any part of its activities a nudist camp for juveniles. A "nudist camp for juveniles" is defined to be a hotel, summer camp or campground that is attended by nude juveniles whose parent, grandparent or legal guardian is not also registered or otherwise accompanying the juvenile in the same camp.

Patron - Reid

D HB918 Regulation of restaurants; definition. Exempts convenience stores and gas stations having 15 or fewer seats at which food is served to the public on the premises and that are not part of a national or regional restaurant chain from regulation under the Department of Health.

Patron - Phillips

Failed

: HB691 Prevention of noise-induced hearing loss. Requires any entity subject to licensure as a hotel or restaurant or other facility under Title 35.1 that contracts for events including live or recorded musical entertainment that may or will exceed the maximum noise level of 80 decibels, or such other lower noise level as the Board of Health shall determine, at which noise-induced hearing loss occurs, shall, as a condition of obtaining or renewing such licensure, offer and make available with or without charge individual hearing protection devices, such as earplugs, to patrons upon admission to events including such musical entertainment.

Patron - Morgan

Housing

Passed

D HB123 Board of Housing and Community Development; membership. Increases the membership of the Board of Housing and Community Development from 13 to 14 by adding the Director of Regulatory Compliance of the Virginia Building Officials Association and specifies his term.

Patron - Albo

D HB423 Uniform Statewide Building Code; regulation of HVAC facilities. Provides that the Board of Housing and Community Development to promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) establishing standards for heating, ventilation, and air-conditioning (HVAC) facilities in new, privately owned residential dwellings.

Patron - Watts

D HB825 Virginia Housing Development Authority; financing of certain mixed-income and mixed-use housing developments. Authorizes the Virginia Housing Development Authority (Authority) to finance mixed-income and mixed-use housing developments in revitalization areas designated by local governments if (i) the surrounding area is predominantly of lower income or (ii) the Authority's ability to provide the low and moderate income housing will be enhanced by having a portion of the units occupied by persons and families who are not of low or moderate income. The bill limits the percentage of persons or families who are not of low and moderate income in any economically mixed project to 80 percent and provides that nonhousing buildings may not be financed by the Authority unless a certification is provided by the housing sponsor that a mortgage loan is not otherwise available from private lenders upon reasonably equivalent terms and conditions.

Patron - Drake

D HB828 Uniform Statewide Building Code; enforcement; rental inspections. Clarifies the inspection authority of local building officials for existing commercial and residential buildings or structures, including the authority of a local governing body to adopt and enforce an inspection program for residential dwelling units that are rented to tenants pursuant to the Landlord and Tenant Act (§ 55-217 et seq.) or the Virginia Residential Landlord Tenant Act (§ 55-248.2 et seq.). The bill sets out the procedures for localities to conduct rental inspections and the fees therefore. The bill contains technical amendments.

Patron - Drake

D SB4 Housing Funds. Eliminates the requirement for the Department of Housing and Community Development to provide reports to the legislative committees on the Urban Public-Private Partnership Redevelopment Fund, the Virginia Removal or Rehabilitation of Derelict Structures Fund, and the Housing Revitalization Zone Fund. This bill is a recommendation of the Joint Subcommittee to Study the Operations, Practices, Duties, and Funding of the Commonwealth's Agencies, Boards, Commissions, Councils, and Other Governmental Entities pursuant to HJR 159 (2002). The bill also removes the requirement that fifty percent of all monies received by localities from the Virginia Removal or Rehabilitation of Derelict Structures Fund be utilized in housing revitalization zones.

Patron - Martin

D SB183 Uniform Statewide Building Code; certain housing facilities. Requires the Board of Housing and Community Development to promulgate regulations in accordance with the Administrative Process Act establishing standards for such additional fire detection and suppression systems as it deems necessary to increase the safety of persons in assisted living facilities, residential dwelling units designed or developed and marketed to senior citizens, nursing homes and nursing facilities. This requirement would be in addition to the current regulations requiring smoke detectors and sprinkling systems in nursing homes and nursing facilities.

Patron - Blevins

D SB233 Conveyance of streets; no trespass policy. Requires each housing authority to adopt a "no trespass" policy designed to protect the premises controlled by such authority and residents from nonresidents who enter the premises for unlawful purposes or without any lawful purpose. In adopting such policies, the authority shall determine whether to petition a locality or the Commonwealth to close to the public and convey to the authority any streets serving authority property. Neither a locality nor the Commonwealth shall be required to grant the conveyance. The Attorney General shall develop and distribute a model policy that takes into account any relevant constitutional limitations on such action by housing authorities, the locality or the Commonwealth; however, no housing authority is required to adopt the model policy. The bill has a delayed effective date of January 1, 2005.

Patron - Lambert

Failed

: HB187 Virginia Housing Development Authority; regulations. Requires the Housing Development Authority to develop regulations providing that single-family mortgage loans may be made to more than one person only if the persons to whom the loan is to be made are related by blood, marriage or adoption.

Patron - Black

: HB821 Housing authority law; redevelopment districts. Authorizes any housing authority or local governing body to carry out work in blighted or deteriorated areas designated as redevelopment districts upon the adoption of an ordinance by the local governing body, which ordinance includes a redevelopment plan. Currently, only housing authorities are authorized to undertake a redevelopment project. The bill also defines redevelopment areas as areas (including slum areas) with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement of design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals or welfare of the community. Currently, these areas are called blighted or deteriorated areas. The bill also authorizes housing authorities and local governing bodies to identify residential dwelling units that are rented to assist local building officials in enforcing any rental property inspection program adopted by the local governing body. The bill also contains technical amendments.

Patron - Drake

: HB830 Housing authority law; conservation districts. Authorizes any local governing body or its designated agency to carry out work in deteriorated areas designated as conservation districts upon the adoption of an ordinance by the local governing body, which ordinance includes a conservation plan. The bill also authorizes local governing bodies to identify residential dwelling units that are rented to assist local building officials in enforcing any rental property inspection program adopted by the local governing body. The bill contains technical amendments.

Patron - Drake

: HB1180 Statewide Fire Prevention Code; buildings or structures intended for worship; natural cut trees. Removes the authority of the Board of Housing and Community Development, in cooperation with the Fire Services Board, to adopt regulations prohibiting the use of natural cut trees in a building or structure intended for worship. This bill is incorporated into HB 622.

Patron - Bryant

: HB1245 Virginia Fair Housing Law; evidence of unlawful discriminatory practices. Provides that the use of words or symbols associated with a particular religion, national origin, sex, or race may be evidence of an illegal preference under the Virginia Fair Housing Law. Current law mandates that the use of such words or symbols shall be prima facie evidence of an illegal preference. The bill also eliminates the prohibition against use of a general disclaimer to overcome the prima facie evidence.

Patron - Griffith

Carried Over

7 HB822 Housing authority law; definition of public use. Defines, for the purposes of housing authority law, "public use" to mean the possession, occupation, and enjoyment of land by the public at large, or by public agencies. The bill provides that to ensure the protection of the rights of private property owners, the government shall not seize land from a property owner and turn it over to another on vague grounds of public benefit to spring from the more profitable use to which the latter may devote it. The benefiting of a private entity, whether by acquisition, purchase, or leaseback shall not constitute a public use.

Patron - Drake

Institutions for the Mentally Ill; Mental Health Generally

Passed

D HB494 Adult guardianship and conservatorship. Extends the authority to petition the circuit court to name a standby guardian or conservator or both for an incapacitated person to the child or children of an incapacitated person. Under present law, the statute only provides for the appointment of a standby guardian or conservator upon the petition of a parent or legal guardian for an incapacitated child.

Patron - Kilgore

D HB589 Emergency custody and temporary detention orders; transportation. Provides parameters for specifying the law-enforcement agency and jurisdiction to execute emergency custody orders or temporary detention orders and provide transportation of the subjects of such orders. In the case of emergency custody orders, the magistrate must specify the primary law-enforcement agency from the jurisdiction served by the community services board that designated the person to perform the evaluation to execute the order and provide transportation; however, if the community services board serves more than one jurisdiction, the primary law-enforcement agency from the particular jurisdiction within the community services board's service area where the person who is the subject of the emergency custody order was taken into custody or, if the person is not yet in custody, the primary law-enforcement agency from the jurisdiction where the person is presently located. In the case of temporary detention orders, the magistrate must specify in the order the law-enforcement agency of the jurisdiction in which the person resides to execute the order and provide transportation; however, if the nearest boundary of the jurisdiction in which the person resides is more than 50 miles from the nearest boundary of the jurisdiction in which the person is located, the law-enforcement agency of the jurisdiction in which the person is located shall execute the order and provide transportation. The bill autho-

rizes law-enforcement agencies to enter into agreements to facilitate the execution of temporary detention orders and provide transportation. For both the emergency custody orders and the temporary detention orders, the evaluation or treatment must be conducted immediately in accordance with state and federal law.

Patron - Janis

D HB745 Licensure conditions for certain methadone clinics; emergency. Prohibits the granting of an initial license to a provider of treatment for persons with opiate addiction through the use of the controlled substance, methadone, or other opioid replacements, if such provider is to be located within a one-half mile of a public or private day care center or public or private K-12 school, except when such service is provided by a hospital licensed by the Board of Health or the Commissioner of the Department of Mental Health, Mental Retardation or Substance Abuse Services or owned or operated by an agency of the Commonwealth. Upon receiving a notice of a proposal for or an application to obtain initial licensure from a provider of treatment for persons with opiate addiction through the use of the controlled substance, methadone, or other opioid replacements, the Commissioner must, within 15 days of such receipt, notify the local governing body of and the community services board serving the jurisdiction in which the facility is to be located of such proposal or application and its proposed location. The local governing body and the community services board must submit comments to the Commissioner on the proposal or application within 30 days of the date of the notice. The local governing body must notify the Commissioner of compliance with the location restrictions and any relevant local ordinances. No applicant for a license to provide treatment for persons with opiate addiction through the use of methadone or other opioid replacements that has obtained a certificate of occupancy in accordance with the law and regulations in effect on January 1, 2004, will be required to comply with this law. No existing licensed provider will be required to comply with these provisions in any city or county in which it is currently providing treatment. Further, the location restriction will not apply to the jurisdictions located in Planning District 8, i.e., Northern Virginia. A second enactment clause provides that: the Commissioner must not grant or issue any initial license for a methadone clinic after the date of the enactment of this provision, unless the provider is in compliance with this act.

Patron - Ware, O.

D HB876 Disclosure of mental health information. Adds to the law in Title 37.1 relating to disclosure of mental health information various technical amendments to clarify (i) who may submit a bill to a third party payor; (ii) that the information on the patient must include his address and date of birth; (iii) that patient consent or authorization is required for disclosure of mental health information; and (iv) that patient consent or authorization must be in writing and must be dated and signed and must also comply with the requirements for authorization of disclosure set out in subsection G of § 32.1-127.1:03. Subsection G of § 31.2-127.1:03 requires the name of the patient, the provider and the identity of the person to whom disclosure may be made, and the nature of the information to be disclosed. This bill also sets out a procedure by which a patient may receive a review by an objective physician or clinical psychologist of whether the patient may receive a copy of a third party payors' information in those instances where the treating physician or clinical psychologist has advised the third party payor that the information would be reasonably likely to endanger the life or physical safety of the patient or another person or contains a reference to another person that would be reasonably likely to cause substantial harm to the referenced person. The standard for limiting disclosure

to the patient who is the subject of the record is changed from "might adversely affect the patient's health" to "would be reasonably likely to endanger the life or physical safety of the patient or another person, or that such record makes reference to a person other than a health care provider, and the access requested would be reasonably likely to cause substantial harm to such referenced person."

Patron - O'Bannon

D HB878 Access to health records for guardians ad litem and attorneys representing minors and certain adults in court proceedings. Ensures compliance with federal regulations concerning protected health information promulgated pursuant to the Health Insurance Portability and Accountability Act while providing access to health records and information for guardians ad litem and attorneys representing minors in juvenile and domestic court proceedings, proceedings to authorize treatment for patients incapable of providing consent to treatment, persons who are subject to petitions for involuntary commitment, and respondents who are the subjects of petitions to appoint guardians and/or conservators.

Patron - O'Bannon

D HB984 Conservators and guardians. Modifies definitions of "conservator" and "guardian" to include any local or regional tax-exempt charitable organization that is established to provide conservatorial or guardian services to incapacitated persons. The tax-exempt charitable organization cannot be a provider of direct services to the incapacitated person. Currently, in addition to persons appointed by the court, local or regional programs designated by the Department for the Aging may serve as "public" conservators and guardians.

Patron - Reese

D HB1103 Conservatorship. Eliminates the authority of a conservator for an incapacitated person to seek a divorce without prior court authorization. Guardians of incapacitated persons are prohibited from seeking a change in a person's marital status without prior court approval. This bill is identical to SB 19.

Patron - Moran

D HB1237 Sexually violent predators; civil commitment. The bill requires state and local courts, clerks and agencies to provide the Commitment Review Committee with information that it requests. The prisoner must remain in secure custody pending the circuit court hearing and the date for the circuit court hearing is extended to 60 days after filing the petition from the current 30 days. The bill also provides for a minimum 30-day continuance if less than full commitment is ordered, during which time alternatives to full commitment shall be developed. The bill allows presentence and postsentence reports and victim impact statements to be used in the civil commitment process.

Patron - Griffith

D SB19 Conservatorship. Eliminates the authority of a conservator for an incapacitated person to seek a divorce without prior court authorization. Guardians of incapacitated persons are prohibited from seeking a change in a person's marital status without prior court approval. This bill is identical to HB 1103.

Patron - Puller

D SB24 Interpreters in mental commitment proceedings. Requires a judge or magistrate to appoint an interpreter for a non-English-speaking person who is the subject of or a witness in a mental commitment proceeding. Failure to appoint an interpreter when one is not reasonably available or when the person's level of English fluency cannot be deter-

mined is not a basis for dismissing the petition or voiding the order. The interpreter's compensation is paid out of the state treasury.

Patron - Marsh

D SB25 Temporary detention orders. Corrects an incorrect cross reference to appeals of temporary detention orders.

Patron - Marsh

D SB212 Inspector General for Mental Health, Mental Retardation and Substance Abuse Services. Moves the powers and duties that are currently attributed to the Office of Inspector General to the powers and duties of the Inspector General and clarifies that the Inspector General can access information related to the delivery of services to consumers operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services or served by providers outside of the state facility system, including the licensed mental health treatment units in state correctional facilities. However, the Inspector General is not given access to privileged peer review information of the providers, except privileged information relating to consumers from state facilities and the mental health treatment units in state correctional facilities. The Code Commission reviewed the legislation in the course of its revision of Title 37.1. While it recognizes the need for clarifying amendments to be made, the Code Commission takes no position on the substantive changes made. The bill also contains technical amendments.

Patron - Edwards

D SB556 Placement of committed persons and notice to community. Requires the Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services, prior to the siting of a new facility or the designation of an existing facility to be operated for the control, care and treatment of persons convicted of a sexually violent offense who have been referred for civil commitment, to notify the state elected officials for and the local governing body of the jurisdiction of the proposed location, designation or expansion of the facility. Upon receiving the notice, the local governing body of the jurisdiction of the proposed site or where the existing facility is located may publish a descriptive notice concerning the proposed site in a newspaper of general circulation in the jurisdiction. The Commissioner must also establish an advisory committee relating to any such facility that must consist of state and local elected officials and community organizations serving the jurisdiction in which the facility is proposed to be or is located. Upon request, the members of the advisory committee will be notified whenever the Department increases the number of beds in the relevant facility.

Patron - Marsh

D SB607 Licensure conditions for certain methadone clinics; emergency. Prohibits the granting of an initial license to a provider of treatment for persons with opiate addiction through the use of the controlled substance, methadone, or other opioid replacements, if such provider is to be located within a one-half mile of a public or private day care center or public or private K-12 school, except when such service is provided by a hospital licensed by the Board of Health or the Commissioner of the Department of Mental Health, Mental Retardation or Substance Abuse Services or owned or operated by an agency of the Commonwealth. Upon receiving a notice of a proposal for or an application to obtain initial licensure from a provider of treatment for persons with opiate addiction through the use of the controlled substance, methadone, or other opioid replacements, the Commissioner must, within 15 days of such receipt, notify the local governing body of and the

community services board serving the jurisdiction in which the facility is to be located of such proposal or application and its proposed location. The local governing body and the community services board must submit comments to the Commissioner on the proposal or application within 30 days of the date of the notice. The local governing body must notify the Commissioner of compliance with the location restrictions and any relevant local ordinances. No applicant for a license to provide treatment for persons with opiate addiction through the use of methadone or other opioid replacements that has obtained a certificate of occupancy in accordance with the law and regulations in effect on January 1, 2004, will be required to comply with this law. No existing licensed provider will be required to comply with these provisions in any city or county in which it is currently providing treatment. Further, the location restriction will not apply to the jurisdictions located in Planning District 8, i.e., Northern Virginia. A second enactment clause provides that: the Commissioner must not grant or issue any initial license for a methadone clinic after the date of the enactment of this provision, unless the provider is in compliance with this act.

Patron - Wampler

D SJ81 Offenders with mental illness or substance abuse disorders. Encourages the Department of Mental Health, Mental Retardation and Substance Abuse Services to provide nonfinancial assistance in developing demonstration projects designed to divert individuals with mental illness, substance abuse, and co-occurring disorders from jail or secure detention. The Department is requested to incorporate information within its web-based Internet site about such programs and continue the activities of its Forensic Work Group.

Patron - Mims

D SJ88 Offenders with mental illness and substance abuse disorders. Encourages the Department of Corrections and the Department of Juvenile Justice to include an evaluation and reporting component in any new mental health or substance abuse treatment initiative that is established for offenders in their custody.

Patron - Martin

Failed

: HB304 Licensure conditions for certain methadone clinics; emergency. Prohibits the granting of an initial license to a facility for the provision of detoxification, treatment or rehabilitation of drug addicts through the use of the controlled substance, methadone, or other such controlled substances, if such facility is to be located within a one-half mile of a public or private K-12 school. In addition, the Commissioner is required to notify the local governing body of the jurisdiction in which such facility is to be located within 15 days of receiving notice of a proposal or an application to obtain initial licensure for methadone clinics. The local governing body may submit comments on the proposal or application that may include its compliance with this provision and applicable local ordinances. Existing clinics, i.e., licensed and operating in accordance with the law and regulations in effect on January 1, 2004, are grandfathered. Three enactment clauses provide that: (i) the Board of Mental Health, Mental Retardation and Substance Abuse Services must promulgate emergency regulations; and (ii) the Commissioner must not grant or issue any initial license for a methadone clinic after the date of the enactment of this provision, unless the facility is in compliance with these provisions, notwithstanding any regulations to the contrary. This bill is incorporated into HB 745.

Patron - Fralin