

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

*Patron - Reynolds*

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

*Patron - Reynolds*

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

*Patron - Martin*

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

*Patron - Edwards*

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

*Patron - Petersen*

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

*Patron - Wagner*

**SB872 Expansion of gang-free zones.** Adds school bus stops and publicly owned parks, libraries and hospitals to the list of places denoted "gang-free zones." Criminal gang activity that occurs in gang-free zones receives additional punishment.

*Patron - Stuart*

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

*Patron - Stuart*

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

*Patron - Deeds*

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

*Patron - McDougle*

**SB926 Penalties for possession, sale, gift, distribution or possession with intent to sell, give or distribute synthetic marijuana.** Creates a new category for "synthetic marijuana" as a series of controlled substances listed in Schedule I (§ 54.1-3446) of the Drug Control Act (§ 54.1-3400 et seq.). Notwithstanding the provisions regarding punishment for possession and distribution of controlled substances listed in Schedule I, punishment for possession and distribution of synthetic marijuana is largely in accord with the provisions for actual marijuana. However, except where synthetic marijuana is specifically exempted, it will fall under provisions in the Virginia Code that refer to controlled substances. This bill has been incorporated into SB 745.

*Patron - McDougle*

**SB929 Sale of tobacco products.** Provides that wrappings may be sold only in places that are not open to the general public and not generally accessible to minors and that an establishment which prohibits the presence of minors unless accompanied by an adult is not open to the general public. There is a civil penalty. Wrappings are defined in existing law as papers made or sold for covering or rolling tobacco or other materials for smoking in a manner similar to a cigarette or cigar.

*Patron - McDougle*

**SB962 Possession of certain substances with intent to manufacture methamphetamines.** Refines the list of substances involved in the manufacture of methamphetamine, the possession of two of which, coupled with the intent to manufacture methamphetamine, is punished as a Class 6 felony. The change is intended to capture substances used in new methods of manufacture and to capture by-products, as well as precursors, of manufacture.

*Patron - Northam*

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

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

*Patron - Stuart*

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

*Patron - Puckett*

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

*Patron - Barker*

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

*Patron - Hanger*

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

*Patron - Hanger*

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

*Patron - McEachin*

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

*Patron - Quayle*

**SB1164 Illegal gambling; definitions.** Amends the definition of "illegal gambling" to clarify that the purchase of a product or other thing of value (e.g., phone card, Internet time), which purchase credits the purchaser with free points or other measurable units that may be risked by the purchaser for an opportunity to win money, is deemed consideration for the purposes of illegal gambling. The bill also clarifies that the con-

duct of a game, contest, lottery, scheme, or promotional offering may be lawful if (i) no part of the purpose of the contest is illegal gambling, (ii) no part of the contest involves the use of a gambling device, and (iii) the contest complies with certain requirements enumerated in the bill. The bill provides that it is declaratory of existing law. This bill has been incorporated into SB 1195.

*Patron - Reynolds*

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

*Patron - Norment*

**SB1186 Penalties for possession, sale, gift, distribution or possession with intent to sell, give or distribute synthetic marijuana.** Creates a new category for "synthetic marijuana" as a series of controlled substances listed in Schedule 1 (§ 54.1-3446) of the Drug Control Act (§ 54.1-3400 et seq.). Notwithstanding the provisions regarding punishment for possession and distribution of controlled substances listed in Schedule 1, punishment for possession and distribution of synthetic marijuana is largely in accord with the provisions for actual marijuana. The bill has an emergency clause. This bill has been incorporated into SB 745.

*Patron - Norment*

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

*Patron - Obenshain*

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

*Patron - Smith*

**SB1251 Electronic tracking devices; penalty.** Prohibits a person from placing, through intentionally deceptive means, an electronic tracking device in or on a vehicle. The prohibition would not apply to law-enforcement officers, judicial officers, probation or parole officers, or employees of the Department of Corrections in the lawful performance of their duties or to parents or guardians of minors. A violation of the

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

*Patron - Vogel*

**SB1324 Crimes against incapacitated or elder adults; penalty.** Provides that any person who commits an offense set forth in Chapter 4 (crimes against the person), Chapter 5 (crimes against property), or Chapter 6 (crimes involving fraud) of Title 18.2, knowing or having reason to know that the victim of the offense is an incapacitated or elder adult is guilty of a separate and distinct Class 1 misdemeanor if the underlying offense is a misdemeanor and a separate and distinct Class 6 felony if the underlying offense is a felony. The bill also provides that if the offender is a person responsible for the care of the victim, punishment shall include a mandatory minimum term of confinement of 30 days if the underlying offense is a misdemeanor and a mandatory minimum term of confinement of six months if the underlying offense is a felony. This bill incorporates SB 919.

*Patron - Herring*

**SB1325 Financial exploitation of elderly or vulnerable adults; penalty.** Provides that it is a Class 5 felony to knowingly, by deception, intimidation, undue influence, coercion, harassment, duress, or misrepresentation, use, obtain, convert, or take control of an elderly or vulnerable adult's property or financial resources with the intent to temporarily or permanently deprive the adult of the use, benefit, or possession of the property or financial resources. If the violation is by a caregiver or person with a fiduciary relationship it is a Class 3 felony.

*Patron - Herring*

**SB1373 Penalties for possession, sale, gift, or distribution of or possession with intent to sell, give, or distribute synthetic cannabinoids.** Creates a new category for "synthetic cannabinoids" as a series of controlled substances listed in Schedule I (§ 54.1-3446) of the Drug Control Act (§ 54.1-3400 et seq.). Notwithstanding the provisions regarding punishment for possession and distribution of controlled substances listed in Schedule I, punishment for possession and distribution of synthetic cannabinoids is largely in accord with the provisions for actual marijuana. However, except where synthetic cannabinoids is specifically exempted, it will fall under provisions in the Virginia Code that refer to controlled substances. The bill has an emergency clause. This bill has been incorporated into SB 745.

*Patron - Wampler*

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

*Patron - McEachin*

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

*Patron - Martin*

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

*Patron - Wampler*

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

*Patron - Vogel*

## Criminal Procedure

### Passed

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

*Patron - Landes*

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

*Patron - Loupassi*

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

*Patron - Iaquinto*

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

*Patron - Iaquinto*

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

*Patron - Cosgrove*

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

*Patron - Stolle*

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

*Patron - Athey*

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

*Patron - Merricks*

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

*Patron - Wilt*

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

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

*Patron - Gilbert*

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

*Patron - Gilbert*

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

*Patron - Hope*

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

*Patron - Miller, J.H.*

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

*Patron - Bell, Robert B.*

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

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

*Patron - Bell, Robert B.*

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

*Patron - Bell, Robert B.*

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

*Patron - Armstrong*

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

*Patron - Johnson*

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

*Patron - Iaquinto*

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

*Patron - Keam*

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

*Patron - Cline*

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

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

*Patron - McClellan*

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

*Patron - Loupassi*

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

*Patron - Cleaveland*

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

*Patron - Herring*

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

*Patron - Reynolds*

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

*Patron - Reynolds*

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

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

*Patron - McDougle*

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

*Patron - Blevins*

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

*Patron - Miller, J.C.*

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

*Patron - Edwards*

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

*Patron - Hanger*

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

*Patron - Quayle*

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

*Patron - Reynolds*

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

*Patron - Norment*

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

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

*Patron - Obenshain*

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

*Patron - Obenshain*

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

*Patron - Barker*

**Failed**

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

*Patron - Loupassi*

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

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

*Patron - Loupassi*

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

*Patron - Albo*

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

*Patron - Pogge*

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

*Patron - Ware, O.*

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

*Patron - Garrett*

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

*Patron - Scott, J.M.*

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

*Patron - Tata*

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

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

*Patron - Filler-Corn*

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

*Patron - Spruill*

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

*Patron - Abbott*

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

*Patron - Villanueva*

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

*Patron - Villanueva*

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

*Patron - Janis*

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

*Patron - McQuinn*

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

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

*Patron - Lingamfelter*

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

*Patron - Morrissey*

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

*Patron - Morrissey*

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

*Patron - Morrissey*

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

*Patron - Toscano*

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

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

*Patron - Toscano*

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

*Patron - Ingram*

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

*Patron - Cosgrove*

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

*Patron - Gilbert*

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



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

*Patron - Gilbert*

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

*Patron - Marsden*

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

*Patron - Marsh*

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

*Patron - Edwards*

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

*Patron - Reynolds*

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

*Patron - Puckett*

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

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

*Patron - Hanger*

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

*Patron - Hanger*

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

*Patron - Quayle*

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

*Patron - Marsden*

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

*Patron - Herring*

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

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

*Patron - Lucas*

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

*Patron - Marsden*

## Domestic Relations

### Passed

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

*Patron - Toscano*

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

*Patron - Cleaveland*

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

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

*Patron - Herring*

### Failed

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

*Patron - Miller, P.J.*

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

*Patron - O'Bannon*

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

*Patron - Tata*

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

*Patron - Morgan*

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

*Patron - Keam*

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

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

*Patron - Stuart*

## Education

### Passed

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

*Patron - Cleaveland*

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

*Patron - Greason*

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

*Patron - Wilt*

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

*Patron - Merricks*

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

*Patron - Tata*

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

*Patron - Tata*

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

*Patron - Bell, Richard P.*

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

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

*Patron - Greason*

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

*Patron - Landes*

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

*Patron - Phillips*

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

*Patron - Torian*

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

*Patron - Sickles*

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

*Patron - Sickles*

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

*Patron - Scott, E.T.*

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

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

*Patron - Obenshain*

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

*Patron - Deeds*

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

*Patron - Houck*

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

*Patron - Northam*

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

*Patron - Houck*

## Failed

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

*Patron - Loupassi*

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

*Patron - Greason*

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

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

*Patron - Cleaveland*

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

*Patron - Orrock*

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

*Patron - Merricks*

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

*Patron - Kory*

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

*Patron - Kory*

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

*Patron - Englin*

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

*Patron - Englin*

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

*Patron - Kory*

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

*Patron - Ward*

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

*Patron - O'Bannon*

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

*Patron - Bell, Richard P.*

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

*Patron - Howell, A.T.*

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

*Patron - Massie*

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

*Patron - Plum*

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

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

*Patron - Gilbert*

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

*Patron - Tata*

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

*Patron - Surovell*

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

*Patron - Toscano*

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

*Patron - Filler-Corn*

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

*Patron - Spruill*

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

*Patron - LeMunyon*

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

*Patron - LeMunyon*

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

*Patron - Anderson*

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

*Patron - Kory*

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

*Patron - Comstock*

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

*Patron - Torian*

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

*Patron - Torian*

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

*Patron - Nutter*

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

*Patron - Englin*

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

*Patron - Bell, Richard P.*

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

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

*Patron - Bell, Richard P.*

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

*Patron - Pogge*

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

*Patron - Bell, Robert B.*

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

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

*Patron - Watts*

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

*Patron - Keam*

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

*Patron - Lucas*

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

*Patron - Petersen*

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

*Patron - Miller, J.C.*

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

*Patron - Miller, J.C.*

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

*Patron - Northam*

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

*Patron - Barker*

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

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

*Patron - Obenshain*

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

*Patron - Marsden*

## Educational Institutions

### Passed

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

*Patron - Bell, Richard P.*

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

*Patron - Cox, M.K.*

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

*Patron - Tata*

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

*Patron - Stolle*

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

*Patron - Anderson*

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

*Patron - Miller, J.H.*

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

*Patron - Rust*

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

*Patron - Jones*

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

*Patron - Johnson*

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

*Patron - Cox, M.K.*

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

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

*Patron - Edwards*

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

*Patron - Barker*

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

*Patron - Barker*

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

*Patron - Wampler*

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

*Patron - Quayle*

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

*Patron - McWaters*

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

*Patron - Stosch*

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

*Patron - Herring*



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

*Patron - Barker*

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

*Patron - Houck*

## Failed

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

*Patron - Peace*

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

*Patron - Cleaveland*

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

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

*Patron - LeMunyon*

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

*Patron - Hugo*

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

*Patron - Cline*

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

*Patron - Torian*

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

*Patron - Nutter*

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

*Patron - Morgan*

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

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

*Patron - Englin*

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

*Patron - Morrissey*

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

*Patron - Miller, P.J.*

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

*Patron - Edwards*

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

*Patron - Miller, J.C.*

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

*Patron - McWaters*

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

*Patron - Ruff*

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

*Patron - Stosch*

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

*Patron - Barker*

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

*Patron - Watkins*

## Elections

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### Passed

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

*Patron - Putney*

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

*Patron - Cole*

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

*Patron - Cole*

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

*Patron - Cleaveland*

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

*Patron - Brink*

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

*Patron - Alexander*

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

*Patron - Lewis*

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

*Patron - Ingram*

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

*Patron - Cole*

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

*Patron - Anderson*

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

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

*Patron - Landes*

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

*Patron - Nutter*

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

*Patron - Martin*

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

*Patron - Martin*

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

*Patron - Martin*

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

*Patron - Howell*

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

*Patron - Barker*

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

*Patron - Barker*

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

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

*Patron - Obenshain*

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

*Patron - Smith*

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

*Patron - Vogel*

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

*Patron - Puller*

## Failed

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

*Patron - Dance*

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

*Patron - Dance*

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

*Patron - Dance*

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

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

*Patron - Scott, J.M.*

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

*Patron - Scott, J.M.*

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

*Patron - Janis*

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

*Patron - Spruill*

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

*Patron - Putney*

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

*Patron - Greason*

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

*Patron - Cole*

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

*Patron - McClellan*

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

*Patron - Toscano*

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

*Patron - Plum*

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

*Patron - May*

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

*Patron - Ingram*

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

*Patron - Herring*

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

*Patron - Jones*

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

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

*Patron - Nutter*

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

*Patron - Sickles*

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

*Patron - Surovell*

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

*Patron - Obenshain*

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

*Patron - Martin*

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

*Patron - Blevins*

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

*Patron - Martin*

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

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

*Patron - Miller, J.C.*

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

*Patron - Miller, J.C.*

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

*Patron - Miller, J.C.*

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

*Patron - Howell*

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

*Patron - Howell*

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

*Patron - Barker*

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

*Patron - Barker*

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

*Patron - Barker*

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

*Patron - Quayle*

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

*Patron - Obenshain*

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

*Patron - Smith*

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

*Patron - Vogel*

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

*Patron - Norment*

## Eminent Domain

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### Passed

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

*Patron - Athey*

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

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

*Patron - Iaquinto*

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

*Patron - Smith*

## Failed

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

*Patron - Armstrong*

## Financial Institutions and Services

## Passed

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

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

*Patron - Janis*

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

*Patron - Hugo*

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

*Patron - Watkins*

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

*Patron - McDougle*

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

*Patron - Watkins*

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

*Patron - Saslaw*

## Failed

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

*Patron - Oder*

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

*Patron - Ingram*

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

*Patron - O'Bannon*

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

*Patron - May*

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

*Patron - Locke*

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

*Patron - Locke*

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

*Patron - Edwards*

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

*Patron - Miller, J.C.*

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

*Patron - McWaters*

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

*Patron - Ruff*

## Fire Protection

### Passed

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

*Patron - Dance*

### Failed

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

*Patron - Scott, E.T.*

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



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

*Patron - Puckett*

## Fisheries and Habitat of the Tidal Waters

### Passed

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

*Patron - Knight*

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

*Patron - Miller, P.J.*

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

*Patron - Pollard*

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

*Patron - Cosgrove*

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

*Patron - Pollard*

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

*Patron - Northam*

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

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

*Patron - Northam*

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

*Patron - Stuart*

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

*Patron - Wagner*

### Failed

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

*Patron - Purkey*

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

*Patron - Stolle*

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

*Patron - Knight*

**HB1913 Menhaden fishing prohibited.** Prohibits the taking or catching of menhaden with purse nets in the Rappahannock River and its tributaries. Currently, such fishing is prohibited in the Rappahannock above and west of the R.O. Norris, Jr., Bridge.

*Patron - Miller, J.H.*

**HB2165 Menhaden assessment; penalty.** Authorizes the Marine Resources Commission to assess a fee of \$10 for each ton of menhaden harvested. The fees are to be paid to the Commission semiannually and are to be used by the Commission to evaluate the condition of the menhaden fishery. The persons harvesting menhaden are also required to submit a monthly catch report to the Commission. The bill contains a five-year sunset.

*Patron - Abbitt*

**HB2166 Fish size limits; summer flounder.** Directs the Marine Resources Commission to adopt regulations that establish the same size limits for summer flounder taken by commercially licensed hook-and-line fishermen and persons fishing recreationally with a hook and line.

*Patron - Abbitt*

**HB2187 Baylor Ground.** Removes 0.19 acres from the Baylor Ground in Crippen Creek in Accomack County.

*Patron - Lewis*

**HB2280 Menhaden fishery.** Directs the Virginia Marine Resources Commission to adopt regulations to implement the Interstate Fishery Management Plan for Atlantic Menhaden. The bill also requires that any moratorium on the fishery be subject to legislative review and repeals the Governor's authority to implement menhaden management measures by proclamation.

*Patron - Cosgrove*

**HB2369 Cap on the taking of menhaden.** Provides that, beginning on January 1, 2012, the cap on the harvesting of menhaden will be reduced 20 percent annually until the harvesting of menhaden is prohibited. The bill would become effective on January 1, 2012.

*Patron - Knight*

**SB765 Menhaden fishery.** Directs the Virginia Marine Resources Commission to adopt regulations to implement the Interstate Fishery Management Plan for Atlantic Menhaden. The bill also requires that any moratorium on the fishery be subject to legislative review and repeals the Governor's authority to implement menhaden management measures by proclamation.

*Patron - Northam*

## Game, Inland Fisheries and Boating

### Passed

**HB1442 Hunting; practice of falconry; penalty.** Updates state laws on the practice of falconry by (i) removing the limit on possession to three raptors, (ii) broadening the penalty that applies to the intentional removal of transmitting collars on dogs to include any transmitting device on raptors, and (iii) extending the rights of those hunting with dogs that permit

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

*Patron - Morgan*

**HB1629 Parking violations on Department of Game and Inland Fisheries properties.** Clarifies that parking violations that occur on DGIF properties are subject to a \$25 civil penalty, not to criminal penalties. The civil penalties will be deposited in the Game Protection Fund.

*Patron - Watts*

**HB1712 Fishing in interjurisdictional waters.** Clarifies that if a person fishes in interjurisdictional inland waters he is subject to the laws of the jurisdiction in which he is fishing. This bill is identical to SB 1299.

*Patron - Wright*

**HB1855 Fish passageways for the Harvell Dam.** Requires the Department of Game and Inland Fisheries prior to any breach of the Harvell Dam on the Appomattox River to prepare a report on the alternatives to the proposed breach of the dam. The report is to be submitted to the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources on or before November 30, 2011.

*Patron - Dance*

**HB1889 Tracking dogs.** Allows the use of tracking dogs on a lead to find wounded or dead bear or deer during archery, muzzleloader, or firearm bear or deer hunting seasons, so long as those who are conducting the retrieval effort have permission to hunt on or have access to the land and don't have a weapon in their possession.

*Patron - Wilt*

**HB1971 Acquisition of title to an abandoned vessel; notification procedures.** Changes the notification requirement that a landowner proceeding to acquire title to a vessel abandoned on his land or in water adjacent to his land publish notice in a newspaper of general circulation from three consecutive days to three consecutive issues. This bill is identical to SB 991.

*Patron - Robinson*

**HB2176 Stocking of game animals and fish.** Requires that policies to acquire and introduce any new species of game birds, game animals, or fish on the lands are implemented only with the authorization and cooperation of affected local governments. This bill is identical to SB 1017.

*Patron - Phillips*

**HB2370 Multiple-year licenses.** Authorizes the Board of Game and Inland Fisheries to issue multiple-year hunting, fishing, or trapping licenses or permits. The costs of these types of licenses cannot exceed the costs of the permits or licenses if they were purchased on an annual basis.

*Patron - Knight*

**HB2415 Hunting licenses for partially disabled veterans.** Establishes a special hunting license for resident and nonresident veterans who have a service-connected disability of at least 70 percent as rated by the U.S. Department of Veterans Affairs. The resident veterans will pay one-half the cost of the annual state basic hunting license and the nonresident veterans will pay one-half the cost of the nonresident basic hunting license.

*Patron - Armstrong*

**SB982 Endangered and threatened species.** Authorizes the Board of Game and Inland Fisheries to adopt regula-

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

*Patron - Whipple*

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

*Patron - Stuart*

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

*Patron - Puckett*

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

*Patron - Ruff*

## Failed

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

*Patron - Wilt*

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

*Patron - Wilt*

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

*Patron - Knight*

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

*Patron - Keam*

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

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

*Patron - Keam*

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

*Patron - Petersen*

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

*Patron - Stuart*

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

*Patron - Stuart*

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

*Patron - Puckett*

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

*Patron - Wagner*

## General Assembly

### Passed

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

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

*Patron - Orrock*

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

*Patron - Orrock*

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

*Patron - Brink*

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

*Patron - Watkins*

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

*Patron - Puller*

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

*Patron - Petersen*

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

*Patron - Edwards*

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

*Patron - Houck*

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

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

*Patron - Houck*

## Failed

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

*Patron - LeMunyon*

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

*Patron - Surovell*

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

*Patron - Toscano*

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

*Patron - Bell, Richard P.*

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

*Patron - LeMunyon*

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

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

*Patron - Englin*

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

*Patron - Lingamfelter*

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

*Patron - Stolle*

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

*Patron - Smith*

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

*Patron - Norment*

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

*Patron - Norment*

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

*Patron - Norment*

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

*Patron - Norment*

## General Provisions of Virginia Code

### Passed

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

*Patron - Miller, J.C.*

## Guardian and Ward

### Passed

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

*Patron - Herring*

## Health

### Passed

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

*Patron - Knight*

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

*Patron - Wright*

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

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

*Patron - Knight*

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

*Patron - O'Bannon*

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

*Patron - Alexander*

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

*Patron - Pogge*

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

*Patron - Athey*

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

*Patron - Massie*

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

*Patron - Hope*

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

*Patron - O'Bannon*

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

*Patron - Howell, A.T.*

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

*Patron - Stolle*

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

*Patron - Merricks*

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

*Patron - Alexander*

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

*Patron - Peace*

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

*Patron - Peace*

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

*Patron - Phillips*

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

*Patron - Nutter*

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

*Patron - Keam*

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

*Patron - Sickles*

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

*Patron - Lingamfelter*

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

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

*Patron - Orrock*

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

*Patron - Putney*

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

*Patron - Garrett*

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

*Patron - BaCote*

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

*Patron - McDougale*

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

*Patron - Northam*

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

*Patron - Northam*

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

*Patron - Whipple*

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

*Patron - Locke*

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

*Patron - Puckett*

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

*Patron - Puckett*

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

*Patron - Barker*

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

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

*Patron - Hanger*

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

*Patron - Northam*

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

*Patron - Quayle*

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

*Patron - Smith*

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

*Patron - Smith*

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



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

*Patron - Smith*

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

*Patron - Newman*

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

*Patron - Smith*

## Failed

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

*Patron - Byron*

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

*Patron - Bell, Richard P.*

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

*Patron - Garrett*

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

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

*Patron - Hope*

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

*Patron - Landes*

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

*Patron - Phillips*

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

*Patron - Phillips*

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

*Patron - Lewis*

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

*Patron - Ebbin*

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

*Patron - Marshall, R.G.*

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

*Patron - Byron*

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

*Patron - Garrett*

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

*Patron - Torian*

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

*Patron - Loupassi*

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

*Patron - McEachin*

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

*Patron - Petersen*

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

*Patron - Blevins*

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

*Patron - Whipple*

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

*Patron - Whipple*

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

*Patron - Barker*

**SB1207 Constitutionally guaranteed rights of unborn children.** Provides that unborn children at every stage

of development enjoy all the rights, privileges, and immunities available to other persons, citizens, and residents of the Commonwealth, subject only to the laws and constitutions of Virginia and the United States and precedents of the appellate courts of Virginia and of the United States.

*Patron - Obenshain*

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

*Patron - Barker*

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

*Patron - Obenshain*

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

*Patron - McWaters*

**SB1378 Constitutionally guaranteed rights of unborn children.** Provides that unborn children at every stage of development enjoy all the rights, privileges, and immunities available to other persons, citizens, and residents of the Commonwealth, subject only to the laws and constitutions of Virginia and the United States and precedents of the appellate courts of Virginia and of the United States.

*Patron - Stanley*

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

*Patron - Stanley*

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

*Patron - Smith*

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

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

*Patron - Whipple*

## Highways, Bridges and Ferries

### Passed

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

*Patron - Greason*

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

*Patron - Peace*

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

*Patron - Oder*

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

*Patron - Cosgrove*

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

*Patron - Pollard*

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

*Patron - Wilt*

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

*Patron - Tata*

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

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

*Patron - Oder*

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

*Patron - Hugo*

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

*Patron - Cox, J.A.*

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

*Patron - Rust*

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

*Patron - LeMunyon*

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

*Patron - May*

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

*Patron - Armstrong*

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

*Patron - Abbitt*

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

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

*Patron - Anderson*

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

*Patron - Pogge*

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

*Patron - Morgan*

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

*Patron - Howell, W.J.*

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

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

*Patron - Wagner*

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

*Patron - Stuart*

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

*Patron - Miller, Y.B.*

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

*Patron - Miller, Y.B.*

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

*Patron - Miller, Y.B.*

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

*Patron - Houck*

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

*Patron - Watkins*

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

*Patron - Watkins*

**PSB1112 Metropolitan Planning Organizations (MPOs).** Specifies the role of MPOs in the Commonwealth's transportation decision-making process.

*Patron - Miller, Y.B.*

**PSB1135 Powers and duties of CTB.** Makes various changes to the powers and duties of the Commonwealth Transportation Board (CTB): (i) clarifies that local roads in counties outside the state secondary highway system are local roads, and not part of the state system; (ii) increases the limitation on contract values that the Commonwealth Transportation Commissioner and the Director of the Virginia Department of Rail and Public Transportation may let; (iii) eliminates the duty of the CTB to regulate outdoor theaters; (iv) provides for the updating of the Statewide Transportation Plan every four years (instead of five); and (v) repeals the section that allows the CTB to designate its employees as special police officers. This bill is identical to HB 1957.

*Patron - Wagner*

**PSB1161 The Road to Revolution.** Adds Leatherwood Plantation in Henry County to this heritage trail of sites significant to Patrick Henry. This bill is identical to HB 2116.

*Patron - Reynolds*

**PSB1290 Pearl Harbor Memorial Highway.** Designates I-664 and I-264 in the Hampton Roads Highway Construction District the "Pearl Harbor Memorial Highway."

*Patron - McWaters*

**PSB1446 Transportation funding.** The bill creates the Virginia Transportation Infrastructure Bank (Bank) that would be managed and administered by the Virginia Resources Authority. The Bank would be capitalized as appropriated by the General Assembly. Up to 20 percent of the capitalization of the Bank may be used to make grants to localities for transportation projects as determined by the Bank, and the remainder is used to make loans to private or public entities for transportation projects as determined by the Bank. The bill authorizes the issuance of Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue Notes whose outstanding aggregate principal amount, together with any outstanding aggregate principal amount of Commonwealth of Virginia Federal Highway Reimbursement Anticipation Notes, cannot exceed \$1.2 billion, with the proceeds used for transportation projects as determined by the Commonwealth Transportation Board. The bill also increases the aggregate principal amount of Commonwealth of Virginia Transportation Capital Projects Revenue Bonds that may be issued in fiscal year 2011-2012 from \$300 million to \$500 million and in fiscal year 2012-2013 from \$300 million to \$600 million. The bill establishes the Intercity Passenger Rail Operating and Capital Fund to be used by the Director of the Department of Rail and Public Transportation, with the approval of the Commonwealth Transportation Board, on projects that expand and improve intercity passenger rail service. Finally, the bill increases from \$50 million to \$200 million the total limit on revenue-sharing funds allocated by the Commonwealth Transportation Board (CTB) to certain counties, cities, and towns in any one fiscal year and increases from \$1 million to \$10 million the per project cap on funds; and provides that the funds allocated by the CTB will be distributed in accordance with the revenue-sharing guidelines established by the CTB. This bill incorporates SB 1329.

*Patron - Wampler*

**PSB1462 VDOT regulations; transportation planning; subdivision streets.** Requires VDOT to review and

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

*Patron - Puckett*

## Failed

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

*Patron - Albo*

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

*Patron - Cosgrove*

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

*Patron - Watts*

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

*Patron - Plum*

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

*Patron - Surovell*

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

*Patron - Filler-Corn*

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

*Patron - Merricks*

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

*Patron - Marshall, D.W.*

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

*Patron - LeMunyon*

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

*Patron - May*

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

*Patron - Villanueva*

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

*Patron - Comstock*

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

*Patron - Oder*

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

*Patron - Torian*

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

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

*Patron - Lingamfelter*

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

*Patron - Pollard*

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

*Patron - Morefield*

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

*Patron - Nutter*

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

*Patron - Marshall, D.W.*

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

*Patron - Lucas*

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

*Patron - Petersen*

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

*Patron - Reynolds*

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

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

*Patron - McDougle*

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

*Patron - Barker*

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

*Patron - Barker*

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

*Patron - Barker*

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

*Patron - Marsden*

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

*Patron - Edwards*

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

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

*Patron - Miller, J.C.*

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

*Patron - Herring*

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

*Patron - Blevins*

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

*Patron - Colgan*

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

*Patron - Edwards*

## Homestead and Other Exemptions

Passed

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

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

*Patron - Albo*

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

*Patron - Petersen*

## Failed

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

*Patron - Cole*

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

*Patron - Ware, O.*

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

*Patron - Abbott*

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

*Patron - Abbott*

## Hotels, Restaurants, Summer Camps, and Campgrounds

### Passed

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

*Patron - Pollard*

### Failed

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

*Patron - Marshall, D.W.*

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

*Patron - Poindexter*

## Housing

### Passed

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

*Patron - Oder*

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

*Patron - Bulova*

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

*Patron - Abbott*

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



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

*Patron - Miller, J.C.*

**PSB985 Virginia Housing Development Authority Act; terms and conditions of purchases from and sales to mortgage lenders of mortgage loans.** Removes requirement that a lender reinvest sales proceeds and make certification of prudent investment in the case of single family loans that when made by the lender will be purchased by a housing development authority. The bill has an emergency clause. This bill is identical to HB 1887.

*Patron - Locke*

**PSB1455 Virginia Amusement Device Act; amusement device or structure.** Excludes snow tubing parks and rides, ski terrain parks, ski slopes and ski trails from the definition of amusement device or structure under the Virginia Amusement Device Act.

*Patron - Hanger*

## Failed

**FHB1578 Fair Housing Law; unlawful discriminatory practice, affordable housing.** Specifies that localities shall not discriminate by failing to grant an application for land use or the permitting of a development, which is to be used either wholly or in part as affordable housing, solely on that basis. This bill is recommended by the Virginia Housing Commission.

*Patron - Dance*

**FHB1918 Uniform Statewide Building Code; limitation on prosecutions for violation.** Changes the time within which a prosecution for violations of the Uniform Statewide Building Code must be commenced from two years to one year. As a result there is no longer a conflict between the Building Code and the statute of limitations on prosecutions (§ 19.2-8). The bill also provides that the prosecution shall commence within one year of discovery by the building official and not the owner. For prosecutions relating to the maintenance code, the bill clarifies that any such prosecutions must be commenced within one year of the discovery of the offense by the building official. This bill was incorporated into HB 2168.

*Patron - Merricks*

**FHB2045 Housing; definition of blighted property.** Expands the definition of blighted property to include any residential structure (i) for which a building permit was not obtained or the building permit has been revoked or has expired in accordance with the Uniform Statewide Building Code and (ii) which endangers the public's health, safety, or welfare.

*Patron - Ebbin*

**FHB2070 Uniform Statewide Building Code; regulations of the Board of Housing and Community Development.** Requires the Board of Housing and Community Development to adopt regulations establishing standards requiring existing buildings or facilities to have at least one accessible route connecting accessible parking and accessible passenger loading zones to an accessible entrance of such building or facility. The bill provides that such standards (i) shall apply regardless of the date of construction of the parking lot, loading zone, or building or facility and (ii) may include

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

*Patron - Plum*

**FHB2084 Department of Housing and Community Development; rapid re-housing pilot project.** Requires the Department of Housing and Community Development to establish a three-year rapid re-housing pilot project and to report its findings and recommendations to the Governor and the Housing Commission.

*Patron - Herring*

**FHB2091 Uniform Statewide Building Code; air conditioning in certain residential buildings.** Designates May 1 as the date when cooling must be supplied in dwelling units, rooming units, or dormitory or guest rooms that are leased and include provision for cooling.

*Patron - Herring*

**FHB2273 Additional powers of local building officials; unlicensed contractors.** Provides that a locality may, by ordinance, authorize the building department to designate certain building officials as sworn investigators, who shall have the authority to issue summonses for violations of the statutes and regulations of the Board for Contractors governing unlicensed activity by contractors. In addition, the bill vests all designated building officials with the authority to (i) administer oaths or affirmations for the purpose of receiving complaints and conducting investigations of violations of Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1 or any regulation of the Board for Contractors relating to unlicensed activity by contractors; (ii) obtain, serve and execute any warrant, paper or process issued by any court or magistrate; and (iii) request and receive criminal history information. The bill requires that all designated building officials receive the training required by the Department of Criminal Justice Services for law-enforcement personnel before exercising such powers.

*Patron - Keam*

**FSB830 Virginia Fair Housing Law; unlawful discriminatory practice, affordable housing.** Specifies that localities shall not discriminate by failing to grant an application for land use or the permitting of a development, which is to be used either wholly or in part as affordable housing, solely on that basis. This bill is recommended by the Virginia Housing Commission.

*Patron - Locke*

**FSB1254 Uniform Statewide Building Code; building permit fees; incentives for energy-efficient buildings.** Authorizes a locality to reduce permit fees levied for construction, rehabilitation, renovation, or improvement of a building by up to 10 percent of the amount otherwise charged if the building is an energy-efficient building.

*Patron - Vogel*

**FSB1261 Virginia Fair Housing Law; concurrence of the Office of the Attorney General.** Requires the receipt of the concurrence of the Office of the Attorney General before the Fair Housing Board may make a determination of reasonable cause to believe a discriminatory housing practice has occurred. Receipt of the concurrence of the Office of the Attorney General is also required before the Fair Housing Board may issue a charge of an alleged discriminatory housing practice. Currently, consultation with the Office of the Attorney General is required for the Fair Housing Board to act.

*Patron - Vogel*

**FSB1342 Uniform Statewide Building Code; buildings used by fraternal organizations.** Provides that buildings

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

*Patron - Norment*

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

*Patron - Whipple*

## Insurance

### Passed

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

*Patron - Marshall, R.G.*

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

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

*Patron - Ware, R.L.*

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

*Patron - Merricks*

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

*Patron - Kilgore*

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

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

*Patron - Marshall, D.W.*

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

*Patron - Rust*

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

*Patron - Kilgore*

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

*Patron - Phillips*

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

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

*Patron - Sickles*

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

*Patron - Kilgore*

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

*Patron - Greason*

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

*Patron - Marshall, D.W.*

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

*Patron - McDougle*

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

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

*Patron - Puckett*

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

*Patron - Howell*

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

*Patron - Stosch*

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

*Patron - Barker*

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

*Patron - Howell*

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

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

*Patron - Wagner*

## Failed

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

*Patron - Abbott*

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

*Patron - Cline*

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

*Patron - Morgan*

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

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

*Patron - Keam*

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

*Patron - Joannou*

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

*Patron - Herring*

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

*Patron - Hope*

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

*Patron - Lewis*

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

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

*Patron - Reynolds*

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

*Patron - McDougle*

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

*Patron - Barker*

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

*Patron - Obenshain*

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

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

*Patron - McWaters*

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

*Patron - Newman*

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

*Patron - Saslaw*

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

*Patron - McEachin*

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

*Patron - Obenshain*

## Juvenile Justice

### Passed

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

*Patron - Miller, Y.B.*

## Labor and Employment

### Failed

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

*Patron - Carrico*

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

*Patron - Watts*

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

*Patron - Miller, J.H.*

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

*Patron - Hugo*

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

*Patron - Bulova*

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

*Patron - Filler-Corn*

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

*Patron - Ebbin*

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

*Patron - Watkins*

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

*Patron - Stosch*

## Libraries

### Passed

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

*Patron - Ruff*

## Military and Emergency Laws

### Passed

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

*Patron - Sherwood*

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

*Patron - Stolle*

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

*Patron - Janis*

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

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

*Patron - Wampler*

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

*Patron - Stosch*

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

*Patron - Herring*

## Failed

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

*Patron - Morrissey*

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

*Patron - Marshall, R.G.*

## Mines and Mining

### Passed

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

*Patron - Poindexter*

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

*Patron - Poindexter*

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

*Patron - Puckett*

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

*Patron - Puckett*

## Failed

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

*Patron - Kilgore*

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



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

*Patron - Phillips*

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

*Patron - Puckett*

## Motor Vehicles

### Passed

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

*Patron - Hugo*

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

*Patron - O'Bannon*

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

*Patron - Oder*

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

*Patron - Landes*

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

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

*Patron - Cox, J.A.*

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

*Patron - Scott, E.T.*

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

*Patron - Peace*

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

*Patron - Cosgrove*

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

*Patron - Stolle*

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

*Patron - Athey*

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

*Patron - Athey*

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

*Patron - Carrico*

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

*Patron - Gilbert*

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

*Patron - Tata*

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

*Patron - Brink*

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

*Patron - O'Bannon*

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

*Patron - Garrett*

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

*Patron - Hugo*

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

*Patron - Hugo*

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

*Patron - Miller, J.H.*

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

*Patron - Cox, J.A.*

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

*Patron - Rust*

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

*Patron - Robinson*

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

*Patron - Greason*

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

*Patron - Carrico*

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

*Patron - May*

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

*Patron - May*

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