

NOTABLE BILLS OF THE 2009 SESSION OF THE VIRGINIA GENERAL ASSEMBLY

HOUSE BILLS

HOUSE BILL 1587 (DELEGATE R. MARSHALL): VIRGINIA'S PARTICIPATION IN THE REAL ID ACT

This legislation provides that, with the exception of identification cards issued to employees of the Department of State Police and certain other law enforcement officers, the Commonwealth will not comply with any provision of the federal REAL ID Act of 2005 that would compromise the economic privacy, biometric data, or biometric samples of any resident of the Commonwealth.

House Bill 1587 has been enacted as Chapter 733 of the 2009 Acts of Assembly and is identical to *Senate Bill 1431* (Senator Cuccinelli), enacted as Chapter 769 of the 2009 Acts of Assembly.

HOUSE BILL 1594 (DELEGATE MORGAN): VOLUNTARY CONTRIBUTIONS TO MIDDLE PENINSULA CHESAPEAKE BAY PUBLIC ACCESS AUTHORITY

This bill amends section 58.1-344.3 of the Code of Virginia, adding the Middle Peninsula Chesapeake Bay Public Access Authority to the list of organizations eligible to appear on individual income tax returns and to receive voluntary tax refund contributions of at least one dollar. In order to remain eligible, it must continue to receive \$10,000 in contributions in each of the three previous taxable years. It shall not appear on the individual income tax return until it has been added as a contribution a maximum of twenty-five times.

House Bill 1594 has been enacted as Chapter 4 of the 2009 Acts of Assembly.

HOUSE BILL 1595 (DELEGATE MORGAN): RESTORATION OF WETLANDS

This legislation amends section 15.2-6601 of the Code of Virginia, allowing the Middle Peninsula Chesapeake Bay Public Access Authority to use public funds or private donations for the purpose of restoring or creating tidal wetlands within the boundaries of the participating counties or towns. However, the resulting tidal mitigation credit may not be sold to any private party, but instead may only be used to benefit the participating political subdivisions.

House Bill 1595 has been enacted as Chapter 429 of the 2009 Acts of Assembly.

HOUSE BILL 1598 (DELEGATE HAMILTON): APPLICATION AND CRITERIA FOR A CERTIFICATE OF PUBLIC NEED

This bill amends sections 32.1-102.1, 32.1-102.1:1, 32.1-102.2, 32.1-102.2:1, 32.1-102.3:2, 32.1-102.3:5, 32.1-102.4, 32.1-102.6, 32.1-102.10, 32.1-102.12, 32.1-122.06, and 32.1-276.5 of the Code of Virginia, creating an expedited review process for certificates of public need for projects involving a capital expenditure of fifteen million dollars by or on behalf of a medical care facility. It further adds the conversion of psychiatric inpatient beds to nonpsychiatric inpatient beds in a medical care facility to the definition of “project.” This bill also replaces the term “gamma knife surgery” with the term stereotactic radiosurgery and adds stereotactic radiotherapy and proton beam therapy in the list of specialized services provided by medical care facilities subject to certificates of public need. The criteria required for a certificate of public need have been revised to include the extent to which a proposed facility will provide or increase access to needed services, meet the needs of residents, benefit the area to be served, provide improvements in the delivery of health services, as well as feasibility of the project, among other factors.

House Bill 1598 incorporates *House Bill 1981* (Delegate McClellan) and *House Bill 2451* (Delegate Sickles) and has been enacted as Chapter 175 of the 2009 Acts of Assembly.

**HOUSE BILL 1599 (DELEGATE HAMILTON): FOSTER CARE
TUITION GRANT PROGRAM**

This bill amends section 23-7.4:5 of the Code of Virginia, relaxing the eligibility criteria for students in foster care in Virginia to receive educational grants for tuition and fees. To qualify, a student must have been in foster care upon reaching the age of eighteen and subsequently received a high school diploma or GED certificate or have been accepted or enrolled as a part-time student taking a minimum of six credit hours per semester. To be eligible for a tuition grant under this section, the individual cannot have a prior bachelor's degree, must demonstrate financial need, and meet any additional financial need requirements established by the State Board for Community Colleges for the purpose of such a grant.

House Bill 1599 has been enacted as Chapter 430 of the 2009 Acts of Assembly. House Bill 1599 incorporates *House Bill 1606* (Delegate Poisson) and is identical to *Senate Bill 1049* (Senator Whipple), enacted as Chapter 603 of the 2009 Acts of Assembly.

**HOUSE BILL 1605 (DELEGATE PURKEY): COMMISSIONER
OF HEALTH AUTHORIZED TO AMEND CERTAIN
CERTIFICATES OF PUBLIC NEED**

This bill amends section 32.1-102.3:2 of the Code of Virginia, allowing the Commissioner of Health to approve requests to amend the conditions of a certificate of public need issued for an increase in beds in a nursing facility or extended care services. This would allow the facilities to accept more people in its nursing facility beds through June 30, 2012.

House Bill 1605 has been enacted as Chapter 394 of the 2009 Acts of Assembly.

**HOUSE BILL 1609 (DELEGATE WRIGHT): FOXHOUND
HUNTING LICENSES**

This legislation amends section 29.1-304 of the Code of Virginia, requiring nonresidents to obtain a twelve dollar license to hunt on foxhound training preserves.

House Bill 1609 has been enacted as Chapter 50 of the 2009 Acts of Assembly.

HOUSE BILL 1613 (DELEGATE WRIGHT): REGULATION OF POLYGRAPH EXAMINERS

This legislation would have amended sections 54.1-1801 and 54.1-1805 of the Code of Virginia, authorizing a federal, state, or local law-enforcement officer to operate a lie-detector or polygraph device, even if it does not meet the minimum instrumentation requirements set forth in section 54.1-1805, provided such officer is certified by the manufacturer of the instrument to operate such instrument. The bill specifies that a law enforcement officer may only use the instrument or device in the course of his employment with a law enforcement agency and may not use such a device for internal or pre-employment investigations.

House Bill 1613 is identical to *Senate Bill 1374* (Senator Ruff). Governor Kaine vetoed the bills after the House of Delegates rejected his recommended amendments.

HOUSE BILL 1617 (DELEGATE MERRICKS): ALZHEIMER'S DISEASE AND RELATED DISORDERS COMMISSION

This bill amends section 2.2-720 of the Code of Virginia, granting the Alzheimer's Disease and Related Disorders Commission the power and duty to develop and promote strategies to encourage brain health and reduce cognitive decline and extended the sunset provision to July 1, 2014.

House Bill 1617 has been enacted as Chapter 51 of the 2009 Acts of Assembly and is identical to *Senate Bill 1109* (Senator Northam), enacted as Chapter 553 of the 2009 Acts of Assembly.

HOUSE BILL 1618 (DELEGATE MERRICKS): HUNTING PERMITS FOR PATIENTS AT MILITARY HOSPITALS

This legislation amends section 29.1-312 of the Code of Virginia, allowing the Director of the Department of Game and Inland Fisheries to permit organized groups of patients staying at or actively receiving treatment at veteran or military hospitals to hunt without licenses where it is otherwise legal to do so.

House Bill 1618 has been enacted as Chapter 5 of the 2009 Acts of Assembly and incorporates *House Bill 1660* (Delegate Cole).

HOUSE BILL 1620 (DELEGATE DANCE): PROCEDURES FOR EARLY VOTING

This legislation would have amended section 24.2-700.1 of the Code of Virginia, creating a new system for early voting in general, primary, or special elections for any registered voter beginning on the fourteenth day before an election and ending at 5:00 PM on the Saturday immediately preceding the election. The bill requires that each electoral board provide sufficient staff and locations to facilitate early voting, with at least two officers of election present at all times. The same identification required for regular voting is required for early voting, and therefore early voting would take the place of in-person absentee voting during the early voting period.

House Bill 1620 failed to pass and was left in the House Privileges and Elections Committee.

HOUSE BILL 1621 (DELEGATE DANCE): NO REASON ABSENTEE VOTING

This bill would have amended sections 24.2-612, 24.2-700, 24.2-701, 24.2-703.2, 24.2-706, and 24.2-701.1 through 24.2-701.2, and repealed sections 24.2-702, 24.2-702.1, 24.2-703, and 24.2-703.1 of the Code of Virginia, eliminating the statutory list of specific reasons for which a voter may cast an absentee ballot, and adding new absentee standards for military and disabled voters. Because the bill validates absentee voting for any reason, it also includes extra procedural safeguards to ensure voter integrity.

House Bill 1621 is identical to *House Bill 2301* (Delegate Caputo) and *Senate Bill 1010* (Senator J. Miller), all of which failed to pass and were left in the House Privileges and Elections Committee.

HOUSE BILL 1623 (DELEGATE LEWIS): MARINE TOURISM ACTIVITY LIABILITY

This legislation adds sections 28.2-1105, 28.2-1106, and 28.2-1107 to the Code of Virginia, granting immunity to marine tourism professionals under certain circumstances. This bill provides that marine

tourism professionals are immune from liability when a participant is injured or dies as a result of the inherent risks of marine tourism activities so long as the professional properly posted and maintained a required warning. To assert the privilege in any action, the marine tourism professional must plead an affirmative defense of assumption of the risk of the marine tourism activity by the participant. However, the marine tourism professional waives the privilege if one of the following conditions are met: (1) the marine tourism professional acts in a negligent or willful and wanton manner that proximately causes the injury or death of the participant; (2) the marine tourism professional has knowledge or should have reasonably known of the danger that proximately causes the injury or death of the participant and that danger was not made known to the participant; or (3) the marine tourism professional intentionally injured the participant.

House Bill 1623 has been enacted as Chapter 329 of the 2009 Acts of Assembly.

HOUSE BILL 1624 (DELEGATE ENGLIN): ELECTRONIC BULLYING AND HARASSMENT

This bill amends section 22.1-279.6 of the Code of Virginia, requiring the Board of Education to establish model guidelines and policies for codes of student conduct related to the use of electronic means to bully, harass, and intimidate and to aid local school boards in the implementation of such policies.

House Bill 1624 has been enacted as Chapter 431 of the 2009 Acts of Assembly.

HOUSE BILL 1645 (DELEGATE D. MARSHALL): URBAN HIGHWAY CONSTRUCTION FUNDS

This legislation amends section 33.1-23.2 of the Code of Virginia, increasing the amount of annual urban system highway funds apportioned to a city or town that are allowed to be used for debt service for bonds or eligible costs for approved projects included in the Six-Year Improvement Program of the Commonwealth Transportation Board and the city's or town's capital improvement program. This increase allows two-thirds, rather than one-third, of anticipated annual urban system funding to be designated for this purpose.

House Bill 1645 has been enacted as Chapter 52 of the 2009 Acts of Assembly and is identical to *Senate Bill 1438* (Senator Y. Miller), enacted as Chapter 693.

HOUSE BILL 1649 (DELEGATE R. WARE): TELEGRAPH AND TELEPHONE COMPANIES NOT REQUIRED TO ACCEPT RESTRICTIVE INTERESTS

This bill amends section 56-463 of the Code of Virginia, specifying that every telegraph or telephone company and every cable operator that has a franchise to use public rights-of-way in a locality may contract for a right-of-way to construct lines, but only telegraph and telephone companies may contract for sufficient land to erect office space suitably close to the line. Neither the State Corporation Commission nor any governmental regulatory agency may require a company or operator to accept any such interest, franchise, privilege, or easement that restricts the services that a company or operator may legally offer.

House Bill 1649 has been enacted as Chapter 331 of the 2009 Acts of Assembly.

HOUSE BILL 1653 (DELEGATE CARRICO): RESTRICTED LICENSES TO PERMIT DRIVING TO COLLEGE

This bill amends section 46.2-334.01 of the Code of Virginia, permitting a court to issue a restricted license that allows the licensee to drive to the institution of higher education in which he is enrolled. This provision applies to persons less than nineteen years old who receive a second conviction for certain traffic offenses. Previously, such a person was only allowed to drive to and from his or her place of employment.

House Bill 1653 has been enacted as Chapter 54 of the 2009 Acts of Assembly.

HOUSE BILL 1655 (DELEGATE CARRICO): AWARDING OF FEES IN ACTION CHALLENGING FIREARM RESTRICTIONS

This legislation amends section 15.2-915 of the Code of Virginia, allowing a court to award reasonable attorney fees, expenses, and court costs to any prevailing party in an action challenging an ordinance, resolution, or motion as being in conflict with a locality limited

authority to control firearms. This bill also allows the court to award attorney fees, expenses, and court costs to the prevailing party against an administrative action taken in bad faith in accordance with section 15.2-915.

This bill has been enacted as Chapter 753 of the 2009 Acts of Assembly and is identical to *Senate Bill 1513* (Senator Smith), enacted as Chapter 772.

HOUSE BILL 1663 (DELEGATE TATA): COUNCIL OF HIGHER EDUCATION STUDENT ADVISORY COMMITTEE

This bill amends section 23-9.3:1 of the Code of Virginia, permitting the State Council of Higher Education to appoint students enrolled in private and accredited institutions of higher education in the Commonwealth to the student advisory committee as long as the private and accredited institution's primary purpose is to provide collegiate or graduate education and not to provide religious training. Previously only students enrolled in public institutions of higher education were eligible for appointment.

House Bill 1663 has been enacted as Chapter 434 of the 2009 Acts of Assembly.

HOUSE BILL 1664 (DELEGATE TATA): SCHOOL BOARD CRISIS AND EMERGENCY MANAGEMENT PLAN

This legislation amends section 23-9.6:1 of the Code of Virginia, eliminating the requirement that the State Council of Higher Education develop a model institutional crisis and emergency management plan for the purpose of assisting public and private two- and four-year institutions of higher education in establishing, operating, and maintaining emergency services and disaster preparedness activities.

House Bill 1664 has been enacted as Chapter 55 of the 2009 Acts of Assembly.

HOUSE BILL 1671 (DELEGATE DANCE): DERELICT BUILDING AND STRUCTURE REMOVAL

This legislation amends sections 36-3, 36-49.1:1, 36-105, 48-5, 58.1-3965, and 58.1-3969, and adds section 15.2-907.1 to the Code of Virginia, permitting localities to require removal or repair of a derelict

building. Owners are given tax abatements and fee refunds to incentivize compliance with demolition or renovation requirements. This bill specifies the circumstances that may initiate the derelict building abatement and requires that notice be given to affected property owners. This bill also changes the procedures by which localities can acquire and repair blighted properties and simplifies the enforcement of tax liens permitted by the blight provisions. Further, the legislation amends code provisions concerning tax delinquency and specifically raises the real estate value threshold to force public sale.

House Bill 1671 has been enacted as Chapter 181 of the 2009 Acts of Assembly and is identical to *Senate Bill 1094* (Senator Locke), enacted as Chapter 551 of the 2009 Acts of Assembly.

HOUSE BILL 1679 (DELEGATE ORROCK): CHILD ABUSE AND NEGLECT DATA; SCHOOL BOARD APPLICANTS

This bill amends section 22.1-296.4 of the Code of Virginia, requiring the Department of Social Services to maintain a central database of child abuse and neglect registries in other states that provide access to out-of-state school boards for use by local school boards when an applicant who is offered or accepts employment requiring direct contact with students has lived outside of the state within the past five years. This bill has an emergency clause.

House Bill 1679 has been enacted as Chapter 58 of the 2009 Acts of Assembly.

HOUSE BILL 1683 (DELEGATE O. WARE) CHECKS; STOP-PAYMENT IN BAD FAITH

This legislation amends section 8.01-27.1 of the Code of Virginia, allowing the holder of a check for which payment was refused because the writer of the check placed a stop payment on the check in bad faith to bring an action claiming the face value of the check, the bad check return fee, a processing fee charge of fifty dollars, and any attorneys fees awarded by the court.

House Bill 1683 has been enacted as Chapter 182 of the 2009 Acts of Assembly.

HOUSE BILL 1685 (DELEGATE VALENTINE): BIPARTISAN REDISTRICTING

This bill would have amended sections 24.2-301.2, 24.2-301.3, and 24.2-301.4 of the Code of Virginia, establishing a temporary commission to prepare bipartisan redistricting plans and providing the commission with operating instructions. The commission would consist of six council members and an independent member who would serve as the chairperson. The bill specifies methods of selection and replacement of members. It delineates the appropriate procedures and standards to subjectively plan and restructure districts, and method of presentation to the General Assembly.

This bill failed to pass and was left in the House Privileges and Elections Committee.

HOUSE BILL 1693 (DELEGATE ALBO): MANDATORY PUNISHMENT FOR DUI'S WITH ELEVATED BAC CONCENTRATIONS

This legislation amends section 18.2-270 of the Code of Virginia, imposing mandatory punishments for elevated blood alcohol concentrations ("BAC") following a DUI conviction and any scientifically reliable chemical test that indicates the BAC level was at least 0.15 percent.

This bill has been enacted as Chapter 229 of the 2009 Acts of Assembly.

HOUSE BILL 1697 (DELEGATE LOHR): ANNEXATION MORATORIUM EXTENSION

This legislation amends section 15.2-3201 of the Code of Virginia, extending the moratorium on city annexation eight years or until 2018.

This bill has been enacted as Chapter 435 of the 2009 Acts of Assembly and is identical to *Senate Bill 1469* (Senator Quayle), enacted as Chapter 631 of the 2009 Acts of Assembly, and *Senate Bill 1287* (Senator Newman), enacted as Chapter 129 of the 2009 Acts of Assembly.

HOUSE BILL 1703 (DELEGATE COSGROVE): SMOKING PROHIBITED IN RESTAURANTS AND OTHER PUBLIC PLACES

This bill amends section 18.2-511.1 of the Code of Virginia, adds sections 15.2-2820 through 15.2-2833, and repeals sections 15.2-2800 through 15.2-2810, providing a list of definitions for different types of areas, facilities, and places. It prohibits smoking in particular places and provides for a fine of up to twenty-five dollars for violations. Effective December 1, 2009, smoking shall be prohibited in all restaurants and their restrooms, with certain exceptions. Restaurant proprietors must post no-smoking signs and remove all smoking paraphernalia or risk civil penalties. Smoking is still permitted where restaurants have constructed areas that are structurally separated from other parts of the restaurant and have separate ventilation, to prevent recirculation of smoke-filled air.

This bill incorporates *House Bill 1692* (Delegate Englin), *House Bill 1704* (Delegate A. Howell), *House Bill 1833* (Delegate Toscano), *House Bill 2007* (Delegate Brink), *House Bill 2067* (Delegate Hamilton), *House Bill 2246* (Delegate Barlow), and *House Bill 2483* (Delegate Eisenberg) and has been enacted as Chapter 153 of the 2009 Acts of Assembly.

HOUSE BILL 1709 (DELEGATE ODER): OPEN-END LOANS BY PAY DAY LENDERS

This legislation amends section 6.1-330.78 of the Code of Virginia, prohibiting licensed payday lenders from extending credit under open-end credit plans. Third parties are prohibited from making such loans at a payday lender's place of business. The prohibition does not apply to such loans if secured by a lien on a motor vehicle title. If a licensed payday lender relinquishes its license and then makes open-end loans, it may not be re-licensed to make payday loans for a period of ten years.

This bill has been enacted as Chapter 784 of the 2009 Acts of Assembly and is identical to *Senate Bill 1470* (Senator Saslaw), enacted as Chapter 860 of the 2009 Acts of Assembly.

HOUSE BILL 1712 (DELEGATE JANIS): WITNESSING FEDERAL WRITE-IN ABSENTEE BALLOTS

This bill amends section 24.2-702.1 of the Code of Virginia, changing the witness requirement for a federal write-in absentee ballot to be considered valid for purposes of simultaneously satisfying both an absentee ballot application and a completed absentee ballot for federal offices. While a witness's signature is still required, the envelope no longer needs to display the witness' address. The bill also provides that the ballot must be received no later than the closing of the polls rather than five days before the election and that the federal write-in absentee ballot may serve as a registration application if the voter is eligible to register in Virginia.

This bill incorporates *House Bill 2221* (Delegate Alexander) and has been enacted as Chapter 230 of the 2009 Acts of Assembly. It is identical to *Senate Bill 993* (Senator J. Miller), enacted as Chapter 310 of the 2009 Acts of Assembly.

HOUSE BILL 1714 (DELEGATE TYLER): DIVERSIONARY CASH ASSISTANCE; LIMITATIONS

This bill amends section 63.2-617 of the Code of Virginia, revising the limitation of the receipt of the one-time diversionary Temporary Assistance for Needy Families ("TANF") cash assistance from one payment per sixty-month period to one payment per twelve-month period. The legislation does not affect the total amount available. The goal of this legislation is to avoid having families begin receiving ongoing TANF assistance when their case is a one-time emergency. The family would still be ineligible to receive TANF for up to 160 days after receiving diversionary cash assistance.

House Bill 1714 has been enacted as Chapter 61 of the 2009 Acts of Assembly.

HOUSE BILL 1716 (DELEGATE COX): CRIME TO IMPEDE THE KILLING OF BEAR OR DEER

This legislation amends section 29.1-529 of the Code of Virginia, making it a class three misdemeanor for anyone to willfully and intentionally impede the killing of a bear or deer by a person who has written authorization to lawfully engage in such killing.

House Bill 1716 has been enacted as Chapter 8 of the 2009 Acts of Assembly.

HOUSE BILL 1725 (DELEGATE RUST): BOARD OF VISITORS FOR INSTITUTIONS OF HIGHER LEARNING

This bill amends section 2.2-4343 of the Code of Virginia, authorizing the board of visitors of the College of William and Mary, Virginia Polytechnic Institute and State University, and Virginia Commonwealth University to invest and manage endowment funds, endowment income, gifts, and all other non-general fund reserves and balances as well as local funds of or held by the College or Universities. It also exempts members of the board of visitors from personal liability for losses suffered by such investment. The bill further exempts the investment and management of endowment funds, endowment income, gifts, and all other non-general fund reserves and balances and local funds of or held by the College and Universities from the Virginia Public Procurement Act. Finally, the bill allows the endowment funds, endowment income, gifts, and all other non-general fund reserves and balances and local funds of or held by the College or Universities to be invested or reinvested in derivatives, options, and financial securities in accordance with the Uniform Prudent Management of Institutional Funds Act.

House Bill 1725 has been enacted as Chapter 737 of the 2009 Acts of Assembly and is identical to *Senate Bill 1395* (Senator Norment), enacted as Chapter 767.

HOUSE BILL 1727 (DELEGATE COLE): EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

This bill adds sections 22.1-360 and 22.1-361 to the Code of Virginia, adopting an interstate compact to remove barriers to educational success imposed on children of military families because of frequent moves and

the deployment of their parents. This bill provides for uniform collection and sharing of information between and among member states, schools, and military families in order to facilitate the timely enrollment of children in a new school upon transfer and to promote coordination and flexibility in requirements. This bill also creates the Virginia Council on the Interstate Compact on Educational Opportunity for Military Children that will appoint a military family education liaison to assist military families and the state in facilitating the implementation of this compact. The provisions of this act will not become effective unless an appropriation for the act is included in the general appropriation act passed by the 2009 Regular Session of the General Assembly.

House Bill 1727 has been enacted as Chapter 187 of the 2009 Acts of Assembly.

HOUSE BILL 1732 (DELEGATE COX): AUTOMATED SYSTEM FOR VETERANS' DISABILITY CLAIMS

This bill amends section 2.2-2001 of the Code of Virginia, requiring the Department of Veterans Services, subject to the availability of non-general funds, to work with the state and federal agencies to develop and deploy an automated system for the electronic preparation of veterans' disability claims. The system must be efficient and statutorily compliant.

House Bill 1732 has been enacted as Chapter 62 of the 2009 Acts of Assembly.

HOUSE BILL 1735 (DELEGATE VALENTINE): ARTS AND CULTURAL DISTRICTS

This legislation amends section 15.2-1129.1 of the Code of Virginia, permitting all localities to establish by ordinance an arts and cultural district. Formerly exclusive to many cities and towns, now any locality is authorized to create such a district to which it may provide tax incentives and zoning exceptions.

House Bill 1735 has been enacted as Chapter 738 of the 2009 Acts of Assembly.

HOUSE BILL 1740 (DELEGATE PURKEY): UNLAWFUL TO CONVERT CAMPAIGN CONTRIBUTIONS TO FAMILY USE

This bill amends sections 24.2-948.4, 24.2-949.9, 24.2-950.9, 24.2-951.9, and 24.2-952.7 of the Code of Virginia, making it unlawful to convert any money, securities, or like intangible personal property that has been contributed to a campaign committee to the personal use of a member of the candidate's family, such as a spouse or a dependent child. Similarly, it is unlawful to convert such monies to any political action, political party, referendum, and inaugural committees or the immediate family of the committee's treasurer or chief executive.

House Bill 1740 has been enacted as Chapter 231 of the 2009 Acts of Assembly.

HOUSE BILL 1746 (DELEGATE POGGE): FAMILY LIFE EDUCATION

This Bill amends section 22.1-207.1 of the Code of Virginia, requiring the Board of Education to include the benefits, challenges, responsibilities, and value of marriage for men, women, children, and communities in family life education curriculum.

House Bill 1746 has been enacted as Chapter 437 of the 2009 Acts of Assembly.

HOUSE BILL 1756 (DELEGATE HARGROVE): LOCAL GOVERNMENT SELF-INSURANCE POOLS FOR WORKERS' COMPENSATION INSURANCE

This legislation amends sections 15.2-2703, 65.2-801, and 65.2-1203 of the Code of Virginia, establishing a mechanism for the merger of local government self-insurance groups and local government group's self-insurance pool to allow political subdivision of the Commonwealth to provide workers' compensation insurance for their employees. Additionally, any polling between political subdivisions must be accomplished by a written agreement subject to approval by the State Corporation Commission.

House Bill 1756 has been enacted as Chapter 336 of the 2009 Acts of Assembly and is identical to *Senate Bill 1372* (Senator Ruff), enacted as Chapter 285 of the 2009 Acts of Assembly.

HOUSE BILL 1761 (DELEGATE KILGORE): SECURITY FOR PUBLIC DEPOSITS ACT: ESTABLISHES GUIDELINES TO BANKS TO WITHDRAW FROM PROCEDURES

This legislation amends and reenacts sections 2.2-4403, 2.2-4404, and 2.2-4405 of the Code of Virginia, authorizing the Treasury Board to establish guidelines to permit banks to withdraw from the Virginia Security for Public Deposits pooling arrangement. A bank that complies with these guidelines will be responsible for making good on its own public deposits and will not be responsible for contributing funds to a pool if another bank holding Virginia public deposits fails.

House Bill 1761 has been enacted as Chapter 64 of the 2009 Acts of Assembly.

HOUSE BILL 1774 (DELEGATE POLLARD): TIDAL CREEKS AS NO DISCHARGE ZONES

This legislation amends section 62.1-44.33 of the Code of Virginia, establishing all tidal creeks of the Commonwealth as no discharge zones for the discharge of sewage or other wastes from boats. A “no discharge zone” is defined as an area where the United States Environmental Protection Agency has affirmatively determined that adequate facilities exist for the removal of sewage from vessels.

House Bill 1774 has been enacted as Chapter 337 of the 2009 Acts of Assembly.

HOUSE BILL 1775 (DELEGATE POLLARD): INVASIVE SPECIES MANAGEMENT PLAN

This new legislation adds section 2.2-220.2 to the Code of Virginia, requiring the Secretaries of Natural Resources and Agriculture and Forestry to develop a state invasive species management plan for the purposes of invasive species prevention and eradication. The bill requires the plan to identify and list the most threatening invasive species through economic or environmental harm, coordinate efforts among state and federal agencies for invasive species prevention, and educate the public on invasive species and related matters. Further, the legislation requires that the plan be updated at least once every four years. The bill also mandates that the Secretary of Natural Resources must establish an advisory group to develop and implement the plan

through meetings held at least twice a year. The Secretary of Natural Resources serves as the chair of the advisory group, the Secretary of Agriculture and Forestry serves as vice-chair of the advisory group, and the rest of the advisory group consists of members from various state and federal agencies.

House Bill 1775 has been enacted as Chapter 144 of the 2009 Acts of Assembly after the House of Delegates accepted the Governor's recommendations. It is identical to *Senate Bill 1211* (Senator Quayle), enacted as Chapter 619 of the 2009 Acts of Assembly.

HOUSE BILL 1776 (DELEGATE MCCLELLAN): MORTGAGE BROKER DUTIES

This legislation amends sections 6.1-422 and 6.1-431 of the Code of Virginia, prohibiting a mortgage broker from failing to use reasonable skill, care, and diligence in exercising the broker's duty to make reasonable efforts to secure a mortgage loan that is in the best interests of the applicant, considering the applicant's circumstances and loan characteristics. This bill creates a "broker's duty" and allows a borrower who suffers a loss as a result of a breach of such duty to bring an action to recover actual damages.

House Bill 1776 has been enacted as Chapter 189 of the 2009 Acts of Assembly and is identical to *Senate Bill 1020* (Senator McEachin), enacted as Chapter 261 of the 2009 Acts of Assembly.

HOUSE BILL 1779 (DELEGATE ATHEY): NONPROFIT EXEMPTION OF SALES AND USE TAX

This bill amends section 58.1-609.10 of the Code of Virginia, exempting nonprofit organizations already exempt from collecting or paying sales taxes on purchases under section 58.1-609.11 from collecting sales taxes on sales of (1) food, prepared food, and meals, and (2) tickets to events that include the provision of food, prepared food, and meals. This exemption only applies to occasional sales defined as less than twenty-four occasions per calendar year.

House Bill 1779 has been enacted as Chapter 338 of the 2009 Acts of Assembly.

HOUSE BILL 1788 (DELEGATE HULL): ALTERNATIVE SEWER SYSTEMS

This legislation amends section 15.2-2157 of the Code of Virginia, prohibiting local governments from restricting the use of alternative sewage systems approved by Virginia Department of Health when no sewer or sewage disposal facilities are available. The bill prohibits local governments from having more stringent maintenance standards and requirements than those established by the State Board of Health pursuant to section 32.1-164. Further, the bill requires that before the State Health Commissioner grants an alternative sewer system permit, the property owner must record the system's maintenance with the clerk of the local circuit court.

House Bill 1788 incorporates *House Bill 2294* (Delegate Merricks) and has been enacted as Chapter 786 of the 2009 Acts of Assembly. It is identical to *Senate Bill 1276* (Senator Martin), enacted as Chapter 846.

HOUSE BILL 1790 (DELEGATE HULL): VETERINARIANS ELIGIBLE FOR NEIGHBORHOOD ASSISTANCE TAX CREDITS

This legislation amends sections 58.1-439.18 and 58.1-439.20 of the Code of Virginia, including veterinarians explicitly in the list of professionals eligible for tax credits under the Neighborhood Assistance Act and extending the sunset date of the Neighborhood Assistance Act from 2009 to 2011.

House Bill 1790 has been enacted as Chapter 10 of the 2009 Acts of Assembly.

HOUSE BILL 1793 (DELEGATE BRINK): CITIZEN ADVISORY REDISTRICTING COMMITTEE

This bill would have amended sections 24.2-301.2 through 24.2-301.5 of the Code of Virginia, creating a seven-member Citizen Advisory Redistricting Board to prepare and recommend state legislative and congressional redistricting plans for consideration and enactment by the General Assembly. The Chief Justice of the Virginia Supreme Court selects a chairman, the Governor appoints four members at the recommendation of the majority and minority leaders of the house, and

the remaining two Board members are appointed by the Governor after considering recommendations of the state party committee chairs of parties with candidates receiving at least twenty-five percent of the vote in the last gubernatorial election.

House Bill 1793 failed to pass and was left in the House Privileges and Elections Committee.

HOUSE BILL 1794 (DELEGATE BRINK): SUSPENSION MAY NOT REST SOLELY ON ISSUES OF TRUANCY

This bill amends section 22.1-277 of the Code of Virginia, requiring that sufficient cause for suspension or expulsion of pupils from school cannot be based on instances of truancy alone.

House Bill 1794 was enacted as Chapter 70 of the 2009 Acts of Assembly.

HOUSE BILL 1799 (DELEGATE LOUPASSI): FRAUD AND WHISTLE BLOWER PROTECTION ACT

This bill amends section 2.2-3705.3 of the Code of Virginia and adds sections 2.2-3009 through 2.2-3014, relating to the Fraud and Abuse Whistle Blower Protection Act, which is intended to ensure that employees of State government are able to report instances of wrongdoing or abuse committed by their employing agency, other state agencies, or independent contractors of state agencies. An employer may not discharge, threaten, or otherwise discriminate or retaliate against an employee who makes such a report, so long as the disclosing employee makes a report in good faith and upon a reasonable belief that the information is accurate. If a whistle blower discloses information that results in a savings of at least \$10,000, she may file a claim for a reward, which shall be equal to one percent of the total savings realized, not to exceed \$5,000. Any investigative notes, correspondence, and information furnished in confidence to or for the appropriate authority defined in section 2.2-310 with respect to an allegation of wrongdoing or abuse under the act are excluded from the provisions under section 2.2-3705.3.

House Bill 1799 has been enacted as Chapter 340 of the 2009 Acts of Assembly.

HOUSE BILL 1810 (DELEGATE MORRISSEY): COURSE CREDIT FOR ACTIVE MILITARY DUTY

This bill adds section 23-9.2:3.7 to the Code of Virginia, mandating that public institutions of higher education implement policies that provide students called to active military duty during an academic semester with the opportunity to earn full course credit. Such policies must provide that students who have completed seventy-five percent of their credits and who meet other specified requirements at the time they are called to duty will receive full course credit.

House Bill 1810 was enacted as Chapter 190 of the 2009 Acts of Assembly.

HOUSE BILL 1826 (DELEGATE FRALIN): SUSPENSION OF LICENSE FOR UNEXCUSED ABSENCES

This bill amends section 46.2-323 of the Code of Virginia, allowing the suspension of any minor's license who has missed ten or more consecutive days of school without an excuse. Upon application for a driver's license, the minor will have to submit a form authorizing his principal to notify the Juvenile and Domestic Relations Court if the minor has ten or more consecutive unexcused absences. The court must give the juvenile notice and an opportunity to show cause why his license should not be suspended. The student may apply for a restricted driver's license as otherwise permitted by law.

House Bill 1826 has been enacted as Chapter 439 of the 2009 Acts of Assembly.

HOUSE BILL 1828 (DELEGATE FRALIN): STORMWATER INCENTIVES FOR GREEN ROOFS

This legislation adds section 15.2-977 and amends sections 15.2-5101 and 15.2-5114 of the Code of Virginia, permitting localities to establish a rate incentive program for the construction and remodeling of residential and commercial green roofs. A green roof is a roof or partially covered roof consisting of plants, soil, or another lightweight growing medium. This bill requires designs to comply with Virginia Stormwater Management Program's standards and specifications of

Virginia Best Management Practices Clearinghouse. Such incentives must be based on the percentage of stormwater runoff reduction the roof provides.

House Bill 1828 has been enacted as Chapter 402 of the 2009 Acts of Assembly.

**HOUSE BILL 1830 (DELEGATE FRALIN): SETOFF DEBT
COLLECTION ACT: ALLOWS LOCAL GOVERNMENTS TO
COLLECT PAST DUE LOCAL TAXES**

This legislation amends sections 58.1-520 and 58.1-530 of the Code of Virginia, redefining “refund” and allowing local governments to collect past due local debts from federal income tax refunds. Previously, past due debts could only be satisfied with state or local tax refunds. It also changes priorities in multiple claims to be in the following order, rather than in the order in time in which a claimant agency has filed written notice: (1) claims of the Department of Taxation; (2) claims filed by the Department of Social Services, Division of Child Support Enforcement; (3) claims filed by any court or other administrative unit of state government; (4) claims filed by any country, city, or town; and (5) claims filed by the Internal Revenue Service. Priorities for claims in the same classification shall remain based on order in time in which the claimant filed a written notice.

House Bill 1830 has been enacted as Chapter 787 of the 2009 Acts of Assembly.

**HOUSE BILL 1831 (DELEGATE FRALIN): REVERSION OF
RECREATIONAL AUTHORITY PROPERTY DELAYED**

This legislation amends section 29.1-312 of the Code of Virginia, delaying the reversion of property owned by the Virginia Recreational Facilities Authority. Under this bill, if the Authority ceases to operate a project, the title to that real property does not revert from the Authority to the Commonwealth until July 1, 2010.

House Bill 1831 was enacted as Chapter 739 of the 2009 Acts of Assembly.

HOUSE BILL 1842 (DELEGATE GRIFFITH) PROTECTIVE ORDERS; SEXUAL BATTERY

This legislation amends sections 19.2-152.8, 19.2-152.9, and 19.2-152.10 of the Code of Virginia, expanding the authority of a magistrate or judge to issue preliminary or emergency protective orders to cover instances when a warrant is issued for sexual battery or aggravated sexual battery in violation of sections 18.2-67.3 and 18.2-67.4 of the Code.

House Bill 1842 has been enacted as Chapter 341 of the 2009 Acts of Assembly.

HOUSE BILL 1843 (DELEGATE GRIFFITH): CIVIL COMMITMENT OF SEXUALLY VIOLENT PREDATORS

This legislation amends sections 16.1-69.55, 16.1-300, 16.1-305, 37.2-900, 37.2-901 through 37.2-909, 37.2-911 through 37.2-914, 37.2-918, and 53.1-32 of the Code of Virginia, amending certain procedures related to the civil commitment of sexual predators and requiring court records for sexual misdemeanors to be retained for 50 years. This bill makes several additional changes, which include: expanding the scope of authorized persons allowed access to juvenile records to include the Office of the Attorney General; requiring defenses or objections based on defects in the institution of proceedings under this chapter to be filed in writing fourteen days prior to the hearing or trial; prohibiting discovery in such a proceeding prior to the probable cause hearing and afterwards unless granted leave by the court; allowing access to sealed records; extending from sixty to ninety days the time for a probable cause hearing and allowing the respondent to waive his right to such hearing; prohibiting an expert from testifying as a witness without a prepared written report detailing his findings and conclusions submitted no less than forty-five days prior to the trial unless otherwise agreed to by the parties; extending from ninety to one hundred and twenty the number of days after the probable cause hearing on which the trial must be conducted; changing the criteria for the court to consider prior to granting a conditional release; and requiring the development of a program that shall include a clinical assessment of all such prisoners upon receipt into the custody of the Department of Corrections and the development of appropriate treatment plans, if indicated.

House Bill 1843 has been enacted as Chapter 740 of the 2009 Acts of Assembly.

**HOUSE BILL 1844 (DELEGATE LINGAMFELTER): PUBLIC
CHARTER SCHOOL APPLICATION**

This legislation amends sections 22.1-212.8 and 22.1-212.11 of the Code of Virginia, amending certain provisions relating to public charter schools. The section 22.1-212.8 amendments create a continuing duty to disclose any ownership or financial interest in the public charter school by the charter applicant and the governing body, administrators, and other personnel of the proposed public charter school. This duty rests with any successful charter applicant and the governing body, administrators, and other personnel of the proposed public charter school during the term of any charter. Further, the bill requires that the charter applicant include in the proposed agreement the results of any Board of Education review of the public charter school application. Section 22.1-212.11 eliminates the mandate that the total number of public charter schools established by local school boards, including those designed to increase opportunities for at risk children, not exceed ten percent of the school division's total number of schools or two public charter schools, whichever is greater.

House Bill 1844 has been enacted as Chapter 441 of the 2009 Acts of Assembly.

**HOUSE BILL 1847 (DELEGATE LINGAMFELTER): DOVE
HUNTING EXEMPTION**

This legislation amends section 29.1-530.1 of the Code of Virginia, exempting dove hunting from the list of hunting activities where the hunter is required to wear blaze orange clothing.

House Bill 1847 has been enacted as Chapter 11 of the 2009 Acts of Assembly.

**HOUSE BILL 1850 (DELEGATE LINGAMFELTER):
ADMISSIBILITY OF MEDICAL EXAMINER REPORTS**

This legislation amends section 19.2-188 of the Code of Virginia, requiring any statement of fact or opinion in a report or record made by the Office of the Chief Medical Examiner to be admissible as competent evidence of the cause of death in any preliminary hearing, so long as it concerns the physical or medical cause of death without alleging any conduct by the accused.

House Bill 1850 has been enacted as Chapter 640 of the 2009 Acts of Assembly.

HOUSE BILL 1852 (DELEGATE MORRISSEY): DEPARTMENT OF HEALTH PROFESSIONS INVESTIGATIONS' CONFIDENTIALITY

This bill amends section 54.1-2400.2 of the Code of Virginia, providing that a health regulatory board licensee against whom a complaint has been filed is entitled to see the complaint and any evidence supporting the complaint. Additionally, this bill states that the investigators of the complaint are allowed to disclose to fact witnesses the identity of the subject of the complaint and are allowed to review the records or documents necessary to refresh the fact witnesses' recollection.

House Bill 1852 has been enacted as Chapter 342 of the 2009 Acts of Assembly.

HOUSE BILL 1856 (DELEGATE SHANNON): DISCLOSURE OF STORMWATER DETENTION FACILITIES ON RESIDENTIAL PROPERTY

This bill amends section 55-519 of the Code of Virginia, requiring the owner of residential real property being transferred as described in section 55-517 to furnish to the purchaser a residential property disclosure statement that the owner makes no representations with respect to the presence of any stormwater detention facilities located on the property. This disclosure advises purchasers to exercise the due diligence they deem necessary to determine the presence of any stormwater detention facilities on the property, in accordance with terms and conditions contained in the real estate purchase contract and prior to the settlement contract.

House Bill 1856 has been enacted as Chapter 641 of the 2009 Acts of Assembly.

HOUSE BILL 1857 (DELEGATE SHANNON): PROTECTIVE ORDERS FOR FAMILY ABUSE

This legislation amends sections 16.1-253.1 and 16.1-279.1 of the Code of Virginia, allowing for the issuance of a protective order in cases

of family abuse to be established by a showing that: (i) the allegedly abusive person is incarcerated and is to be released from incarceration within thirty days following the petition or has been released from incarceration within thirty days prior to the petition; (ii) the crime for which the allegedly abusive person was convicted and incarcerated involved family abuse against the petitioner; and (iii) the allegedly abusive person has made threatening contact with the petitioner while he was incarcerated, exhibiting a renewed threat to the petitioner of family abuse.

House Bill 1857 has been enacted as Chapter 343 of the 2009 Acts of Assembly.

HOUSE BILL 1874 (DELEGATE COSGROVE): FELONY ARREST WARRANTS

This legislation amends sections 19.2-45, 19.2-71, and 19.2-72 of the Code of Virginia, requiring a magistrate to consult with a Commonwealth's Attorney or a law-enforcement agency prior to issuing an arrest warrant for a felony offense upon the basis of a complaint by a person other than a law-enforcement officer. The bill also requires a written complaint whenever practicable, if the complainant is not a law-enforcement officer.

House Bill 1874 has been enacted as Chapter 344 of the 2009 Acts of Assembly.

HOUSE BILL 1875 (DELEGATE COSGROVE): CRITERIA TO HONOR VIRGINIA'S WAR CASUALTIES

This legislation directs the Board of Trustees for the Virginia War Memorial Foundation to establish criteria to honor Virginia's war casualties. The Board must establish criteria for the names and homes of record to be engraved on the walls of the Virginia War Memorial. The Board is required to consider ten factors, including, among others: the definition of a combat area and any reasons not to include someone who was killed in action, died as a prisoner of war, or was a hostile casualty. This project must be completed by November 1, 2009, and an executive summary will be posted on the General Assembly's website by the first day of the 2010 regular session.

House Bill 1875 has been enacted as Chapter 404 of the 2009 Acts of Assembly.

HOUSE BILL 1876 (DELEGATE COSGROVE): TEXTING WHILE DRIVING PROHIBITED

This bill adds section 46.2-1078.1 to the Code of Virginia, making it illegal to enter text or read emails or text messages from a handheld personal communications device while driving a motor vehicle on Virginia highways. This provision does not prohibit a driver from reading a stored name, number, or the caller ID of the device. Further, the provision does not apply to the operator of an emergency vehicle, a driver who is legally parked or stopped, a GPS, or a wireless communications device. The use of a handheld communications device to report an emergency is exempted from this prohibition. Any violation of this section is a traffic infraction punishable by a \$20 fine for the first violation and \$50 for a second violation. A citation for such a violation may only be issued where a law enforcement officer has other cause to stop the driver.

House Bill 1876 has been enacted as Chapter 661 of the 2009 Acts of Assembly.

HOUSE BILL 1877 (DELEGATE COSGROVE): FIRST RESPONDERS ABSENTEE ELIGIBILITY

This bill amends sections 24.2-700, 24.2-701, and 24.2-706 of the Code of Virginia, providing that law enforcement officers, firefighters, and other first responders are entitled to vote absentee. The bill also grants circuit court with the authority to issue an injunction to enforce the absentee ballot provisions of the Code.

House Bill 1877 has been enacted as Chapter 405 of the 2009 Acts of Assembly and is identical to *Senate Bill 1070* (Senator Martin), enacted as Chapter 873.

HOUSE BILL 1878 (DELEGATE COSGROVE): ELECTION REGISTRATION CLARIFICATIONS AND REVISIONS

This legislation amends sections 24.2-101, 24.2-115, 24.2-115.1, 24.2-404, 24.2-418, 24.2-604, and 24.2-1004 of the Code of Virginia, clarifying and revising certain provisions relating to voter registration and the election process. This bill alters the definition of domicile to mean a location where a person lives with the intent to remain. The legislation enables the electoral board to appoint an officer of election

with the duty to assist with the close of each precinct and to report the election results from the precinct. Additionally, voters are required to comply with certain procedural requirements in order to make a change of address. Further, any person who votes with the knowledge that he is not qualified to vote, induces another to do so, or who votes more than once in an election shall be guilty of a class six felony.

House Bill 1878 has been enacted as Chapter 865 of the 2009 Acts of Assembly and incorporates *House Bill 1610* (Delegate Shuler), *House Bill 1630* (Delegate Shuler), *House Bill 1978* (Delegate McClellan), and *House Bill 2219* (Delegate Alexander). This bill is identical to *Senate Bill 848* (Senator Edwards), enacted as Chapter 870 of the 2009 Acts of Assembly, and *Senate Bill 1188* (Senator Blevins), enacted as Chapter 874 of the 2009 Acts of Assembly.

HOUSE BILL 1881 (DELEGATE P. MILLER): ABSENTEE BALLOTS SENT ELECTRONICALLY

This bill amends section 24.2-706 of the Code of Virginia, allowing absentee ballots to be sent electronically to qualified recipients residing in or stationed outside the Commonwealth. This amendment alters the previous requirement that the recipient of the absentee ballot had to reside or be stationed outside of the United States.

House Bill 1881 has been enacted as Chapter 345 of the 2009 Acts of Assembly.

HOUSE BILL 1885 (DELEGATE NIXON): TELEPHONE REGULATORY ALTERNATIVES: DETERMINATION OF COMPETITIVENESS

This legislation amends section 56-235.5 of the Code of Virginia, requiring the State Corporation Commission to consider all wireless communications providers that offer voice communications services, regardless of whether such wireless communications providers own wireline network facilities, when determining whether the telephone services of a telephone company are competitive. The legislation also requires the Commission to expand its competitive determination for all telephone service throughout the company's incumbent territory and apply regulatory treatment for that company if the Commission

determines that seventy-five percent or more of residential households or businesses in a telephone company's incumbent territory are in areas that are competitive for a telephone service.

House Bill 1885 has been enacted as Chapter 788 of the 2009 Acts of Assembly.

HOUSE BILL 1886 (DELEGATE NIXON): MONEY ORDER SALES AND TRANSMISSION SERVICES

This legislation amends sections 6.1-370 through 6.1-374, 6.1-375, 6.1-378, 6.1-378.2, 6.1-378.3, 6.1-378.4 and adds sections 6.1-374.1, 6.1-374.2, and 6.1-378.5 through 6.1-378.8 to the Code of Virginia, expanding the existing authority of the State Corporation Commission to regulate money order sellers and money transmitters. The measure, among other things, mandates examinations of licensees every three years; increases the license application fee from \$500 to \$1,000; imposes an annual assessment in proportion to the dollar volume of money orders sold; requires annual renewal of licenses with a \$750 license renewal fee; increases minimum net worth requirements from \$100,000 to \$200,000; establishes procedures for license revocation; authorizes the Commission to issue cease and desist orders; establishes requirements for agreements between a licensee and its authorized delegates; increases the maximum penalty that the Commission may assess for violations from \$1,000 to \$2,500; establishes record retention requirements; establishes additional reporting requirements; and requires licensees to maintain permissible investments that have a market value of not less than the aggregate dollar amount of all of its outstanding money orders and money transmission transactions. The legislation also requires licensees to conduct a due diligence review of all new authorized delegates and to implement and maintain a risk-based supervision program to monitor its authorized delegates. Finally, the bill prescribes the types of permissible investments that must be made by licensees.

House Bill 1886 has been enacted as Chapter 346 of the 2009 Acts of Assembly.

HOUSE BILL 1887 (DELEGATE NIXON): CANCELLATION OF PROPERTY INSURANCE UPON FORECLOSURE

This legislation amends section 38.2-2114 of the Code of Virginia,

allowing an insurance policy for an owner-occupied dwelling to be cancelled if the property secured by the policy has been sold pursuant to foreclosure of a deed of trust encumbering the property.

House Bill 1887 has been enacted as Chapter 442 of the 2009 Acts of Assembly.

HOUSE BILL 1889 (DELEGATE NIXON): UNEMPLOYMENT BENEFITS

This legislation amends sections 60.2-602, 60.2-610, and 60.2-611 of the Code of Virginia, postponing the scheduled increase, from \$2,700 to \$3,000, in the minimum amount of wages an employee must have earned in the two highest earnings quarters of his base period in order to be eligible for unemployment benefits. The increase will now apply to claims filed on or after July 4, 2010; it was scheduled to apply to claims filed on or after July 5, 2009. This bill also amends the definition of “extended benefit period” by expanding the criteria for the state’s “on” indicator and adds the requirement that an individual must have had, during his base period, twenty weeks of full-time insured employment or the equivalent in insured wages to be eligible for extended benefits. Further, it increases the extended benefit payment during high unemployment periods.

House Bill 1889 has been enacted as Chapter 789 of the 2009 Acts of Assembly after the General Assembly accepted Governor Kaine’s recommendations.

HOUSE BILL 1890 (DELEGATE BRINK): HOUSING AUTHORITIES AND THE REQUIRED NUMBER OF VOTERS FOR A REFERENDUM

This bill amends sections 36-4 and 36-4.1 of the Code of Virginia, providing that a referendum to determine whether there is a need for a redevelopment and housing authority in a particular locality may be called by the governing body upon the filing of a petition signed by at least two percent of the qualified voters registered in a jurisdiction. Previously, at least one-hundred registered voters were required to sign the petition. The bill also mandates that once the referendum has been held, no other referendum on the same question shall be held in the county, city, or town within five years of the date of the prior referendum.

House Bill 1890 has been enacted as Chapter 78 of the 2009 Acts of Assembly.

**HOUSE BILL 1891 (DELEGATE BRINK): TEMPORARY
REDUCTION OF LAND PRESERVATION TAX CREDIT**

This bill amends section 58.1-512 of the Code of Virginia, reducing the amount of land preservation tax credit that may be claimed by each taxpayer from \$100,000 to \$50,000 for the 2009 and 2010 taxable years, and raising it to \$100,000 in the 2011 taxable year and each taxable year thereafter. Taxpayers affected by the reduction in 2009 and 2010 may carry over unused credit for a maximum of twelve consecutive taxable years, rather than the standard ten years, following the year in which the credit originated. Such credits may not be used more than thirteen years after it was originally issued or in any taxable year that ended prior to the date of transfer.

House Bill 1891 has been enacted as Chapter 12 of the 2009 Acts of Assembly.

**HOUSE BILL 1893 (DELEGATE DANCE): BROWN V. BOARD
OF EDUCATION SCHOLARSHIP PROGRAM**

This bill amends sections 30-231.01 through 30-231.3 and 30-231.8 of the Code of Virginia, providing that scholarships awarded through the Brown v. Board of Education Scholarship Program may be used to cover the costs of required academic fees, in addition to tuition and textbooks already provided by state law. The grants may also be used for up to three years of graduate study at the master and doctoral levels. This bill also clarifies the Awards Committee's authority to establish policies, standards, and rules to govern the Scholarship Program. This bill is a recommendation of the Brown v. Board of Education Scholarship Awards Committee.

House Bill 1893 has been enacted as Chapter 444 of the 2009 Acts of Assembly.

**HOUSE BILL 1894 (DELEGATE DANCE): IN PERSON
ABSENTEE VOTING FOR ANY REASON**

This bill would have amended sections 24.2-700 and 24.2-701 of the Code of Virginia, enabling any registered voter to apply for and vote

absentee in person by providing a printed name, the last four digits of his social security number, and a statement that he is registered and resides in the county or city in which he offers to vote, in addition to absentee requirements already in place. Such a registered voter would not have to provide an excuse as to why he is unable to vote in person on election day.

This bill is identical to *Senate Bill 810* (Senator Howell). Both bills failed to pass and were left in the House Privileges and Elections Committee.

HOUSE BILL 1904 (DELEGATE ARMSTRONG): VIRGINIA CHILD PROTECTION ACCOUNTABILITY SYSTEM

This bill amends section 63.2-1530 of the Code of Virginia, creating the Virginia Child Protection Accountability System so that the public will have access to information on the response to child abuse and neglect claims reported in the Commonwealth. The Department of Social Services is charged with establishing and maintaining the system.

House Bill 1904 has been enacted as Chapter 445 of the 2009 Acts of Assembly.

HOUSE BILL 1908 (DELEGATE ARMSTRONG): ASSAULT AND BATTERY OF FAMILY MEMBER

This legislation amends section 18.2-57.3 of the Code of Virginia, allowing the court to defer the proceedings against a person charged with assault and battery of a family or household member, without a finding of guilt, and place him on probation. This bill gives the court discretion to place the person with a local community-based probation services agency, if available. Under these provisions, the court must order the person to be on good behavior for a total period of not less than two years following the deferral of proceedings, including any period of supervised probation.

House Bill 1908 has been enacted as Chapter 347 of the 2009 Acts of Assembly and is identical to *Senate Bill 1300* (Senator Hurt), enacted as Chapter 313.

HOUSE BILL 1914 (DELEGATE BACOTE): GUIDELINES FOR CONTINUATION OF FOSTER CARE

This bill amends sections 16.1-281 and 16.1-282 of the Code of Virginia, deleting any reference to “continuing to foster care.” This bill also establishes that in the case of a child that is sixteen years of age or older who has a plan for independent living, a foster care plan that addresses the services needed to assist the child to transition from foster care to independent living will be included in the petition for a dispositional hearing.

House Bill 1914 has been enacted as Chapter 80 of the 2009 Acts of Assembly.

HOUSE BILL 1918 (DELEGATE CROCKETT-STARK): PERMITTING COAL COMBUSTION BY-PRODUCTS

This legislation adds section 10.1-1402.02 to the Code of Virginia, prohibiting the Virginia Waste Management Board from exempting or excluding the use, reuse, or reclamation of coal combustion by-products in one-hundred year flood plain areas from the definition of solid waste or sold waste permitting requirements.

House Bill 1918 has been enacted as Chapter 348 of the 2009 Acts of Assembly and is identical to *Senate Bill 865* (Senator Edwards), enacted as Chapter 498.

HOUSE BILL 1923 (DELEGATE TATA): TEXTBOOKS

This bill amends section 22.1-243 of the Code of Virginia, providing that local school boards may determine a reasonable fee or charge for damages or loss of school property, such as textbooks, when such property has been provided to students without charge.

House Bill 1923 has been enacted as Chapter 81 of the 2009 Acts of Assembly.

HOUSE BILL 1924 (DELEGATE LEWIS): TUITION GRANTS FOR COMMERCIAL CRAB-FISHERMEN

This bill adds section 23-7.4:6 to the Code of Virginia, making grants for tuition and fees at public two-year institutes of higher education

available to Virginia watermen holding a valid Virginia commercial crabbing license when they have incurred adverse economic impacts as determined by the United State Department of Commerce Blue Crab Commercial Fishery Failure Declaration. To qualify for the grant, an individual must be domiciled in Virginia and enrolled or accepted in an academic program of at least one year in length but not previously enrolled for more than three years in post-secondary education. Further, the individual must have applied for any federal student aid for which he may be eligible and must not be in default on any federal student loans. The bill expires on July 1, 2012.

House Bill 1924 has been enacted as Chapter 447 of the 2009 Acts of Assembly.

HOUSE BILL 1925 (DELEGATE LEWIS): CLEAN WATER FARM AWARD

This legislation amends section 10.1-104.3 of the Code of Virginia, describing best management practices that farmers may implement to be eligible to receive the Clean Water Farm Award. These practices focus on addressing the problem of nonpoint source pollutants and include the use of vegetative riparian buffers, riparian buffers, cover crops, conservation tillage, livestock exclusion, and nutrient management plans. The bill also eliminates the division of the award by location and the requirement that annual reports respecting the program be received by the General Assembly.

House Bill 1925 has been enacted as Chapter 349 of the 2009 Acts of Assembly.

HOUSE BILL 1926 (DELEGATE LEWIS): WALLOPS RESEARCH PARK; AEROSPACE-RELATED ECONOMIC DEVELOPMENT

This bill amends section 15.2-2403 and adds section 15.2-2403.2 to the Code of the Virginia, relating to the Wallops Research Park. It allows Accomack County to construct, maintain, and operate infrastructure, services, and/or amenities that are necessary or desirable to provide access for aerospace-related economic development to the NASA/Wallops Flight Facility runway and related facilities in the Wallops Research Park, consistent with all applicable federal, state, and local laws and regulations. The bill also allows for the establishment of a Wallops Research Park Partnership with powers pursuant to section 15.2-2403. Finally, the bill establishes the Virginia Wallops Research

Park Leadership Council as a management and oversight body for the development and operation of the Wallops Research Park. The Council shall advise the Governor, state economic development officials, state workforce development officials, and landowners on development and operations strategies for the Park.

House Bill 1926 has been enacted as Chapter 408 of the 2009 Acts of Assembly, and is identical to *Senate Bill 1492* (Senator Northam), enacted as Chapter 302.

HOUSE BILL 1930 (DELEGATE PLUM): CERTIFICATION OF STORMWATER DEVELOPMENT PROPERTY

This legislation amends section 58.1-3660.1 of the Code of Virginia, authorizing the Department of Conservation and Recreation to certify stormwater management developments and property. Previously, this certification was the responsibility of the Department of Environmental Quality.

House Bill 1930 has been enacted as Chapter 350 of the 2009 Acts of Assembly.

HOUSE BILL 1935 (DELEGATE PLUM): CONFIDENTIALITY OF INSURANCE INFORMATION

This legislation adds section 38.2-221.3 to the Code of Virginia, providing for the confidentiality of company licensing applications and supporting documentation received by the State Corporation Commission. Such applications, documents, or materials are not subject to subpoena nor may they be made public. The requirement for confidential treatment extends to information obtained by the Commission or any other person in the course of an investigation or a review of a licensing application.

House Bill 1935 has been enacted as Chapter 352 of the 2009 Acts of Assembly.

HOUSE BILL 1936 (DELEGATE INGRAM): RESOURCES AUTHORITY

This legislation amends sections 62.1-198 and 62.1-199 of the Code of Virginia, adding site acquisition and development work for economic

and community projects to the list of projects that need additional sources of funding, thus permitting the Virginia Resources Authority to finance such projects.

House Bill 1936 has been enacted as Chapter 14 of the 2009 Acts of Assembly and is identical to *Senate Bill 1476* (Senator Marsh), enacted as Chapter 632 of the 2009 Acts of Assembly.

HOUSE BILL 1938 (DELEGATE PEACE): LIVABLE HOME TAX CREDIT

This bill amends section 58.1-339.7 of the Code of Virginia, allowing taxpayers who purchase new residences or retrofit an existing residence according to guidelines established by the Department of Housing and Community Development to obtain an increased tax credit. Currently, these taxpayers are allowed a tax credit of five hundred dollars, or twenty-five percent of the total amount spent for retrofitting. Beginning on or after January 1, 2010, this amount shall increase to two thousand dollars or fifty percent of the total amount spent retrofitting in taxable years.

House Bill 1938 incorporates *House Bill 2343* (Delegate Amundson) and has been enacted as Chapter 15 of the 2009 Acts of Assembly.

HOUSE BILL 1939 (DELEGATE PEACE): LICENSURE OF RADIOLOGIST ASSISTANTS

This bill amends sections 54.1-2900, 54.1-2956.8:1, and 54.1-2956.8:2 of the Code of Virginia, defining “radiologist assistant” as an individual who has met the requirements of board licensure and who is authorized, while under the supervision of a licensed doctor, to assess and evaluate the responsiveness of patients undergoing radiologic procedures, evaluate and communicate observations of image quality, administer medications prescribed by a doctor, and perform procedures consistent with applicable guidelines.

House Bill 1939 has been enacted as Chapter 83 of the 2009 Acts of Assembly and is identical to *Senate Bill 968* (Senator Blevins), enacted as Chapter 507 of the 2009 Acts of Assembly.

HOUSE BILL 1940 (DELEGATE PEACE): OPEN EDUCATION RESOURCE CENTER GRANT FUND

This legislation directs the State Board for Community Colleges, in consultation with the Virginia Department of Education and the State Council of Higher Education for Virginia, to develop a two-year pilot program, the Open Education Resource Center Grant Fund, to provide competitive grants to community colleges to establish open education resource centers in Virginia. The Fund will be a special nonreversionary fund in the state treasury consisting of funds appropriated by the general appropriation act and revenue from any other source. "Open education resources" are defined as learning materials or resources whose copyrights have expired or that have been released with an intellectual property license permitting their free use or re-purposing by others without the permission of the original authors or creators. To qualify, community colleges must demonstrate a partnership with faculty or staff from at least one local school division and one institution of higher education in Virginia. The bill further defines guidelines and criteria for qualification. Provisions of this bill do not become effective until either an appropriation of general funds effectuating the purposes of this legislation is made in 2009 or 2010 by the General Assembly, or funds from other private or public sources are deposited into the fund by July 1, 2010.

House Bill 1940 has been enacted as Chapter 448 of the 2009 Acts of Assembly and is identical to *Senate Bill 1173* (Senator Watkins), enacted as Chapter 615 of the 2009 Acts of Assembly.

HOUSE BILL 1942 (DELEGATE PEACE): SINGLE-SEX EDUCATION

This bill amends section 22.1-212.1:1 of the Code of Virginia, allowing school boards to establish single-sex schools or classes only if the school board makes available to pupils substantially equal coeducational schools or classes. Participation in single-sex schools or classes may not be required by the school division and participation should be voluntary.

House Bill 1942 has been enacted as Chapter 84 of the 2009 Acts of Assembly.

HOUSE BILL 1945 (DELEGATE PEACE): REGIONAL ALTERNATIVE EDUCATION PROGRAMS

This bill amends section 22.1-209.1:2 of the Code of Virginia, allowing school superintendants to assign students who have committed

an offense in violation of school board policies relating to weapons, alcohol, drugs, or intentional injury to another person to regional alternative education programs at the request of a parent and with the superintendent's consent. The bill provides the notice and hearing requirements necessary before a student can be assigned to the program. Further, the bill clarifies that the program must be a regional program supported by two or more school districts.

House Bill 1945 has been enacted as Chapter 792 of the 2009 Acts of Assembly.

HOUSE BILL 1951 (DELEGATE SHULER): COPIES OF DANGEROUS DOG REGISTRY DOCUMENTS

This legislation amends section 3.2-6542 of the Code of Virginia, authorizing the use of copies of all records relating to the Dangerous Dog Registry as evidence with the same effect as the originals so long as the copies have been duly certified and authenticated to be true copies.

House Bill 1951 has been enacted as Chapter 354 of the 2009 Acts of Assembly.

HOUSE BILL 1961 (DELEGATE MATHIESON): REGISTERING SPECIAL CONSERVATION POLICE OFFICERS

This legislation amends section 29.1-200 of the Code of Virginia, requiring all special conservation police officers appointed after October 1, 2009 to obtain valid registration from the Department of Criminal Justice Services naming them a Special Conservator of the Peace.

House Bill 1961 has been enacted as Chapter 355 of the 2009 Acts of Assembly.

HOUSE BILL 1964 (DELEGATE SAXMAN): BANKING INSTITUTIONS; RECLASSIFICATIONS OR CONVERSIONS OF SHARES OF STOCK

This legislation adds section 6.1-2.7:1 to the Code of Virginia, authorizing a bank, savings institution, bank holding company, savings and loan holding company, or multiple or diversified savings and loan holding company organized as a stock corporation to reclassify or convert a portion of its issued and outstanding shares of common stock into a class or series of preferred stock for the purpose of ceasing to be,

or avoiding the status of, an institution that is required to file periodic reports under provisions of the Securities Exchange Act of 1934. Reclassification must be authorized by its articles of incorporation, and the reclassified or converted shares continue to be part of the equity capital of the corporation.

House Bill 1964 has been enacted as Chapter 356 of the 2009 Acts of Assembly and is identical to *Senate Bill 884* (Senator McEachin), enacted as Chapter 253 of the 2009 Acts of Assembly.

HOUSE BILL 1968 (DELEGATE MASSIE): FAILURE TO COMPLY WITH SENTENCING ORDER

This legislation amends section 19.2-298 of the Code of Virginia, granting any law-enforcement officer the authority to arrest, with or without a warrant, any person who willfully and knowingly fails to surrender or submit to the custody of a sheriff as ordered by a court.

House Bill 1968 has been enacted as Chapter 192 of the 2009 Acts of Assembly.

HOUSE BILL 1969 (DELEGATE MASSIE): ELECTRONIC SUBMISSION OF REGULATIONS UNDER THE ADMINISTRATIVE PROCESS ACT

This legislation directs each agency with regulations promulgated under the Administrative Process Act requiring the submission of documents or payments to determine the feasibility of allowing electronic submission of those documents or payments. By January 1, 2010, agencies having such regulations must determine whether it would be feasible to allow electronic submission, and if so, must consider amending the regulations accordingly to allow electronic submission of documents or payments. The bill does not create an independent or private cause of action to enforce its provisions, but amendments made pursuant to this bill after December 31, 2010 shall be subject to the Administrative Process Act.

House Bill 1969 has been enacted as Chapter 85 of the 2009 Acts of Assembly.

HOUSE BILL 1973 (DELEGATE R. WARE): LITTER CONTROL AND RECYCLING GRANTS

This legislation amends sections 10.1-1422 and 10.1-1422.01 of the Code of Virginia, requiring that the Department of Environmental Quality spend ninety-five percent of the annual Litter Control and Recycling Fund on local litter prevention and recycling grants to localities. The bill also repeals section 10.1-1422.05 of the Code of Virginia, thereby not allowing these grants to be made to non-profits.

House Bill 1973 has been enacted as Chapter 409 of the 2009 Acts of Assembly.

HOUSE BILL 1974 (DELEGATE R. WARE): CRASH PREVENTION COURSES FOR THOSE OVER Fifty-five YEARS OF AGE

This legislation amends section 38.2-2217 of the Code of Virginia, allowing motor vehicle crash prevention sponsors to deliver substantive courses over the internet if approved by the Department of Motor Vehicles. The course sponsor must use acceptable safety features designed to ensure that certificates issued as evidence of completion are issued to the person who took the course and passed the exam. Insurers may allow premium reductions for courses taken via electronic means as if they were completed through actual classroom instruction.

House Bill 1974 has been enacted as Chapter 357 of the 2009 Acts of Assembly and is identical to *Senate Bill 1103* (Senator Edwards), enacted as Chapter 545 of the 2009 Acts of Assembly.

HOUSE BILL 1980 (DELEGATE MCCLELLAN): FAMILY LIFE EDUCATION

This bill amends section 22.1-207.2 of the Code of Virginia, requiring school boards to develop and distribute to parents a summary of the school's family life education program whether or not the parents request this information. The summary must inform parents and guardians that they have the right to review the family life education program offered by their school division, including written and audio-visual educational materials used in the program, and have the right to excuse their child from all or part of family life education instruction.

House Bill 1980 has been enacted as Chapter 451 of the 2009 Acts of Assembly.

HOUSE BILL 1983 (DELEGATE MCCLELLAN): CIVIL IMMUNITY IN GOVERNOR-DECLARED EMERGENCY

This legislation amends section 44-146.23 of the Code of Virginia, granting civil immunity to private and charitable organizations who provide services, goods, real or personal property, or facilities (1) pursuant to a governor-declared emergency or during a formal exercise or training of the State Department of Emergency Management or a responsible local emergency management entity, and (2) at the request and direction of the State Department of Emergency Management or a local employee whose responsibilities include emergency management. These entities will not be held liable for the death, injury, or damage to property proximately caused by the circumstances of the emergency. This bill does not preclude liability for civil damages as a result of gross negligence, recklessness, or willful misconduct, nor does it extend immunity to any manufacturer or to any retailer or distributor substantially involved in the manufacture or design of any product or good. This bill does not affect the right of any person to receive benefits to which he would otherwise be entitled under the Workers' Compensation Act or under any pension law or the right of any such person to receive any benefits or compensation under any act of Congress.

House Bill 1983 has been enacted as Chapter 233 of the 2009 Acts of Assembly.

HOUSE BILL 1986 (DELEGATE O'BANNON): MEDICATION AIDE TRAINING PROGRAM REQUIREMENTS

This bill amends section 54.1-3042 of the Code of Virginia, establishing new training requirements for medication aides and replacing the previous practice that permitted the Board of Nursing to independently establish registration criteria. The legislation requires an applicant for registration as a medication aide to submit evidence that he has completed an approved program in direct care or nurse aide education as well as a Board of Nursing approved training/education program that included sixty-eight hours of classroom instruction and clinical skills or is preparation for registered nurse or practical nurse licensure. Applicants must also complete a competency evaluation, but

may act as a medication aide for 120 days before completing this evaluation. The bill also sets forth the duties of the Board of Nursing in administering the written examination required for registration. An applicant who has failed the exam three times may not act as a medication aide.

House Bill 1986 has been enacted as Chapter 133 of the 2009 Acts of Assembly and is identical to *Senate Bill 1032* (Senator Hanger), enacted as Chapter 837 of the 2009 Acts of Assembly.

HOUSE BILL 1991 (DELEGATE BULOVA): STORMWATER MANAGEMENT PROGRAMS

This legislation amends section 10.1-603.3 of the Code of Virginia, extending the time frame in which a locality within Tidewater Virginia must adopt a local stormwater management program to no sooner than fifteen months and no later than twenty-one months after regulations become effective. The bill also provides that the Virginia Soil and Water Conservation Board may consent to a locality adopting a program at an earlier date or may further extend the time frame by another twelve months.

House Bill 1991 has been enacted as Chapter 18 of the 2009 Acts of Assembly.

HOUSE BILL 1994 (DELEGATE BULOVA): RENEWABLE PORTFOLIO STANDARD PROGRAM

This legislation amends section 56-585.2 of the Code of Virginia, adding goals for investor-owned incumbent electric utilities to have a certain percentage of their total electric energy sales be from renewable energy sources. Currently, such a utility may participate in the voluntary renewable energy portfolio standard program if it demonstrates that it has a reasonable expectation of achieving four percent of its base year electric energy sales from certain renewable energy source, an amount that increases every few years. This bill creates a goal of twelve percent for years 2023 and 2024, and a goal of fifteen percent for year 2025. A participating utility that meets the specified percentage goals is eligible for performance incentives that increase the fair combined rate of return on common equity and provide an enhanced rate of return on costs associated with the construction of renewable energy generation facilities.

House Bill 1994 has been enacted as Chapter 744 of the 2009 Acts of Assembly.

HOUSE BILL 2001 (DELEGATE COSGROVE): BIOFUELS PRODUCTION GRANT

This legislation amends section 45.1-394 of the Code of Virginia, distinguishing advanced biofuels, those made from winter crops, cellulose, lignin oil, and algae, from non-advanced biofuels, those made from agricultural feedstocks. The bill awards producers of advanced biofuels a \$0.125 per gallon grant and producers of non-advanced biofuels a \$0.10 per gallon grant for every gallon sold within the 2008 calendar year. The amount of biofuels that must be produced for eligibility has been reduced from two to one million gallons per year.

House Bill 2001 has been enacted as Chapter 19 of the 2009 Acts of Assembly and is identical to *Senate Bill 1186* (Senator Hanger), enacted as Chapter 525 of the 2009 Acts of Assembly.

HOUSE BILL 2002 (DELEGATE COSGROVE): PROMOTE BIOFUELS FROM TRADITIONAL AGRICULTURAL CROPS

This legislation amends sections 67-101 and 67-102 of the Code of Virginia, authorizing the Virginia Energy Plan to recognize the objective of increasing Virginia's reliance on and production of sustainably produced biofuels made from traditional agricultural crops and other feedstocks and to support the delivery infrastructure needed for statewide distribution to consumers.

House Bill 2002 has been enacted as Chapter 411 of the 2009 Acts of Assembly and is identical to *Senate Bill 1427* (Senator Hanger), enacted as Chapter 768 of the 2009 Acts of Assembly.

HOUSE BILL 2023 (DELEGATE RUST): DELEGATION OF POWERS AND RESPONSIBILITIES BY VIRGINIA INFORMATION TECHNOLOGIES AGENCY

This bill amends section 2.2-2010 of the Code of Virginia, authorizing the Virginia Information Technologies Agency ("VITA"), subject to the approval by the Secretary of Technology and any other affected Secretary, to delegate some of its powers and responsibilities to any other agency in the executive branch. Among the delegable powers are

duties to provide for the centralized marketing, provision, leasing, and execution of license agreements for electronic access to public information and government services through the Internet, wireless devices, personal digital assistants, kiosks, or other such related media to any agency within the executive branch. The delegated agency would be authorized to fix and collect fees and charges for such services.

House Bill 2023 has been enacted as Chapter 87 of the 2009 Acts of Assembly.

**HOUSE BILL 2024 (DELEGATE D. MARSHALL):
AVAILABILITY OF BASIC HEALTH INSURANCE**

This legislation amends sections 32.1-102.4, 38.2-4214, and 38.2-4319 of the Code of Virginia and adds sections 38.2-340631 through 34062 and 38.2-3541.1, allowing health insurers to offer and sell group health insurance policies or contracts that do not include state-mandated health insurance benefits to employers with fifty or fewer employees to provide coverage for employees who have been uninsured during the preceding six months. Such a group policy or contract may include any, or none, of the state-mandated health benefits as the health insurer and the qualified small employer agree. The application, enrollment form, policy form, and subscription contract for coverage must prominently disclose that the policy is not required to provide state-mandated benefits, and those benefits that the policy does not provide and must clearly describe all eligibility requirements. This disclosure must be provided in any evidences of coverage given to participants. Policies and subscription contracts that limit benefits are permitted. The bill also provides that a plan of correction prepared by a holder of a certificate of public need for a medical care facility may allow the holder to satisfy the conditions of the certificate regarding the provision of charity care by making direct payments to a private nonprofit foundation that funds basic insurance coverage for indigents or any other organization authorized under a memorandum of understanding with the Department of Health to receive contributions satisfying conditions of a certificate, or other documented efforts to provide primary or specialized care to underserved populations. The bill also requires that involuntarily terminated employees of small employers who are not covered by the consolidate omnibus Budget Reconciliation Act of 1985 must be given the option to continue their existing group health insurance coverage for nine months subject to several limitations, and employers are required to provide employees with notification of the

availability of continuation. Health insurers offering plans under this act are required to report annually to the Bureau of Insurance on the number of small employers and individuals using plans that do not offer state-mandated benefits, the coverage provided, and the cost of premiums and out-of-pocket expenses; that information shall be compiled, evaluated, and submitted to the Governor and General Assembly.

House Bill 2024 has been enacted as Chapter 796 of the 2009 Acts of Assembly and is identical to *Senate Bill 1411* (Senator Watkins), enacted as Chapter 877 of the 2009 Acts of Assembly.

HOUSE BILL 2030 (DELEGATE D. MARSHALL): EMPLOYEE BACKGROUND CHECKS AND TRAINING UNDER THE MORTGAGE LENDER AND BROKER ACT

This legislation repeals sections 6.1-423.1 and 3.1-423.2, eliminating requirements enacted in 2008 mandating that licensed mortgage lenders and brokers conduct background checks on employees who may have access to or process personal identifying or financial information from a member of the public and ensure that their employees are properly trained in applicable state and federal mortgage lending laws and regulations.

House Bill 2030 has been enacted as Chapter 452 of the 2009 Acts of Assembly.

HOUSE BILL 2031 (DELEGATE MARSHALL): MORTGAGE LOAN ORIGINATORS; DEFINITION ESTABLISHING LICENSURE AND REGISTRY

This legislation adds sections 6.1-431.1 through 6.1-431.21 to the Code of Virginia, prohibiting an individual from acting as, or holding himself out to the public as being, a mortgage loan originator—a person who takes an application, offers, or negotiates the terms of a residential mortgage loan—on or after July 1, 2010 unless he has obtained a license from the State Corporation Commission (“SCC”). This prohibition does not apply to loan processors or underwriters.

The legislation implements requirements of the Federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008, which allows states to retain regulatory authority over mortgage loan originators if they enact legislation that provides for the licensing and registration of such persons through the Nationwide Mortgage Licensing System and

Registry. The legislation establishes licensing procedures and criteria, including requirements for bonding, background checks, education, testing, continuing education, investigations, examinations, reporting, payment of annual fees, license suspension and revocation, and fines.

The bill also permits the SCC to promulgate rules and regulations necessary to implement the provisions of this section. The SCC must also, to the extent practicable, include in any written memorandum of understanding or other written agreement with the Nationwide Mortgage Licensing System and Registry provisions that address information security, disclosure of pending or incompletely adjudicated regulatory matters, licensing tests limited to specific products and services, reports on examination results, privilege or confidentiality of information, and review of the Registry's proposed budget, fees, and audited financial statements.

House Bill 2031 has been enacted as Chapter 453 of the 2009 Acts of Assembly and is identical to *Senate Bill 1171* (Senator Watkins), enacted as Chapter 273 of the 2009 Acts of Assembly.

HOUSE BILL 2032 (DELEGATE D. MARSHALL): MOLD INSPECTOR AND REMEDIATOR LICENSURE REQUIREMENTS AND BOARD INCLUSION

This bill amends sections 54.1-300, 54.1-500, 54.1-500.1, 54.1-501, and 54.1-516 of the Code of Virginia and adds sections 54.1-517.3 through 54.1-517.5, adding definitions for mold, mold analysis, mold inspection, mold inspector, mold remediation, and mold remediator. The Virginia Board for Asbestos, Lead, and Home Inspectors now also covers mold, and the new Board will include a licensed mold inspector or mold remediator who has practiced as such for at least three consecutive years immediately prior to appointment. This member shall only vote on matters before the Board related to mold inspection or remediation until July 1, 2010. The term of the Board member is four years. The Board may promulgate regulations for licensing of mold inspectors and remediators regarding professional qualifications of such applicants, for the requirements necessary for passing applicable examinations, for the proper conduct of licensees, for the implementation of exemptions from licensure requirements, and for proper discharge of its duties. The Board requires completion of certain educational and experience requirements as well as passing of a Board approved exam to obtain a license

House Bill 2032 has been enacted as Chapter 358 of the 2009 Acts of Assembly.

HOUSE BILL 2037 (DELEGATE IAQUINTO): DEBT COLLECTION RECOVERY FUND

This bill amends sections 2.2-518, 2.2-4023, 2.2-4801, 2.2-4805, 2.2-4806, 8.01-220.2, 8.01-382, and 17.1-276 of the Code of Virginia, creating a Debt Collection Recovery Fund. The Division of Debt Collection shall deposit all the revenues it collects from state agencies into the Fund. Any direct payment received by an agency or an account that was referred to the Division for collection shall be reported to the Division upon receipt. An agency who receives payment on an account referenced to the Division must report and pay the fees to the Division, but no fees shall be paid to the Division on payments to the agency resulting from the agency's participation in the Setoff Debt Collection Act. The legislation also provides that interest will be imposed on any unpaid balance owed to the Commonwealth beginning on the sixtieth day after the date of initial written demand. The debtor is liable for attorney's fees related to any matter that must be referred to the Divisions for collection.

House Bill 2037 has been enacted as Chapter 797 of the 2009 Acts of Assembly.

HOUSE BILL 2039 (DELEGATE IAQUINTO): VIRGINIA CONSUMER ACT: RECALLED CHILDREN'S PRODUCTS

This legislation amends sections 59.1-198 and 59.1-200 of the Code of Virginia, providing that the Virginia Consumer Protection Act prohibits selling, offering for sale, or manufacturing for sale a children's product that the supplier knows or has reason to know was recalled by the United States Consumer Product Safety Commission. There exists a rebuttable presumption that a supplier has reason to know a children's product was recalled if notice of the recall has been posted continuously at least thirty days before the sale, offer for sale, or manufacturing for sale on the website of the Commission. The prohibition does not apply to children's products that are used, second-hand, or "seconds." "Children's product" is defined as a consumer product designed or intended primarily for children twelve years of age or younger.

House Bill 2039 has been enacted as Chapter 359 of the 2009 Acts of Assembly and is identical to *Senate Bill 954* (Senator McDougle), enacted as Chapter 700 of the 2009 Acts of Assembly.

**HOUSE BILL 2040 (DELEGATE IAQUINTO): ATTORNEY
COMPENSATION FOR REFERRALS TO LICENSEES OF THE
REAL ESTATE BOARD**

This bill amends section 54.1-2103 of the Code of Virginia, mandating that an attorney-at-law referring a client to a licensee of the Real Estate Board shall not be entitled to receive any compensation from a listing firm or offering by a common source information company to cooperating brokers unless the attorney is also licensed as a real estate broker or salesman.

House Bill 2040 has been enacted as Chapter 88 of the 2009 Acts of Assembly.

**HOUSE BILL 2042 (DELEGATE GEAR): PURCHASE OF
HANDGUNS OF STATE LOTTERY DEPARTMENT OFFICERS**

This legislation amends section 59.1-148.3 of the Code of Virginia, allowing a retiring law-enforcement officer of the State Lottery Department to purchase his handgun for one dollar.

House Bill 2042 has been enacted as Chapter 412 of the 2009 Acts of Assembly.

**HOUSE BILL 2044 (DELEGATE NIXON): HEALTH
INFORMATION TECHNOLOGY; INFORMATION
TECHNOLOGY INVESTMENT BOARD AND THE
ESTABLISHMENT OF ADVISORY COMMITTEE**

This bill amends section 2.2-2458 of the Code of Virginia, allowing the Information Technology Investment Board to approve statewide technical and data standards for information and technology related systems, including the approval of nationally recognized technical and data standards for health information technology systems or software purchased by a state agency. The bill also adds section 2.2-2458.1 to the Code of Virginia, establishing the Health Information Technology Standards Advisory Committee and allowing the Board to appoint its

members, persons with expertise in health care and information technology, to advise on the adoption of nationally recognized health information technology technical and data standards.

House Bill 2044 has been enacted as Chapter 135 of the 2009 Acts of Assembly.

**HOUSE BILL 2051 (DELEGATE GEAR): WAIVABLE
PENALTIES BY THE ALCOHOLIC BEVERAGE CONTROL
BOARD**

This bill amends section 4.1-227 of the Code of Virginia, mandating the Alcoholic Beverage Control Board shall establish a schedule of offenses for which any penalty may be waived upon a showing that the licensee has had no prior violations in the five years immediately preceding the date of the violation. No waiver may be granted for a willful and knowing violation of the law or the Board's regulations.

House Bill 2051 has been enacted as Chapter 135 of the 2009 Acts of Assembly.

**HOUSE BILL 2057 (DELEGATE HAMILTON): INADMISSIBLE
EXPRESSIONS OF SYMPATHY**

This legislation amends sections 8.01-52.1 and 8.01-581 of the Code of Virginia, expanding the list of benevolent gestures prohibited from use in any wrongful death or civil action brought by an alleged victim against a health care provider. This bill adds to the list such phrases expressing commiseration, condolence, compassion, or a general sense of benevolence, together with apologies that are made by a health care provider or an agent of a health care provider to a relative of the patient, or a representative of the patient about the death of the patient as a result of the unanticipated outcome of health care.

House Bill 2057 has been enacted as Chapter 414 of the 2009 Acts of Assembly.

**HOUSE BILL 2058 (DELEGATE HAMILTON): RECOVERING
DENTISTRY MONITORING COSTS**

This bill amends section 54.1-2708.2 of the Code of Virginia, permitting dentists to recover from monitoring costs associated with investigating

and monitoring any licensee against whom disciplinary action has been imposed. This bill also establishes that these costs must not exceed a total of five thousand dollars and will be repaid by the licensee to the Board.

House Bill 2058 has been enacted as Chapter 89 of the 2009 Acts of Assembly.

HOUSE BILL 2060 (DELEGATE HAMILTON): EMERGENCY CUSTODY EXTENSION FOR MENTAL HEALTH

This bill amends sections 19.2-182.9, 37.2-808, 37.2-816, and 37.2-819, establishing a procedure for the district court judge or magistrate to extend an emergency custody order for an additional two hours for good cause. This bill also determines two circumstances that constitute good cause: allowing additional time for the community services board to find an appropriate facility or allowing additional time for a medical evaluation of the person to be completed if necessary. This bill also limits the extended period of custody to no longer than four hours from the time the law-enforcement officer takes the person into custody unless a judge has extended the custody by two hours.

House Bill 2060 has been enacted as Chapter 21 of the 2009 Acts of Assembly.

HOUSE BILL 2061 (DELEGATE HAMILTON): PSYCHIATRIC INPATIENT TREATMENT OF MINORS ACT; MANDATORY OUTPATIENT TREATMENT

This bill amends sections 16.1-336 through 16.1-339, 16.1-340, 16.1-341, 16.1-342, 16.1-344, 16.1-345, 16.1-345.1, 37.2-808, and 37.2-809 of the Code of Virginia and adds sections 16.1-339.1 and 16.1-345.2 through 16.1-345.5, establishing that a minor who is eligible for involuntary commitment may be allowed to go to an outpatient facility if available and if the minor's parents are capable of understanding the child's treatment and can comply with a treatment plan. In establishing whether the minor is eligible for involuntary commitment, the court will use criteria for the emergency admission of minors. This bill also allows a juvenile detained by juvenile and domestic relations court to request to

be voluntarily admitted and treated for mental illness. If the juvenile is in a state run program, the program has the responsibility to notify the court that the child requested to be moved if their facilities do not serve the child's mental health needs.

House Bill 2061 has been enacted as Chapter 455 of the 2009 Acts of Assembly and is identical to *Senate Bill 1122* (Senator Lucas), enacted as Chapter 555 of the 2009 Acts of Assembly.

HOUSE BILL 2064 (DELEGATE HAMILTON): ELIMINATION OF INTERAGENCY CIVIL ADMISSIONS ADVISORY COUNCIL

This bill repeals sections 2.2-2690 through 2.2-2694 of the Code of Virginia, eliminating the Interagency Civil Admissions Advisory Council.

House Bill 2064 has been enacted as Chapter 90 of the 2009 Acts of Assembly.

HOUSE BILL 2065 (DELEGATE HAMILTON): RETIREMENT BENEFITS FOR JAIL OFFICERS

This legislation amends section 51.1-138 of the Code of Virginia, requiring each regional jail board or authority that participates in the Virginia Retirement System (and each locality participating in such boards or authorities) to provide retirement benefits to sworn jail officers and jail superintendents equivalent to those provided to state police officers. Localities that are not currently providing such benefits may phase in the additional costs over five years.

House Bill 2065 has been enacted as Chapter 91 of the 2009 Acts of Assembly.

HOUSE BILL 2068 (DELEGATE TATA): REMOVES NOTARIZATION REQUIREMENT FOR RETIREMENT FORMS FOR DEATH BEFORE RETIREMENT

This bill amends sections 51.1-162, 51.1-165.1, 51.1207, and 51.1-218 of the Code of Virginia, striking the requirement for notarization of retirement forms when the member dies before retirement.

House Bill 2068 has been enacted as Chapter 22 of the 2009 Acts of Assembly.

HOUSE BILL 2069 (DELEGATE TATA): HEALTH INSURANCE CREDITS FOR RETIRED TEACHERS

This legislation amends section 51.1-1401 of the Code of Virginia, making a correction to a cross reference to a subsection within the amended section. The section now refers to subsection E, instead of a nonexistent section F.

House Bill 2069 has been enacted as Chapter 23 of the 2009 Acts of Assembly.

HOUSE BILL 2070 (DELEGATE E. SCOTT): CLASSROOM PLACEMENT OF TWINS

This bill amends section 22.1-79.3 of the Code of Virginia, allowing parents of twins or higher orders multiples in the same grade level to request that the children be placed either in the same classroom or in separate classrooms if they are at the same elementary school.

However, if the school principal determines that the requested classroom placement is disruptive to the school or is harmful to the children's educational progress, the school principal may request that the division superintendent, or the superintendent's designee, determine the children's classroom placement.

House Bill 2070 has been enacted as Chapter 195 of the 2009 Acts of Assembly.

HOUSE BILL 2071 (DELEGATE E. SCOTT): RESTRICTIONS ON FARM WINERIES

This legislation amends section 15.2-2288.3 of the Code of Virginia, requiring localities to take into account the agricultural nature of the activities and events held by farm wineries when placing restrictions on such activities and events.

House Bill 2071 has been enacted as Chapter 416 of the 2009 Acts of Assembly and is identical to *Senate Bill 1033* (Senator Hanger), enacted as Chapter 546 of the 2009 Acts of Assembly.

HOUSE BILL 2080 (DELEGATE ODER): LANDLORD AND TENANT LAWS

This bill amends sections 16.1-77, 36-105.1:1, 55-248.13, 55-248.13:3, 55-248.15:2, 55-248.16, 55-248.18, 55-248.18:2, 55-248.32, and 55-248.37 and adds section 55-225.10 to the Code of Virginia, requiring landlords to give written notice to a tenant within five days after receiving notice from a lender about a mortgage default, mortgage acceleration, or foreclosure sale relative to the loan on a dwelling unit. This five-day notice requirement shall not apply to a managing agent who does not receive a copy of a written notice from the lender or when the tenant provides a copy of a written notice from the lender to the landlord or managing agent.

This legislation also requires a landlord to give no less than forty-eight hours notice to a tenant prior to application of an insecticide to the dwelling unit or other areas. The tenant must prepare the dwelling unit for the application of insecticides or pesticides and eliminate any pests or insecticides found as instructed by the landlord.

Further, if a tenant makes a request for maintenance of any kind, the landlord is not required to provide notice of when the maintenance will be performed.

If the maintenance is mold remediation, the landlord shall pay all costs unless the mold was a result of the tenant's failure to comply with the Code of Virginia. If there is a violation by the tenant of the rental agreement materially affecting health and safety, the tenant will no longer have fourteen days after the written notice to remedy the problem. Instead, the landlord shall send a written notice to the tenant specifying the breach and stating that he or a third party will enter the dwelling unit to make repairs, and the tenant shall pay for the repair either at the next rent due date or immediately if the agreement has been terminated. Landlords may collect a liquidated damages penalty if a tenant remains in possession of a dwelling unit after the agreement has expired. This bill raises the allowable penalty from 100 % to 150 % of the per diem monthly rent for each day the tenant remains. Finally, the interest rate on security deposits will now be zero percent until December 31, 2009.

House Bill 2080 has been enacted as Chapter 663 of the 2009 Acts of Assembly

HOUSE BILL 2083 (DELEGATE PURKEY): PAID LEAVE FOR VOLUNTEER FIRE AND RESCUE WORKERS

This bill amends section 2.2-2821.2 of the Code of Virginia, extending the hours of paid leave for state employees to serve as volunteer fire and rescue workers from sixteen hours to twenty-four hours.

House Bill 2083 has been enacted as Chapter 457 of the 2009 Acts of Assembly.

HOUSE BILL 2084 (DELEGATE PURKEY): REAL AND PERSONAL PROPERTY TAXES EXEMPTS CERTAIN POLLUTION CONTROL EQUIPMENT AND FACILITIES

This bill amends section 58.1-3660 of the Code of Virginia, exempting certified pollution control equipment and facilities from state and local property taxes, pursuant to Article X, Section 6(d) of the Constitution of Virginia. Exemptions are no longer subject to the discretion of local governments.

House Bill 2084 has been enacted as Chapter 671 of the 2009 Acts of Assembly.

HOUSE BILL 2096 (DELEGATE ORROCK.): FEE WAIVER FOR AFFORDABLE HOUSING ORGANIZATIONS

This legislation adds section 15.2-958.3 to the Code of Virginia, permitting localities to adopt an ordinance that waives building permit fees and other local fees associated with constructing affordable housing when done by an organization dedicated to providing affordable housing.

House Bill 2096 has been enacted as Chapter 799 of the 2009 Acts of Assembly.

HOUSE BILL 2112 (DELEGATE SPRUILL): FINANCIAL LITERACY EDUCATION

This bill amends section 22.1-209.1:2 of the Code of Virginia, requiring that local school boards establish educational objectives in financial literacy for grades K through 12.

House Bill 2112 has been enacted as Chapter 802 of the 2009 Acts of Assembly.

HOUSE BILL 2127 (DELEGATE BYRON): BANK ACCOUNTS FOR MINORS; AUTHORIZES BANKS TO ESTABLISH DEPOSIT ACCOUNTS IN WHICH MINORS ARE THE SOLE OWNERS

This legislation amends and reenacts section 6.1-74 of the Code of Virginia, authorizing banks to establish deposit accounts for minors in which minors will be the sole owner and may make deposits and withdrawals. A bank may act with respect to such an account on the minor's order.

House Bill 2127 has been enacted as Chapter 197 of the 2009 Acts of Assembly.

HOUSE BILL 2128 (DELEGATE COX): RETIREMENT BENEFITS FOR MILITARY MEMBERS DISABLED OR KILLED IN ACTION

This bill amends sections 51.1-142.2, 51.1-156, 51.1-162, and 51.1-505 of the Code of Virginia altering retirement benefits for military members disabled or killed in action to comport with the federal Heroes Earnings Assistance Relief Tax Act. Military members disabled or killed while on active duty in the armed forces: may not receive credit for service at no cost while on leave, may retire for disability while on leave, may receive retirement benefits for a designee if death occurs before retirement while on leave, and may continue any accidental death and dismemberment and life insurance policies while on leave.

House Bill 2128 has been enacted as Chapter 362 of the 2009 Acts of Assembly.

HOUSE BILL 2132 (DELEGATE J. MILLER): WORKFORCE HOUSING FOR EDUCATORS

This legislation amends section 15.2-958.2 of the Code of Virginia, giving localities the authority to corroborate with local school authorities to provide workforce housing. This bill allows localities to enter into public-private partnerships and utilize grants to provide affordable workforce housing.

House Bill 2132 has been enacted as Chapter 198 of the 2009 Acts of Assembly.

**HOUSE BILL 2135 (DELEGATE J. MILLER):
RECORDATION/GRANTOR TAX: PENALTY IF
UNDERSTATEMENT OF CONSIDERATION IS FALSE WITH
INTENT TO EVADE**

This legislation amends section 58.1-812 of the Code of Virginia, changing a knowing misrepresentation of the consideration for the interest in property conveyed by a deed or other instrument for the purposes of recordation and grantor taxes or of any other information requested by the clerk of court pursuant to section 58.1-812 is changed from a Class 2 misdemeanor to a Class 1 misdemeanor. If the understatement is false or fraudulent with intent to evade taxation, a penalty equal to 100% of the tax due shall be added in addition to interest at a rate determined in accordance with section 58.1-15 of the Code of Virginia.

House Bill 2135 incorporates House Bill 1823 (Delegate Albo) and has been enacted as Chapter 95 of the 2009 Acts of Assembly.

**HOUSE BILL 2144 (DELEGATE NUTTER): CONCEALED
HANDGUN'S PERMIT; ACCESS TO PERMITTEE'S
INFORMATION**

This legislation amends section 18.2-308 of the Code of Virginia, protecting from public disclosure permittee names and descriptive information held by the Department of State Police for purposes of entry into the Virginia Criminal Information Network. However, the information is still available to law-enforcement agencies, officers, and agents in the course of law-enforcement duties, and non-identifying statistical information is available to the general public.

House Bill 2144 has been enacted as Chapter 235 of the 2009 Acts of Assembly.

HOUSE BILL 2159 (DELEGATE TOSCANO): AMENDS STATUTES GOVERNING THE ADOPTION OF A CHILD

This bill amends sections 63.2-1201, 63.2-1202, 63.2-1203, 63.2-1204, 63.2-1209, 63.2-1212, 63.2-1221, 63.2-1222, 63.2-1225, 63.2-1230, 63.2-1233, and 63.2-1250 of the Code of Virginia, allowing the court to waive the application of the procedural provision for the spouse of the adoptive parent if there is only one adoptive parent. This legislation also establishes that child support alone does not constitute contact to determine child abandonment. Further, a court can now grant an adoption petition without parental consent after a death certificate has been filed for the parent who has not given consent or when the birth parents do not appear in court and the child has been placed with adoptive parents. The bill also provides that parental consent to an entrustment agreement is revocable before the final order of adoption if agreed upon by birth parents and adoptive parents/child-placement agency or with proof of fraud or duress. Finally, if the whereabouts of the known birth father are unknown, compliance with the Putative Father Registry should be provided to the court, but if the putative father's whereabouts are ascertainable, he should be provided with the adoption plan and the availability of registration on the Putative Father Registry.

House Bill 2159 has been enacted as Chapter 805 of the 2009 Acts of Assembly.

HOUSE BILL 2160 (DELEGATE TOSCANO): POST-ADOPTION PROCEDURES FOR COMMUNICATION BETWEEN BIRTH PARENTS

This legislation amends sections 16.1-277.01, 16.1-277.02, and 16.1-278.3 of the Code of Virginia and adds sections 16.1-283.1, 63.2-1228.1, and 63.2-1228.2 to the Code of Virginia, authorizing pre-adoptive parents to enter into a written post-adoptive contract and communication agreement with the birth parents. This bill additionally sets out the necessary provisions for entering into such communication agreements. Further, this bill establishes that such agreements are not required for the adoption to take place, nor will failure to comply with

the agreement alter the provisions of the adoption.

House Bill 2160 has been enacted as Chapter 98 of the 2009 Acts of Assembly and is identical to Senate Bill 1011 (Senator J. Miller), enacted as Chapter 260 of the 2009 Acts of Assembly.

HOUSE BILL 2163 (DELEGATE LOHR): REGULATIONS GOVERNING PRACTICE OF MIDWIFERY

This bill amends sections 54.1-2957.03 and 54.1-2957.9 of the Code of Virginia, establishing that a certified nurse midwife who provides health care services to a patient outside a hospital or birthing center must, when appropriate, disclose to the patient the risks associated with vaginal birth after a prior cesarean section, breech births, births by women experiencing high-risk pregnancies, options for consulting and referral to a physician, and births involving multiple gestation. The aforementioned list of risks is not fully inclusive of all the risks that must be disclosed.

House Bill 2163 has been enacted as Chapter 646 of the 2009 Acts of Assembly.

HOUSE BILL 2166 (DELEGATE LOHR): ACCREDITATION OF SCHOOLS; DELAYED IMPLEMENTATION OF CERTAIN STATUTES AND REGULATIONS

This bill delays the implementation of statutes and regulations, upon which the accreditation of schools in the Commonwealth is based, that are not already in effect on June 30, 2008 until July 1, 2010. The delay applies unless such statutes or regulations are also specifically required by federal code, federal regulation, or court action.

House Bill 2166 has been enacted as Chapter 463 of the 2009 Acts of Assembly.

HOUSE BILL 2168 (DELEGATE ABBITT): STORMWATER OFFSETS

This legislation adds section 10.1-603.8:1 to the Code of Virginia, authorizing permit issuing authorities to allow permit applicants to use nonpoint nutrient offsets in the same tributary as a means to comply with stormwater nonpoint nutrient runoff water criteria. However, no permit issuing authority may allow the permit applicants to use

nonpoint nutrient offsets to address water quality control requirements or to contravene water quality-based limitations. Further, an exception or waiver of post-development nonpoint nutrient runoff compliance requirements may not be granted by a permit issuing authority unless off-site options are not available. The bill also requires permit applicants to show the following before a permit issuing authority may allow the use of nonpoint nutrient offsets: 1) alternative site designs have been considered in determining best management practices; 2) on-site management practices were considered to the maximum extent practicable in implementing alternative site designs; 3) appropriate on-site best management practices will be employed; and 4) compliance with nonpoint nutrient runoff criteria cannot practically be met.

House Bill 2168 has been enacted as Chapter 364 of the 2009 Acts of Assembly.

HOUSE BILL 2171 (DELEGATE VANDERHUYE): ELECTRIC GENERATION FROM AGRICULTURAL WASTE

This legislation amends sections 56-1, 56-88, 56-232, and 56-265.1 of the Code of Virginia and adds sections 1-222.1 and 56.594.1 to the Code of Virginia, excluding any farm that owns and operates facilities within the Commonwealth for the generation of electric energy from waste-to-energy technology, including methane digesters, from regulation as a public utility, public service corporation, or public service company. To be eligible for such designation, a person must obtain at least 51% of its annual gross income from agricultural operations and produce the agricultural waste that is used as feedstock in the generation of the electricity.

House Bill 2171 has been enacted as Chapter 746 of the 2009 Acts of Assembly.

HOUSE BILL 2175 (DELEGATE HOGAN): SMALL RENEWABLE ENERGY PROJECTS

This legislation amends sections 56-46.1 and 56-580 of the Code of Virginia and adds sections 10.1-1197.5 through 10.1-1197.11 to the Code of Virginia, directing the Department of Environmental Quality to develop a permit or permits by rule for the construction and operation of small renewable energy projects that have a maximum capacity of one hundred megawatts if they generate electricity from sunlight, wind, falling water, wave motion, tides, or geothermal power or twenty

megawatts if they generate electricity from biomass, energy from waste, or municipal solid waste. A small renewable energy project for which such a permit by rule has been issued will be exempt from requirements that the State Corporation Commission permit its construction and operation. However, the Commission will retain jurisdiction regarding use of rights-of-way and interconnection of such facilities. Violations are subject to civil and criminal penalties.

House Bill 2175 incorporates *House Bill 2525* (Delegate J. Miller), has been enacted as Chapter 808 of the 2009 Acts of Assembly and is identical to *Senate Bill 1347* (Senator Wagner), enacted as Chapter 854 of the 2009 Acts of Assembly.

HOUSE BILL 2177 (DELEGATE PLUM): RECHARGEABLE BATTERY RECYCLING

This legislation adds section 10.1-1425.39 to the Code of Virginia, authorizing jurisdictions to prohibit the disposal of rechargeable batteries in waste disposal facilities within its jurisdiction so long as a recycling program has been implemented within its jurisdiction. Further, the bill provides that localities may penalize only the last user of the battery for prohibited disposal.

House Bill 2177 has been enacted as Chapter 365 of the 2009 Acts of Assembly.

HOUSE BILL 2178 (DELEGATE E. SCOTT): PENALTY FOR POSSESSION OF AMMUNITION BY A CONVICTED FELON

This legislation amends section 18.2-308.2 of the Code of Virginia, prohibiting a convicted felon from possessing ammunition for a firearm and adding a definition of ammunition. A violation is a Class 6 felony.

House Bill 2178 has been enacted as Chapter 236 of the 2009 Acts of Assembly.

HOUSE BILL 2181 (DELEGATE PHILLIPS): INTERNAL CONTROLS OF THE STATE'S FINANCIAL SYSTEM EXEMPT FROM THE FREEDOM OF INFORMATION ACT

This bill amends section 2.2-3705.2 of the Code of Virginia, excluding from the provisions of the Freedom of Information Act documents and other information that the State Comptroller has determined describes

the design, function, operation, or implementation of internal controls over the Commonwealth's financial processes and systems, and the assessment and risks of those controls, if disclosure would jeopardize the security of the Commonwealth's financial assets. Records relating to the investigation and findings concerning the soundness of any fiscal process must be disclosed in a form that will not compromise internal controls. Internal control deficiencies discovered during an audit may still be reported.

House Bill 2181 has been enacted as Chapter 418 of the 2009 Acts of Assembly.

HOUSE BILL 2197 (DELEGATE WATTS): ASSISTANCE FOR NON-ENGLISH SPEAKING VOTERS

This bill amends section 24.2-649, providing certain procedures for assisting voters in a language other than English. When a voter requests assistance, an officer of election may serve as an officer, or may ask both party representatives whether a volunteer is available. Both party representatives may be present to observe the officer of election communicating with the voter.

House Bill 2197 has been enacted as Chapter 809 of the 2009 Acts of Assembly.

HOUSE BILL 2200 (DELEGATE VANDERHYE): EVERY WOMEN'S LIFE BREAST AND CERVICAL CANCER FUND; ESTABLISHED

This legislation amends section 58.1-344.3 of the Code of Virginia, adds a Title 32.1, Chapter 16, sections 32.1-368 and 32.1-369, and establishes a special nonreverting fund in the state treasury, the Breast and Cervical Cancer Prevention and Treatment Fund (the Fund). The Fund shall be used to support the treatment of breast and cervical cancer for women under Medicaid pursuant to the federal Breast and Cervical Cancer Prevention and Treatment Act of 2000. Up to ten (10) percent of the Fund may be used each year to conduct screening activities under the Every Woman's Life Program administered by the Virginia Department of Health. In addition to federal funds, private grants, donations, gifts, or bequests, the bill adds the Fund as a voluntary contribution on individual income tax returns. The Fund shall not be used until the General Assembly authorizes the Virginia Department of

Health and the Virginia Department of Medical Assistance Services to increase access to services consistent with the National Breast and Cervical Cancer Early Detection Program's "Option 3."

This bill is identical to *Senate Bill 1144* (Senator Whipple) and has been enacted as Chapter 26 of the 2009 Acts of Assembly.

HOUSE BILL 2201 (DELEGATE VANDERHUYE): INNOVATION AND ENTREPRENEURSHIP INVESTMENT AUTHORITY; CREATED, RESPONSIBLE FOR RESEARCH, ETC.

This legislation amends sections 2.2-225, 2.2-225.1, 2.2-2218 - 2.2-2221, 2.2-2233.1, 2.2-3705.6, 2.2-3711, and 23-4.4 of the Code of Virginia. The Innovative Technology Authority (ITA) and Virginia Research and Technology Advisory Commission are merged into a single entity named the Innovation and Entrepreneurship Investment Authority (IEIA). The bill also redefines the membership and terms of office of the IEIA. Membership includes presidents of state institutions of higher education and nonlegislative citizen members with defined experience in entrepreneurship, investment, and science and technology. The IEIA is to continue the work of the ITA, with additional responsibilities related to management and oversight of research and development efforts in Virginia.

House Bill 2201 has been enacted as Chapter 810 of the 2009 Acts of Assembly.

HOUSE BILL 2218 (DELEGATE JONES): NOTICE OF ELECTION FOR WATER AND CONSERVATION DISTRICT DIRECTORS

This legislation amends section 10.1-523 of the Code of Virginia, requiring notice to be posted in a prominent location at each district office 30 days before the date of the election of soil and water conservation district directors. The notice must state the date for filing nominating petitions and the date of the election. The bill further requires that the Virginia Soil and Water Conservation Board notify each district to ensure awareness that it is their responsibility to post such notice.

This bill is identical to *Senate Bill 1324* (SENATOR REYNOLDS) and has been enacted as Chapter 370 of the 2009 Acts of Assembly.

**HOUSE BILL 2223 (DELEGATE LEWIS): NONRESIDENT
SALTWATER LICENSES**

This legislation amends section 28.2-201 of the Code of Virginia, authorizing the Marine Resources Commission to charge nonresidents a higher fee for the purchase of saltwater fishing licenses so long as that fee is no greater than twice the resident fee. This bill also allows the Commission to prohibit the sale of a private boat license to a nonresident if the boat is not registered in Virginia.

House Bill 2223 has been enacted as Chapter 371 of the 2009 Acts of Assembly.

**HOUSE BILL 2224 (DELEGATE LOHR): BRAILLE;
CERTIFICATION OF INSTRUCTORS**

This act requires the Advisory Board on Teacher Education and Licensure consult the Department for the Blind and Vision Impaired to establish recommendations for the Board of Education and the Chairmen of the House and Senate committees on Education regarding certification of Braille instructors. The recommendations must be made by December 31, 2009.

House Bill 2224 has been enacted as Chapter 202 of the 2009 Acts of Assembly.

**HOUSE BILL 2237 (DELEGATE VALENTINE): PENALTY FOR
IMPROPER USE OF PAYMENT DEVICE NUMBERS**

This bill amends section 11-33.2 of the Code of Virginia, providing that any person, firm, partnership, or corporation that prints more than the last four digits of a payment device number may be compelled to comply with this section by injunction or mandamus, or another appropriate remedy. Any person who fails, neglects, or refuses to obey such a remedy shall be subject, by the discretion of the court, to a civil penalty not to exceed \$1,000 for each violation.

House Bill 2237 has been enacted as chapter 373 of the 2009 Acts of Assembly.

**HOUSE BILL 2241 (DELEGATE VALENTINE): DETECTOR
CANINE HANDLERS**

This legislation amends sections 9.1-138, 9.1-141, and 9.1-143 of the Code of Virginia, allowing the Department of Criminal Justice Services to partially exempt detector canine handlers with previous employment in the United States Armed Forces Military Working Dog program from compulsory entry-level training requirements. The bill further requires that the Private Security Services Advisory Board shall include members from the private security services businesses providing detector canine handlers or security canine handlers.

House Bill 2241 has been enacted as chapter 375 of the 2009 Acts of Assembly

**HOUSE BILL 2255 (DELEGATE NICHOLS): PERSONAL
INFORMATION REMOVED FROM SOLID WASTE PERMIT
APPLICATIONS**

This legislation amends section 10.1-1400 of the Code of Virginia, eliminating the requirement that applicants for permits issued under the Virginia Waste Management Act provide social security numbers of key personnel in the disclosure statements submitted to the Department of Environmental Quality.

House Bill 2255 has been enacted as chapter 27 of the 2009 Acts of Assembly.

**HOUSE BILL 2256 (DELEGATE POLLARD): FIXED FISHING
DEVICE REGULATIONS**

This legislation amends section 28.2-307 of the Code of Virginia, requiring the Marine Resources Commission to adopt regulations establishing the minimum distance between a net and a fixed fishing device and eliminating the current statutorily-prescribed distance of 300 feet.

House Bill 2256 has been enacted as chapter 28 of the 2009 Acts of Assembly.

HOUSE BILL 2261 (DELEGATE KILGORE): CONSUMER PROTECTION ACT; FORECLOSURE RESCUES

This legislation amends and reenacts section 59.1-200.1 of the Code of Virginia, providing that the prohibition on fraudulent acts or practices committed by a supplier in a consumer transaction involving residential real property owned and occupied as the primary dwelling unit of the owner applies when the supplier of service acts to avoid or prevent foreclosure charges or receives a fee (i) prior to the full and complete performance of the services it has agreed to perform if the transaction does not involve the sale or transfer of residential real property, or (ii) prior to the settlement on the sale or transfer of residential real property if the transaction involves the sale or transfer of the property. Currently, any practice where a supplier of a foreclosure avoidance or prevention service is to be paid a fee prior to the settlement on a sale of residential real property is prohibited, regardless of whether the fee is charged or collected as part of the transaction involving a sale of the property. This legislation also clarifies that the existing prohibition on mandatory arbitration in an agreement with a property owner applies only to transactions involving foreclosure rescue services.

House Bill 2261 incorporates *House Bill 1688* (Delegate Tata), has been enacted as Chapter 203 of the 2009 Acts of Assembly, and is identical to *Senate Bill 1169* (Senator Watkins), enacted as Chapter 272.

HOUSE BILL 2262 (DELEGATE KILGORE): MORTGAGE LENDER AND BROKER ACT

This legislation amends section 6.1-430 and adds section 6.1-430.1 to the Code of Virginia, providing that no person in the business of originating residential mortgage loans shall use any deception, fraud, false pretense, false promise, or misrepresentation in connection with a mortgage loan transaction regardless of whether that person is licensed as a mortgage lender or broker. The Attorney General may investigate violations upon referral by the State Corporation Commission or at his own behest, whenever he has reasonable cause. Violations may be remedied by injunction as well as any adequate remedy at law. Furthermore, if the violation is found to be willful the Court may assess a maximum civil penalty of at most \$2,500 per violation.

House Bill 2262 has been enacted as chapter 204 of the 2009 Acts of

Assembly and is identical to *Senate Bill 1170* (Senator Watkins), enacted as chapter 727.

HOUSE BILL 2265 (DELEGATE O. WARE): VOLUNTARY REGISTRATION OF FAMILY DAY HOMES

This legislation amends section 63.2-1704 of the Code of Virginia, removing the requirement that an application for voluntary registration as a family day home provide the Commissioner of the Department of Social Services with documentation that the home has met the requirements of a self-administered health and safety guidelines evaluation. Instead, the bill provides that the state Board of Social Services will adopt regulations including: the criteria and process for approval and renewal of registration, health and safety guidelines, and complaint investigation.

House Bill 2265 has been enacted as chapter 29 of the 2008 Acts of Assembly.

HOUSE BILL 2266 (DELEGATE O. WARE): STATEWIDE BUILDING AND FIRE PREVENTION CODE COMPLAINTS EXCLUDED FROM FREEDOM OF INFORMATION ACT

This legislation amends section 2.2-3705.3 of the Code of Virginia, excluding the names, addresses, and telephone numbers of complainants furnished in confidence with respect to complaints relating to the Uniform Statewide Building Code or the Statewide Fire Prevention Code from the Freedom of Information Act as a part of the administrative investigations exemption.

House Bill 2266 has been enacted as chapter 237 of the 2009 Acts of Assembly and is identical to *Senate Bill 1478* (Senator Locke), enacted as chapter 326.

HOUSE BILL 2268 (DELEGATE POINDEXTER): DEFINITION OF RENEWABLE ENERGY

This legislation amends section 6.1-430 while adding section 56-576 of the Code of Virginia, providing that the term “biomass,” as used in the definition of renewable energy for the purposes of the Virginia Electric Utility Regulation Act, includes both sustainable and non-sustainable biomass and provides that the definitions thereof shall be

liberally construed. The measure also provides that the term “renewable energy” shall include the proportion of the thermal or electric energy from a facility that results from the co-firing of biomass.

House Bill 2268 has been enacted as chapter 748 of the 2009 Acts of Assembly.

**HOUSE BILL 2269 (DELEGATE POINDEXTER):
EXPENDITURE REPORTS**

This legislation amends section 22.1-90 of the Code of Virginia, requiring that annual school board expenditure reports be made available to the public, either on the official school division website or in hard copy at the central school division office.

House Bill 2269 has been enacted as chapter 104 of the 2009 Acts of Assembly.

**HOUSE BILL 2279 (DELEGATE BOWLING): BENEFIT CLAIMS
ASSISTANCE FOR VETERANS**

This legislation amends sections 2.2-2002 and 2.2-2002.1 of the Code of Virginia, removing the requirement that the Commissioner of the Department of Veterans Services ensure that benefit claims assistance is provided on a regular basis at locations other than established service offices at least one day a week. The Bill still requires that such assistance be provided on a regular basis in other locations.

House Bill 2279 has been enacted as Chapter 136 of the 2009 Acts of Assembly.

**HOUSE BILL 2281 (DELEGATE BOWLING): INTERSTATE
WILDLIFE VIOLATOR COMPACT**

This legislation amends section 29.1-103 of the Code of Virginia, authorizing the Board of Game and Inland Fisheries to adopt regulations or take other such actions necessary for Virginia to enter the interstate Wildlife Violator Compact. This bill also adds section 29.1-530.5 of the Code of Virginia, adopting the Wildlife Violator Compact in order to promote compliance with the laws and rules relating to the management of wildlife resources and participating states.

House Bill 2281 has been enacted as Chapter 648 of the 2009 Acts of Assembly.

**HOUSE BILL 2285 (DELEGATE CLINE): SEARCHABLE
DATABASE OF THE AUDITOR OF PUBLIC ACCOUNTS**

This legislation adds section 2.2-1115.1 and amends section 30-133 of the Code of Virginia, requiring the Division of Purchases and Supply, the Virginia Information Technology Agency, and the State Comptroller to develop and maintain standard accounting information for vendors to provide the Commonwealth with information to monitor its procurement and to implement controls limiting payment to only authorized providers of goods and services to the Commonwealth. Additionally, the bill requires the Office of the Auditor of Public Accounts to include additional information in the existing searchable database in order to allow public access to revenue collections and appropriations. This includes information on state audits, capital outlay payments, annual bond indebtedness, commodities, "Virginia Performs data" directly related to funding actions or expenditures, descriptive purposes for funding actions or expenditures, laws authorizing the issuance of bonds, and copies of actual grants and contracts.

House Bill 2285 has been enacted as Chapter 8123 of the 2009 Acts of Assembly.

**HOUSE BILL 2293 (DELEGATE ALBO): PILOT PROJECT FOR
CERTAIN MIXED BEVERAGE LICENSES**

This legislation is an act to create a two-year pilot project allowing certain mixed beverage restaurant licensees of the Alcoholic Beverage Control Board to utilize a volume-to-food-ratio as an alternate method for calculating the food-to-beverage ratio required under the Code. To establish compliance with this ratio, each participating licensee shall generate at least \$350 in food sales per proof gallon of spirits purchased from the Board. To participate, a licensee must have notified the Board by August 1, 2009. Additional restaurants may be selected by the Board to ensure representation from each geographic region of Virginia.

House Bill 2293 has been enacted as Chapter 238 of the 2009 Acts of Assembly.

**HOUSE BILL 2304 (DELEGATE GRIFFITH): DUE PROCESS
APPEALS FOR SPECIAL EDUCATION**

This bill amends section 22.1-214 of the Code of Virginia, changing the timeline to appeal school division findings and decisions relating to special education programs for children with disabilities. An appeal must be brought in the circuit court for the jurisdiction in which the school division is located within 180 days.

House Bill 2304 has been enacted as Chapter 468 of the 2009 Acts of Assembly.

**HOUSE BILL 2305 (DELEGATE GRIFFITH): INSPECTION OF
PROPERTY OWNER'S ASSOCIATION BOOKS AND RECORDS**

This bill amends section 55-510 of the Code of Virginia, allowing members of the Property Owner's Association, or other authorized agents, to examine and copy the association's membership list and member addresses, the actual salary of the six highest compensated employees of the association earning over \$75,000, and the aggregate salary information of all other employees, except during the declarant control period, so long as the member is in good standing and the request is for a proper purpose related to his membership in the association. A member of the Board of Directors shall be able to examine and copy all books and records of the association in the discharge of his duties as a director.

House Bill 2305 has been enacted as Chapter 665 of the 2009 Acts of Assembly.

**HOUSE BILL 2306 (DELEGATE GRIFFITH): DISBURSEMENT
OF RENT ESCROW UNDER THE RESIDENTIAL LANDLORD
AND TENANT ACT**

This bill amends section 55-248.25:1 of the Code of Virginia, prohibiting the disbursement of rent required to be escrowed for the continuance of a tenant's case within ten days of the date of the judgment unless otherwise agreed by the parties or if the court disburses the money held in escrow for the mortgage payment or other expenses related to the dwelling unit upon motion of the landlord. If the plaintiff appeals, the rent in the escrow account will be transferred to a circuit court escrow account pending the appeal's outcome.

House Bill 2306 has been enacted as Chapter 137 of the 2009 Acts of Assembly.

**HOUSE BILL 2308 (DELEGATE MELVIN): PUBLIC HEARING
ON THE INCREASE IN REAL PROPERTY TAX**

This bill amends section 58.1-3321 of the Code of Virginia, providing that notice of the public hearing that a locality increasing its real property taxes must give only fourteen days before the date of the hearing in any year in which a general appropriation act or amendments to a general appropriation act for the following fiscal year have not been enacted by April 30.

House Bill 2308 has been enacted as Chapter 30 of the 2009 Acts of Assembly.

**HOUSE BILL 2309 (DELEGATE MELVIN): SUPERVISION OF
PROBATIONER**

This legislation amends section 19.2-305 of the Code of Virginia, explicitly preventing a probationer from being kept under supervised probation solely because of his failure to make full payment of fines, fees, or costs. This bill requires notice to and approval from the attorney for the Commonwealth in whose jurisdiction any fines, fees, or costs are owed by the defendant prior to release from supervision.

House Bill 2309 has been enacted as Chapter 240 of the 2009 Acts of Assembly.

**HOUSE BILL 2310 (DELEGATE MELVIN): COPYING
CONFIDENTIAL JUVENILE RECORDS**

This legislation amends section 16.1-305 of the Code of Virginia, granting any person, agency, or institution permitted to inspect juvenile case files the authorization to copy such records subject to any restrictions imposed by the court.

House Bill 2310 has been enacted as Chapter 138 of the 2009 Acts of Assembly and is identical to *Senate Bill 928* (Senator Marsh), enacted as Chapter 308.

HOUSE BILL 2312 (DELEGATE MELVIN): WRITS OF ACTUAL INNOCENCE

This legislation amends sections 19.2-327.2, 19.2-327.3, and 19.2-327.5 of the Code of Virginia, removing the requirement that an individual must be incarcerated in order to petition for a writ of actual innocence based on biological evidence, thus allowing even persons who are not incarcerated to petition for the court for such a writ.

House Bill 2312 has been enacted as Chapter 139 of the 2009 Acts of Assembly and is identical to *Senate Bill 1381* (Senator Stolle), enacted as Chapter 320.

HOUSE BILL 2313 (DELEGATE KILGORE): UNIFORM TRADE SECRETS ACT

This legislation amends sections 15.2-969, 183.2-152.2, 59.1-200, and 59.1-336 of the Code of Virginia, providing that the resale of public event tickets through the internet is not subject to prohibition by local ordinances. This bill also expands the definitions of “without authority” and “improper means” in the Computer Crimes Act and the Uniform Trade Secrets Act, respectively, and declares it unlawful to violate any provision of the Uniform Trade Secrets Act.

House Bill 2313 has been enacted as Chapter 376 of the 2009 Acts of Assembly and is identical to *Senate Bill 1384* (Senator Stolle), enacted as chapter 321.

HOUSE BILL 2318 (DELEGATE MORRISSEY): SALE OF FIREARMS AT FIREARM SHOWS

This legislation adds section 54.1-4201.2 to the Code of Virginia, requiring any person who has a fixed location at a firearms show in order to display and sell firearms or any person who sells three or more firearms at a firearms show, regardless of whether he has a fixed location, to be licensed as a Virginia firearms dealer.

House Bill 2318 was left in the House Militia, Police and Public Safety Committee.

HOUSE BILL 2328 (DELEGATE ATHEY) PROTECTIVE SERVICES FOR ADULT ABUSE

This bill amends section 63.2-1605 of the Code of Virginia, making it a requirement, rather than a discretionary practice, for local departments answering abuse suspicion claims to document the abuse with photographs, video recordings, or other medical imaging. If the adult is not capable of giving informed consent, a legal representative may give consent. If the legal representative is the suspected abuser, the local department may accept consent from an agent appointed under an advance medical directive or by a person otherwise authorized pursuant to section 54.1-2986. Consent may even be deemed given if no authorized representative is immediately available.

House Bill 2328 has been enacted as Chapter 673 of the 2009 Acts of Assembly.

HOUSE BILL 2332 (DELEGATE PHILLIPS): ENTERPRISE ZONE ECONOMIC INCENTIVE GRANTS

This legislation amends sections 59.1-280, 59.1-549, while repealing 59.1-282.1 and 59.1-282.2 of the Code of Virginia, increasing from \$50,000 to \$100,000 as the minimum amount of investment required to be made in the rehabilitation or expansion of a building in order to be eligible for an enterprise zone incentive grant, and increasing from \$250,000 to \$500,000 the minimum amount of investment required to be made for new construction in order to be eligible for an enterprise zone incentive grant. Grants would be calculated at a rate of twenty percent of the amount of qualified real property investment in excess of \$500,000 for the construction of a new building or facility, or in the case of rehabilitation or expansion of an existing building, at a rate of twenty percent in excess of \$100,000. The new law decreases the amount of zone incentive grants available to investors making \$5,000,000 or less in qualified real property investment in a building from \$125,000 to \$100,000; an investor making more than \$5,000,000 is only allowed \$200,000, and not \$250,000 in zone incentive grants.

House Bill 2332 has been enacted as Chapter 207 of the 2009 Acts of Assembly.

**HOUSE BILL 2341 (DELEGATE AMUNDSON): SHORT TERM
SUSPENSION OF A STUDENT**

This bill amends section 22.1-277.2:1 of the Code of Virginia, extending the disciplinary authority of local school boards by allowing the school board to require that any student who commits an offense must be disclosed to the superintendent of the school division to attend an alternative educational program. Further, the amendment provides that a school board may adopt regulations authorizing a principal to impose a short-term suspension when a student has been charged with an offense involving intentional injury of another student in the same school, pending a decision as to whether to require the offending student to attend an alternative education program.

House Bill 234 has been enacted as Chapter 208 of the 2009 Acts of Assembly.

**HOUSE BILL 2342 (DELEGATE AMUNDSON): TUITION
ASSISTANCE FOR MEMBERS OF THE NATIONAL GUARD**

This bill amends section 23-7.4:2 of the Code of Virginia, providing that despite the requirement that a member of the National Guard have a minimum of two years remaining on his service obligation to be eligible for a tuition assistance grant, if a member is activated or deployed for federal military service, an additional day will be added to the member's eligibility for the grant for each day of active federal service, up to one year. Additional credit, or credit for state duty, may be given at the discretion of the Adjutant General.

House Bill 2342 has been enacted as Chapter 470 of the 2009 Acts of Assembly.

**HOUSE BILL 2351 (DELEGATE LANDES): NATURAL
RESOURCES COMMITMENT FUND**

This legislation amends section 10.1-546.1 and 10.1-2128.1 of the Code of Virginia, requiring the Department of Conservation and Recreation to determine and relay to the Governor the annual funding needs for technical assistance and agricultural best management practices. The bill further allocates monies in the Virginia Natural Resources Commitment Fund to be distributed in the following manner: eight percent to the soil and water conservation districts, fifty-five

percent to matching grants for best management practices on lands within the Chesapeake Bay watershed, and thirty-seven percent to matching grants for best management practices on lands outside the Chesapeake Bay watershed.

House Bill 2357 has been enacted as Chapter 209 of the 2009 Acts of Assembly.

HOUSE BILL 2352 (DELEGATE LANDES): PRESCRIPTION DRUG DONATION PROGRAM

This bill amends section 54.1-3411.1 of the Code of Virginia, allowing for unused prescription drugs dispensed for use by persons eligible for coverage under Title XIX or Title XXI of the Social Security Act to be donated. This bill does not alter any liability of a pharmaceutical manufacturer that would exist without the drug distribution program.

House Bill 2352 has been enacted as Chapter 109 of the 2009 Acts of Assembly.

HOUSE BILL 2358 (DELEGATE GILBERT): REDEFINITION OF TRIGGERMAN RULE

This legislation amends section 18.2-18 of the Code of Virginia, allowing principles in the second degree and accessories before the fact to be charged as principles in the first degree in cases of capital murder for hire, capital murder involving a continuing criminal enterprise, or capital murder involving an act of terrorism. This bill also allows a principle in the second degree to be charged as a principle in the first degree in all capital murder cases if he acted with the same intent as a principle of the first degree. An accessory before the fact may be charged as a principle in the first degree in all capital murder cases if he ordered or directed the willful, deliberate, and premeditated killing. The legislation changes the “triggerman rule,” which allows only the actual perpetrator of capital murder to be given the death penalty.

House Bill 2358 was identical to *Senate Bill 961* (Senator Obenshain). Both bills were adopted by both houses of the General Assembly but were vetoed by the Governor. Though the House voted to override the veto, the Senate did not vote to override, and the bill has not been enacted into law.

**HOUSE BILL 2360 (DELEGATE GILBERT): RETAIL SALES
AND USE TAX; EXEMPTS FABRICATION OF ANIMAL
MEAT**

This legislation amends section 58.1-609.10 of the Code of Virginia, exempting the fabrication of animal meat, grains, vegetables, or other foodstuffs from sales and use taxes when: the purchaser supplies the foodstuffs and they are consumed by the purchaser or his family, is a tax-exempt organization, or donates the foodstuffs to a tax-exempt organization.

House Bill 2360 has been enacted as Chapter 36 of the 2009 Acts of Assembly.

**HOUSE BILL 2362 (DELEGATE GILBERT): FELONY DRUG
OFFENSES**

This legislation amends section 18.2-248 of the Code of Virginia, including prior out-of-state convictions for substantially similar offenses as prior offenses that may be used to increase the punishment for a second offense of manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute a controlled substance or an imitation controlled substance.

House Bill 2362 has been enacted as Chapter 750 of the 2009 Acts of Assembly.

**HOUSE BILL 2364 (DELEGATE GILBERT): DANGEROUS OR
VICIOUS DOG RESTITUTION**

This legislation amends section 3.2-6540 of the Code of Virginia, authorizing the courts to order the owner of a dog found to be dangerous or vicious to pay restitution for damages caused by the dog to the injured person.

House Bill 2364 incorporates House Bill 2321 (Delegate Athey) and has been enacted as chapter 377 of the 2009 Acts of Assembly.

HOUSE BILL 2402 (DELEGATE BELL): IDENTITY THEFT

This legislation amends section 18.2-186.3 of the Code of Virginia, clarifying that identity theft includes obtaining money, credit, and loans—in addition to goods and services—through the use of a person's identifying information, without his/her authorization or permission.

House Bill 2402 has been enacted as Chapter 380 of the 2009 Acts of Assembly.

HOUSE BILL 2417 (DELEGATE BOUCHARD): COVENANTS REGARDING SOLAR PANELS

This legislation amends section 67-701, clarifying that the prohibition of restrictive covenants preventing the installation or use of solar panels does not apply to the amendment of such covenants that were in existence prior to July 1, 2008, so long as they were adopted by the membership of the community association in accordance with such association's governing documents.

House Bill 2417 has been enacted as Chapter 866 of the 2009 Acts of Assembly.

HOUSE BILL 2423 (DELEGATE MAY): BROADBAND ADVISORY COUNCIL

This legislation adds sections 2.2-2699.3 and 2.2-2699.4 to the Code of Virginia, establishing the Broadband Advisory Council to advise the Governor on policy and funding priorities to expedite deployment and reduce the cost of broadband access in Virginia. The bill also establishes membership, compensation, and specific powers and duties of the Council.

House Bill 2423 has been enacted Chapter 818 of the 2009 Acts of Assembly.

HOUSE BILL 2426 (DELEGATE MAY): DISCLOSURE OF SOCIAL SECURITY NUMBERS

This bill amends sections 2.2-3800, 2.2-2801 and 2.2-2808 of the Code of Virginia, extending restrictions on the collection of social

security numbers until July 1, 2010. The legislation also requires any county, city, or town with a population of 15,000 or more to create a list stating the instances in which it is required or authorized by law to collect social security numbers, where social security numbers are voluntarily collected, and why voluntary collection is essential.

House Bill 2426 has been enacted as Chapter 846 of the 2009 Acts of Assembly.

HOUSE BILL 2427 (DELEGATE MAY): PROTECTION OF SOCIAL SECURITY NUMBERS ACT

This bills adds sections 2.2-3815 and 2.2-3816 to the Code of Virginia, making the first five digits of a social security number contained in a public record confidential and exempt from the Freedom of Information Act, unless required by a proper judicial order, or if it is necessary for law enforcement or correctional personnel in seeking information to carry out their duties. Four additional administrative exemptions are listed. An aggrieved person may institute a proceeding for an injunction or mandamus against the release of his social security number, and, if a violation is found, may be entitled to recover reasonable costs and attorney's fees. Methods for determining venue are provided.

House Bill 2427 has been enacted as Chapter 213 of the 2009 Acts of Assembly.

HOUSE BILL 2430 (DELEGATE MAY): ELECTRONIC DELIVERY OF INSURANCE NOTICES

This legislation amends sections 38.2-231, -2113, -2114, and -2212, of the Code of Virginia and adds section 38.2-325 to the Code of Virginia, authorizing property, casualty, life, and certain other types of insurers to electronically transmit notices, other than notices of cancellation or termination of a policy, to the insured person. Certain procedural requirements for electronic delivery must be followed in orders to ensure that electronic messages are accessible. The insured's consent to receiving such notices electronically is required. If the parties agree to conduct business by electronic means, the agency of record shall be notified. Copies of electronic notifications are also required to be transmitted to the agent of record not more than seventy-two hours

after the notice is transmitted to the insured. The insurer must retain evidence of all electronically-transmitted notices for one year from the date of transmittal.

House Bill 2430 has been enacted as Chapter 215 of the 2009 Acts of Assembly.

HOUSE BILL 2432 (DELEGATE JOANNOU): REGULATION OF LEAD-BASED PAINT RENOVATION

This legislation amends sections 54.1-500, 54.1-500.1, 54.1-501, 54.1-503, 54.1-512, 54.1-516, and 54.1-517 of the Code of Virginia, increasing the membership of the Asbestos, Lead and Home Inspectors Board from ten to fifteen members, and comprised of at least one Virginia-licensed renovation contractor, Virginia-licensed renovator, and Virginia-licensed dust sampling technician in addition to the previous membership requirements. These representatives must have practiced for five consecutive years before the appointment. The Board must also include a representative of an asbestos, lead, or renovation training program and a member of the Board of Contractors. The Board shall approve criteria for accrediting renovation training programs as well as promulgate regulations necessary to establish procedures and requirements for the approval of such programs, the licensure of individuals and firms to engage in renovation, and the creation of standards for performing renovation consistent with the Residential Lead-Based Paint Hazard Reduction Act and the United States Environmental Protection Agency. Except in certain circumstances, including emergencies, renovation and dust clearance sampling may only be performed by one with a license. Definitions of accredited renovation program, dust clearance sampling, dust sampling technician, principal instructor, renovation, renovation contractor, and renovator are provided.

House Bill 2432 has been enacted as Chapter 819 of the 2009 Acts of Assembly.

HOUSE BILL 2434 (DELEGATE JANIS): REPRESENTATION OF CORPORATIONS BY AN OFFICER

This legislation creates section 16.1-81.1 to the Code of Virginia, allowing the pro se representation of a corporation by an officer of that corporation under certain restrictions. These restrictions include: (1) the amount in controversy is at most \$2,500, exclusive of interest, fees,

and costs; (2) the stock of the corporation must be held by no more than five persons; (3) the corporation must not be publicly offered or planned to be publicly offered at the time of the litigation; and (4) the representing officer has the unanimous consent of all the shareholders.

House Bill 2432 has been enacted as Chapter 666 of the 2009 Acts of Assembly.

HOUSE BILL 2435 (DELEGATE JANIS): TRUSTEE REQUIRED TO DEMAND CERTAIN DISTRIBUTIONS

This legislation amends sections 55-277.4:1, 55-277.18, and 55-277.29 of the Code of Virginia, requiring a trustee to demand distribution of the internal income to the trust upon the request of a surviving spouse, in an effort to address a 2006 IRS ruling on marital deductions. This bill also adds definitions of the terms “grantor” and “grantor-created unitrust” and adds that a grantor-created unitrust qualifies as a total return unitrust. Under this bill, the authority to petition a circuit court to convert an income trust to a total return unitrust, convert a total return unitrust to an income trust, or change the percentage used to calculate the unitrust amount or the method used to determine the fair market value of the trust assets is expanded to any qualified beneficiary of the trust, other than the attorney general of the Commonwealth.

House Bill 2435 has been enacted as Chapter 477 of the 2009 Acts of Assembly.

HOUSE BILL 2441 (DELEGATE CLINE): POWERS AND DUTIES OF THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS

This legislation ensures that the attorney for the Commonwealth is notified of an inmate’s membership in a gang by the Director when the attorney for the Commonwealth is prosecuting that inmate for an offense committed while in prison.

House Bill 2441 has been enacted as Chapter 39 of the 2009 Acts of Assembly is identical to *Senate Bill 1223* (Senator Obenshain) enacted as Chapter 621.

HOUSE BILL 2453 (DELEGATE SICKLES): WEBSITE FOR ELECTRONIC PRESCRIBING

This bill amends section 2.2-213.3 of the Code of Virginia, requiring the Secretary of Health and Human Services to establish a website with information on electronic prescribing for health practitioners in order to prevent prescription drug abuse. This bill also encourages the health practitioners to use electronic prescribing to the maximum extent possible, beginning in 2010.

House Bill 2453 has been enacted as Chapter 479 of the 2009 Acts of Assembly.

HOUSE BILL 2458 (DELEGATE O'BANNON): POSTING OF HOSPITAL CHARITY CARE POLICIES

This bill amends section 32.1-137.01 of the Code of Virginia, requiring hospitals to provide the public with written notification about the hospital's charity care policies, including policies related to free and discounted care. This information must be posted conspicuously in public areas of the hospital, and eligibility criteria and application procedures must be given at admission or discharge, included with billing statements, and provided on the hospital's website.

House Bill 2458 has been enacted as Chapter 425 of the 2009 Acts of Assembly.

HOUSE BILL 2459 (DELEGATE O'BANNON): RIGHT TO NOTIFY; CONSUMER IN MENTAL HEALTH FACILITY TO HAVE OPPORTUNITY THERETO OF HIS CONDITION

This bill amends section 37.2-400 of the Code of Virginia, providing that a patient in a mental health facility must be given the option of having a person of his choosing notified of his condition, location, and transfer to another facility. This provision does not apply to patients in a mental health facility operated by the Department of Corrections.

House Bill 2459 has been enacted as Chapter 111 of the 2009 Acts of Assembly and is identical to *Senate Bill 1076* (Senator Howell), enacted as Chapter 517.

HOUSE BILL 2465 (DELEGATE MORGAN): PROCEDURE FOR REMOVAL OF PUBLIC OFFICIAL

This bill amends sections 24.2-235 and 24.2-238 of the Code of Virginia, providing that a petition for removal of an official not be dismissed on account of a minor error that does not affect the reasonableness of the claim for removal. The bill also provides that no person who circulates or signs such a petition be liable for any removal costs.

House Bill 2465 incorporates House Bill 2049 (Delegate Gear) and has been enacted as Chapter 868 of the 2009 Acts of Assembly. This bill is identical to *Senate Bill 1394* (Senator Norment), enacted as Chapter 876.

HOUSE BILL 2467 (DELEGATE MORGAN): FUNDING FOR PRE-NEED FUNERAL CONTRACTS

This legislation adds section 38.2-3100.3 to the Code of Virginia, requiring that life insurance policies, annuity contracts, and certificates issued in connection with group life insurance policies or group annuity contracts specify the means by which face amount adjustments will be made, and benefits payable upon death will be adjusted, when they will be used to fund pre-need funeral contracts. "Pre-need Funeral Contract" is defined as an agreement where the insured pays for the arrangement of funeral services prior to death. The measure also requires insurers proposing to issue life insurance policies or annuity contracts for purposes of funding pre-need funeral contracts to disclose clearly their intended purpose and market when the forms are submitted for State Corporation Commission approval.

House Bill 2467 has been enacted as Chapter 653 of the 2009 Acts of Assembly.

HOUSE BILL 2474 (DELEGATE HUGO): PLANNING TIME FOR SCHOOL TEACHERS

This bill amends section 22.1-291.1 of the Code of Virginia, requiring school boards to ensure that each elementary school teacher has on average thirty minutes a day of planning time during the school week.

House Bill 2474 has been enacted as Chapter 4182 of the 2009 Acts of Assembly.

HOUSE BILL 2495 (DELEGATE ALEXANDER): UNDERAGE OPERATION OF COMMERCIAL VEHICLES

This legislation amends section 40.1-100 of the Code of Virginia, permitting children of at least seventeen years of age to drive commercial automobiles or trucks on public roadways if enumerated criteria are satisfied, including requirements that the vehicle's gross weight not exceed six thousand pounds, the driving occur in daylight hours, and the driving occur within thirty miles of the place of employment. Currently, no child under the age of eighteen may be employed as a driver or helper on a truck or commercial vehicle with more than two axles. The driving may only include two trips per work day for delivering goods or transporting persons and must only be occasional and incidental to employment.

House Bill 2495 has been enacted as Chapter 218 of the 2009 Acts of Assembly.

HOUSE BILL 2500 (DELEGATE WARD): "A PLACE OF MY OWN" PROGRAM

This bill adds section 63.2-914 to the Code of Virginia, requiring the Department of Social Services to work with community organizations to develop the "A Place of My Own" Fund to accept grants and donations and coordinate the distribution of luggage for children in foster care. The program will be funded by grants and donations from private sources.

House Bill 2500 has been enacted as Chapter 678 of the 2009 Acts of Assembly.

HOUSE BILL 2506 (DELEGATE POLLARD): INVESTER-OWNED UTILITIES TO RECOVER COST OF DESIGNING ENERGY EFFICIENCY PROGRAMS

This legislation amends sections 56-576, 56-585.1, and 56-585.3 of the Code of Virginia, authorizing investor-owned electric utilities to recover, through a rate adjustment clause, the costs of designing and operating energy efficient programs that have the effect of producing

measured and verified reductions in the amount of electricity required. The petition can only be approved if the State Corporation Commission finds that the program is in the public interest. The utility may earn a general rate of return on energy efficient programs. The State Corporation Commission may allow for the recovery of reductions in revenue related to energy efficiency programs, to the extent the revenue is not recovered through off-system sales. The costs of new energy efficiency programs shall not be assigned to any large general service customer that has implemented energy efficiency measures.

House Bill 2506 incorporates House Bill 2176 (Delegate Plum) and has been enacted as Chapter 824 of the 2009 Acts of Assembly.

HOUSE BILL 2507 (DELEGATE POLLARD): FISHING LICENSES REFUND

This legislation amends section 28.2-229 of the Code of Virginia, requiring the Marine Resources Commission to refund money to holders of saltwater fishing licenses on a prorated basis if the licenses are no longer available due to fishery management purposes.

House Bill 2507 has been enacted as Chapter 384 of the 2009 Acts of Assembly.

HOUSE BILL 2517 (DELEGATE LOHR): STANDARDS OF LEARNING

This bill amends section 22.1-253.13:3 of the Code of Virginia, directing the Board of Education to include the option of industry certification and state licensure examinations as a student-selected verified credit in place of standards of learning testing for the purpose of school accreditation.

House Bill 2517 has been enacted as Chapter 825 of the 2009 Acts of Assembly.

HOUSE BILL 2523 (DELEGATE WRIGHT): SUSPENSION OR REVOCATION OF AN ABC LICENSE

This bill amends section 4.1-225 of the Code of Virginia, allowing the Alcoholic Beverage Control Board to suspend or revoke any license other than a brewery license, and impose penalties, if it has reasonable cause to believe that the licensee has failed to prevent the licensed

premises and any adjacent property from becoming a place where patrons of the establishment commit crimes such as murder, kidnapping, malicious wounding, robbery, extortion, rape, driving under the influence, disorderly conduct, fornication, or any mob-, gang-, or terrorism-related crime, if the arrests are so frequent and serious as to reasonably be deemed a continuing threat to public safety.

House Bill 2523 has been enacted as Chapter 486 of the 2009 Acts of Assembly.

HOUSE BILL 2528 (DELEGATE COLE): DISPOSITION OF GUNS

This legislation adds section 15.2-915.5 to the Code of Virginia, providing that no locality may participate in any program in which individuals are given a thing of value in exchange for surrendering a firearm to the locality unless the governing body of the locality has enacted an ordinance authorizing the participation of the locality. The ordinance shall require that such firearms shall be sold by public auction, or sealed bids, to a person licensed as a dealer.

House Bill 2528 was passed by both houses of the Virginia General Assembly, but it was vetoed by the Governor. Though the House voted to override the veto, the Senate declined to pass the enrolled bill over the Governor's veto.

HOUSE BILL 2531(DELEGATE KILGORE): ENERGY CONSERVATION AND DEMAND RESPONSE TARGETS; ENERGY GENERATING PERMITS

This legislation adds section 10.1-1307.02 to the Code of Virginia, directing the State Corporation Commission to conduct a proceeding to determine achievable, cost-effective energy conservation and demand response targets that can be accomplished by generating electric utilities. The measure directs the Commission's cost-benefit analysis to take into consideration certain data on program costs and avoided costs and to consider standard industry-recognized tests. The Commission is required to report to the Governor and the General Assembly by November 15, 2009. The legislation also requires the Commission to approve certain demand response programs proposed by an electric utility, so long as the provider is qualified and the program is effective, reliable and in the public interest. Further, the State Air Pollution Control Board is given

the responsibility of adopting permits for energy generating facilities that participate in a voluntary demand response program and for the use of back up generation in the case of an emergency.

House Bill 2531 incorporates House Bill 2000 (Delegate Vanderhye) and has been enacted as Chapter 752 of the 2009 Acts of Assembly. It is identical to *Senate Bill 1348* (Delegate Wagner) enacted as Chapter 855.

HOUSE BILL 2541 (DELEGATE ADMUNDSON): CRIMINAL BACKGROUND CHECKS REQUIRED FOR REAL ESTATE LICENSEES

This legislation amends sections 19.2-389 and 54.1-204 of the Code of Virginia, requiring the Department of Professional and Occupational Regulation to obtain criminal history record information regarding individuals for initial licensure as real estate licensees. The Department already enforces the law in 2009.

House Bill 2541 has been enacted as Chapter 667 of the 2009 Acts of Assembly.

HOUSE BILL 2545 (DELEGATE PURKEY): CONTRIBUTIONS TO THE AQUARIUM AND MARINE SCIENCE CENTER; ADDS TO LIST OF ORGANIZATIONS TO RECEIVE CONTRIBUTIONS

This bill amends section 58.1-344.3 of the Code of Virginia adding the Virginia Aquarium and Marine Science Center to the list of organizations eligible to appear on individual income tax returns and to receive voluntary tax refund contributions of at least one dollar. In order to remain eligible, it must continue to receive \$10,000 in contributions in each of the three previous taxable years. It shall not appear on the individual income tax return until it has been added as a contribution a maximum of twenty five times. In order to qualify for a refund, the money must be used to further the Center's mission to increase the public's knowledge and appreciation of Virginia's marine environment.

House Bill 2545 has been enacted as Chapter 41 of the 2009 Acts of Assembly.

HOUSE BILL 2549 (DELEGATE COX): FOIA EXEMPTION FOR THE VIRGINIA COLLEGE SAVINGS PLAN

This bill amends sections 52.2-3705.7, 2.2-3711, 23-9.2:3.03, 23-38.76, 23-38.77, 23-38.79, 23-38.80, 23-38.87, and 23-38.88 of the Code of Virginia and adds sections 23-38.79:1 and 23-38.87:1, providing that records, as well as internal deliberations and decisions about investment strategies whose disclosure would have an adverse affect, and trade secrets of the Virginia College Savings Plan (the "Plan") shall be exempt from the Freedom of Information Act. Additionally the Board of the Plan will now include eleven members rather than eight. Four members will be appointed by the Governor, one by the Senate Committee on Rules, and two by the Speaker of the House of Delegates. The Bill gives the Board the power to develop and implement scholarship and/or matching grant programs to make higher education more affordable and accessible to all citizens of the Commonwealth. The Board is also required to appoint an Investment Advisory Committee and an Audit and Actuarial Committee to assist with financial matters, and may also appoint any other advisory committees necessary to determine the qualifications required for members. Further, the Plan is given the ability to obtain all social security numbers or tax identification numbers necessary to lawfully administer the Plan and comply with reporting requirements. Where the provisions of this new law are inconsistent with existing law, the new legislation controls.

House Bill 2549 has been enacted as Chapter 827 of the 2009 Acts of Assembly and is identical to *Senate Bill 1251* (Senator Miller) enacted as Chapter 845.

HOUSE BILL 2550 (DELEGATE COX): MAJOR EMPLOYMENT AND INVESTMENT (MEI) PROJECT APPROVAL COMMISSION

This bill amends sections 2.2-2260, 2.2-2261, 2.2-2263, 2.2-2705.6, 62.1-198 and 62.1-199 and adds sections 30-309 through 30-312 to the Code of Virginia, establishing the Major Employment and Investment (MEI) Project Approval Commission as an advisory commission in the legislative branch of the state government. Its purpose is to review financing for individual incentive packages for MEI projects to be financed by the Virginia Public Building Authority. An MEI project is a

regional economic development project in which a private entity invest over two hundred and fifty million dollars and more than four hundred jobs are created. The Commission will have ten members, comprised of representatives of the legislature and administrative branches of government. In reviewing a package, the Commission will consider five provided factors. Added to the list of responsibilities of the Virginia Public Building Authority is the provision of financing on behalf of any of the Commonwealth's agencies, authorities, boards, departments, instrumentalities, institutions of regional or of local authorities, or governments of land buildings, infrastructure, and improvements for the benefit of an MEI project incentive package endorsed by the MEI Project Approval Commission. The Board is given the power to provide for or assist in the financing of such projects. Confidential proprietary records voluntarily provided by private businesses pursuant to a promise of confidentiality from the MEI Projects Approval Commission will be exempt from the Freedom of Information Act.

House Bill 2550 has been enacted as Chapter 246 of the 2009 Acts of Assembly.

HOUSE BILL 2557 (DELEGATE NIXON, JR.): INSURANCE MANDATES

This bill amends section 2.2-2818 of the Code of Virginia and adds section 2.2-2818.2, requiring the Department of Human Resource Management to report annually by November 30 to the Special Advisory Commission on Mandated Health Insurance Benefits concerning the cost and utilization information for each of the mandated benefits set forth in subsection B of section 2.2-2818. Further, any future law that provides for an insurance mandate for accident and health insurance policies will apply to state employee health coverage. An insurance mandate means a mandatory obligation with respect to coverage, benefits, or the number or types of providers imposed on policies of accident and health insurance under Title 38.2. If health coverage offered to state employees provides coverage in the same or greater manner and extent as the coverage required by an insurance mandate, the former coverage shall be considered in compliance with the insurance mandate.

House Bill 2557 has been enacted as Chapter 247 of the 2009 Acts of Assembly.

HOUSE BILL 2558 (DELEGATE BYRON): AMENDING BIOSOLIDS PERMITS

This legislation amends sections 62.1-44.19:3 and 62.1-44.19:3.4 of the Code of Virginia, clarifying that public notice must be given and public hearings must be held when any biosolids permit is amended to increase the acreage by fifty percent more than authorized by the initial permit. The bill also states that the Water Control Board may not issue a permit for land disposal until after the public hearing and comment period or until thirty days after the public meeting.

House Bill 2558 has been enacted as Chapter 42 of the 2009 Acts of Assembly.

HOUSE BILL 2559 (DELEGATE JOHNSON): INCREASING THE HOMESTEAD EXEMPTION

This legislation amends Sections 8.01-512.4 and 34-4 of the Code of Virginia, increasing the homestead exemption for those over the age of sixty-five from \$5,000 to \$10,000.

House Bill 2559 has been enacted as Chapter 387 of the 2009 Acts of Assembly.

HOUSE BILL 2565 (DELEGATE KNIGHT): FARMLAND PRESERVATION

This legislation amends section 3.2-201 of the Code of Virginia, authorizing the Office of Farmland Preservation to provide technical and professional assistance to those local governments interested in developing farmland preservation policies and programs, such as use value assessment and taxation, transfer of development rights, agricultural and forestal districts, and local lease of development rights.

House Bill 2565 has been enacted as Chapter 389 of the 2009 Acts of Assembly.

HOUSE BILL 2566 (DELEGATE KNIGHT): LAND FOR NONSTATE FOREST PURPOSES

This legislation amends section 10.1-1107 of the Code of Virginia, clarifying that proceeds from properties acquired or managed for nonstate forest purposes are not subject to distribution by the Department of Forestry to the counties in which such lands are located.

House Bill 2566 has been enacted as Chapter 43 of the 2009 Acts of Assembly.

HOUSE BILL 2568 (DELEGATE SCOTT): CONSUMER REAL ESTATE SETTLEMENT PROTECTION ACT

This bill amends section 6.1-2.22 and adds section 6.1-2.21:1 to the Code of Virginia, establishing the right of a purchaser or borrower in a real estate transaction to select the settlement agent to provide escrow, closing, or settlement services in connection with a consumer real estate transaction. The seller may not require the use of a particular settlement agent as a condition of the sale of property. Further, the legislation provides that the provisions of the Consumer Real Estate Settlement Protection Act may not be varied by agreement, and rights conferred by it may not be waived.

House Bill 2568 has been enacted as Chapter 140 of the 2009 Acts of Assembly.

HOUSE BILL 2560 (DELEGATE JOHNSON): EXEMPTIONS FOR VETERANS

This legislation amends sections 8.01-512.4 and 34-4 of the Code of Virginia, increasing the homestead exemption of real or personal property for certain veterans from \$2,000 to \$10,000.

House Bill 2560 has been enacted as Chapter 388 of the 2009 Acts of Assembly.

HOUSE BILL 2569 (DELEGATE SCOTT): MANUFACTURED HOUSING LICENSING AND TRANSACTION RECOVERY FUND

This bill amends sections 36-85.28, 36-85.31, and 36-85.32 of the Code of Virginia, increasing the amount of monetary damages a manufactured home dealer may retain if the buyer fails to accept delivery of a special-ordered home. If the home is larger than a single section unit in the dealer's stock and is not specially ordered for the

buyer, the maximum actual damages shall be \$4,000. The legislation also raises the claim amount that may be brought by a single claimant against the Virginia Manufactured Housing Transaction and Recovery Fund from \$20,000 to \$40,000, the fund must maintain a minimum balance of \$300,000. Interest earned on this balance may be used to pay department staff expenses for conducting investigations and preparing reports and findings for the Board. The Board may authorize an amount not to exceed five percent of the Fund to be used for educational purposes and the described staff expenses.

House Bill 2569 has been enacted as Chapter 141 of the 2009 Acts of Assembly and is identical to Senate Bill 1459 (Senator Puckett), enacted as Chapter 579.

HOUSE BILL 2575 (DELEGATE PUTNEY): CORPORATE TAX CREDIT EXTENSION

This legislation amends 58.1-439 of the Code of Virginia by extending the major business facility tax credit from January, 1, 2010, to January 1, 2020. For the tax years beginning January 1, 2009, through December 31, 2010, one-half (instead of one-third) of the credit be may taken for major business facilities.

House Bill 2575 has been enacted as Chapter 753 of the 2009 Acts of Assembly.

HOUSE BILL 2580 (DELEGATE J. MILLER): ARREST WARRANTS FOR ILLEGAL ALIENS

This legislation amends section 19.2-82 of the Code of Virginia, allowing for recurrent warrant applications for the arrest of illegal aliens within a six-month period where confirmation has been received from Immigration and Customs Enforcement that the arrested person will be taken into federal custody.

House Bill 2580 has been enacted as Chapter 669 of the 2009 Acts of Assembly.

HOUSE BILL 2583 (DELEGATE MERRICKS): LIMITATIONS ON LOCAL GOVERNMENT INVESTMENT POOL INVESTMENTS

This bill amends section 2.2-4602 of the Code of Virginia, mandating the minimum amount of local government funds that must be invested in time, savings, or demand deposits at financial institutions qualified to accept public deposits under the Virginia Security for Public Deposits Act. The local government investment pool maintained by the State treasurer must invest no less than ten percent of the fund in such institutions.

House Bill 2583 has been enacted as Chapter 654 of the 2009 Acts of Assembly.

HOUSE BILL 2586 (DELEGATE KNIGHT): SANDBRIDGE BEACH SUBDIVISION

This legislation adds section 28.1-1408.2, authorizing the Virginia Beach Wetlands Board to make the ongoing determination of which structures or properties within the Sandbridge Beach Subdivision are in clear and imminent danger due to erosion or storm damage. Owners of structures or properties determined to be in clear and imminent danger may erect protective structural improvements so long as they are approved by the Board. This bill further gives the Board the responsibility of ensuring that approved structural improvements are maintained and safe.

House Bill 2586 has been enacted as Chapter 391 of the 2009 Acts of Assembly.

HOUSE BILL 2589 (DELEGATE ENGLIN): ASSESMENT OF LIMITED ENGLISH PROFICIENT STUDENTS

This legislation requires that school divisions administer a locally developed or selected limited English proficiency assessment for students during the 2009-2010 school year pursuant to the federal No Child Left Behind Act. The proficiency assessment must be approved by the Board of Education in accordance with federal requirements.

House Bill 2589 has been enacted as Chapter 488 of the 2009 Acts of Assembly.

HOUSE BILL 2592 (DELEGATE CAPUTO): SEPARATE PROPERTY TAX RATE FOR ELECTRIC VEHICLES

This legislation amends section 58.1-3506 of the Code of Virginia, declaring that motor vehicles powered solely by electricity are a separate class of tangible personal property for the purpose of taxation. This amendment will allow localities to tax electric vehicles at a different tax rate than other items of personal property.

House Bill 2592 has been enacted as Chapter 44 of the 2009 Acts of Assembly.

HOUSE BILL 2602 (DELEGATE LOHR): CONSERVATION AND RECREATION CONTRACTS

This legislation amends section 10.1-104 of the Code of Virginia, authorizing the Department of Conservation and Recreation to establish non-competitively procured contracts with tax-exempt nonprofit organization for the purposes of conducting revenue producing activities on Department lands. The revenue generated from these activities is to be used for the benefit of Virginia State Parks or the Natural Area Preserve System.

House Bill 2602 has been enacted as Chapter 392 of the 2009 Acts of Assembly.

HOUSE BILL 2612 (DELEGATE SHANNON): VICTIM'S RIGHTS IN EMERGENCY PLANS

This legislation amends sections 19.2-389 and 54.1-204 of the Code of Virginia, requiring all emergency plans to include a provision that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be contacted immediately to deploy assistance in the event of an emergency as defined in the emergency response plan when there are victims as defined in section 19.2-11.01, as well as current contact information for both.

House Bill 2612 has been enacted as Chapter 222 of the 2009 Acts of Assembly and is identical to *Senate Bill 1150* (Senator Howell), enacted as Chapter 269.

HOUSE BILL 2619 (DELEGATE BARLOW): ONLINE COURSE CREDIT

This bill amends section 22.1-253.13:4 of the Code of Virginia, allowing course credits earned in the Department of Education's Virtual Virginia program to be transferred to Virginia public schools in accordance with provisions of the standards for accreditation.

House Bill 2619 has been enacted as Chapter 490 of the 2009 Acts of Assembly.

HOUSE BILL 2636 (DELEGATE CLINE): HUNTING AND FISHING LICENSES FOR YOUTH GROUPS

This legislation adds section 29.1-315.1 of the Code of Virginia, authorizing the Director of the Department of Game and Inland Fisheries to issue temporary permits to officers of nonprofit organizations whose purpose is to educate youth on fish and wildlife resources and who have applied for such permits. The permit, which is valid for a forty-eight hour period, allows minors without licenses to participate in hunting and fishing educational events hosted by the organization so long as they are accompanied and supervised by an adult with a valid hunting license. The fee for such a permit is twenty-five dollars.

House Bill 2636 has been enacted as Chapter 45 of the 2009 Acts of Assembly.

HOUSE BILL 2638 (DELEGATE POGGE): EXPANDING REACH OF CAPITAL MURDER STATUTE

This legislation amends section 18.2-31 of the Code of Virginia, expanding the list of capital murder offenses to include the willful, deliberate, and premeditated killing of an auxiliary police officer, an auxiliary deputy sheriff, a fire marshal, or an assistant fire marshal, when such fire marshals and assistant fire marshals have police powers.

House Bill 2638 was passed by both the House and Senate of the General Assembly but was vetoed by the Governor. Though the House voted to override the veto, the Senate rejected the motion to pass.

HOUSE BILL 2639 (DELEGATE JONES): DEPARTMENT OF VETERANS SERVICES INFORMATION EXCLUDED FROM FOIA

This bill amends sections 2.2-3705.7 and 2.2-3711 of the Code of Virginia, excluding from the Freedom of Information Act personal information concerning residents or patients of the Department of Veterans Services Care Centers, except to the person who is the subject of the record. This bill also excludes records maintained in connection with fundraising activities by the Veterans Services Foundation, to the extent they reveal a name, address, phone number, social security number, driver's license number, or bank account information. Access will still be available to the person who is the subject of the record. The Board of Trustees of the Veterans Services Foundation and advisory committees for veterans care centers may hold closed meetings to determine what records are excluded.

House Bill 2639 has been enacted as Chapter 223 of the 2009 Acts of Assembly.

HOUSE BILL 2644 (DELEGATE MERRICKS): LOCKSMITHS EXEMPT FROM CERTIFICATION REQUIREMENT

This bill amends section 9.1-140 of the Code of Virginia, excluding persons employed by a retail merchant who also hold a private security business license as a locksmith from certification requirements under the Department of Criminal Justice Services, so long as the duties relating to that license are limited to key cutting performed under direct supervision of the licensee.

House Bill 2644 has been enacted as Chapter 225 of the 2009 Acts of Assembly.

HOUSE BILL 2646 (DELEGATE POINDEXTER): BETTERMENT LOANS

This legislation amends sections 32.1-163 and 32.1-166.6 of the Code of Virginia, defining a betterment loan as a loan provided by private lenders at the direction of state agencies for the purpose of repairing or replacing an onsite sewage system to reduce threats to public health and water. The legislation also adds section 32.1-164.1:2 to the Code of Virginia, directing the Board of Health to establish a betterment loan eligibility program for the purposes of assisting in the repair or replacement of noncompliant sewage systems. This bill further directs the Board of Health to develop procedures for qualifying for betterment loans.

House Bill 2646 has been enacted as Chapter 829 of the 2009 Acts of Assembly.

HOUSE BILL 2666 (DELEGATE POGGE): ACTIVITIES AND VOTING EQUIPMENT AT POLLING PLACES

This bill amends sections 24.2-604 and 24.2-638 of the Code of Virginia, allowing authorized representatives to be present in the room where the election is being conducted at all times during the day. These representatives may observe the polling place closely enough to see and hear what is occurring, and if they are not able to sufficiently observe, they may request better access, but may not under any circumstances provide assistance to any voter. The bill also requires the polling place record the names of voters who used a voting machine while it was removed from within the limits of confidentiality.

House Bill 2666 has been enacted as Chapter 494 of the 2009 Acts of Assembly.

HOUSE BILL 2672 (DELEGATE HERRING): DEFINITIONS IN CONNECTION WITH THE MINORITY BUSINESS ENTERPRISE

This bill amends sections 2.2-1400 through 2.2-1404.1 and 2.2-3705.6, 2.2-4310, 15.2-965.1, and 18.2-213.1 of the Code of Virginia, expanding the reach of the Department of Minority Business Enterprise to include small, women-owned and minority-owned business development. The definition of disadvantaged business enterprise was deleted, and the definition of minority individual was changed from a non-citizen who is in full compliance with United States immigration law to a legal resident alien satisfying certain listed requirements. A small business is one that is at least fifty-one percent independently owned and controlled by one or more individuals who are United States citizens or legal resident aliens and has 250 or fewer employees with average annual gross receipts of \$10 million or less averaged over the previous five years. One or more of the individuals shall control both the management and the daily business operations of the small business.

House Bill 2672 has been enacted as Chapter 869 of the 2009 Acts of Assembly.

**HOUSE BILL 2673 (DELEGATE PUTNEY): VIRGINIA
INVESTMENT PARTNERSHIP GRANTS FOR NEW JOB
CREATION**

This bill amends section 2.1-5100 of the Code of Virginia, allowing companies that create three hundred jobs, with average salaries of at least one hundred percent greater than the prevailing average wage, to be eligible for investment performance grants. Previously, only companies creating four hundred jobs, with average salaries at least fifty percent greater than the prevailing average wage, were eligible.

House Bill 2673 has been enacted as Chapter 151 of the 2009 Acts of Assembly.

**HOUSE BILL 2674 (DELEGATE COX): ELIMINATION OF
MEDICAID WAIVER WAITING LISTS FOR THE MENTALLY
DISABLED**

This bill expresses the intent of the General Assembly to eliminate the waiting lists for the Mental Retardation Medicaid Waiver and Individual and Family Development Disabilities and Support Medicaid Waiver by increasing each Waiver program by at least four hundred slots per year for Mental Retardation waivers and sixty-seven additional slots per fiscal year until the lists are gone. The bill further directs the Governor to develop a plan to eliminate the lists which include provisions that will decrease the total number of individuals on the waiting list by ten percent.

House Bill 2674 has been enacted as Chapter 228 of the 2009 Acts of Assembly and is identical to *Senate Bill 1501* (Senator Barker), enacted as Chapter 303.

**HOUSE JOINT RESOLUTION 628 (DELEGATE O. WARE):
RESTORATION OF CIVIL RIGHTS FOR NON-VIOLENT
FELONS**

This resolution would amend Section 1 of Article II of the Constitution of Virginia, allowing the General Assembly to provide by law for the restoration of civil rights for persons convicted of

nonviolent felonies who have completed service of their sentences subject to the conditions, requirements, and definitions set forth in that law.

House Joint Resolution 628 was tabled in the House Committee on Privileges and Elections and has not been enacted into law.

This constitutional amendment is identical to *House Joint Resolution 656* (Delegate Tyler), *House Joint Resolution 726* (Delegate Hall) and *Senate Joint Resolution 273* (Senator Y. Miller).

HOUSE JOINT RESOLUTION NO. 648 (DELEGATE O'BANNON): VETERAN PROPERTY TAX EXEMPTION

This resolution amends Article X of the Constitution of Virginia, requiring the General Assembly to exempt from taxation the property of disabled veterans and their families, provided that their disability is one-hundred percent service connected and the property is the veteran's primary residence. This exemption extends to any spouse of a disabled veteran who does not remarry and who continues to occupy the property.

House Joint Resolution 648 incorporates *House Joint Resolution 669* (Delegate Janis) and has been enacted as Chapter 775 of the 2009 Acts of Assembly. It is identical to *Senate Joint Resolution 475* (Senator Ticer), enacted as Chapter 777.

HOUSE JOINT RESOLUTION 688 (DELEGATE COLE): PROPERTY TAX RELIEF FOR SENIORS

This resolution amends Section 6 of Article X of the Constitution of Virginia, authorizing local governing bodies to establish their own income or financial worth limitations for purposes of granting real property tax relief for persons of at least sixty-five years of age or persons permanently and totally disabled.

House Joint Resolution 688 has been enacted as Chapter 776 of the 2009 Acts of Assembly.

HOUSE JOINT RESOLUTION 702 (DELEGATE BARLOW): VIRGINIA REDISTRICTING COMMISSION

This resolution amends Section 6 of Article II of the Constitution of Virginia, establishing the Virginia Redistricting Commission to redraw congressional and General Assembly district boundaries after each decennial census. Appointments to the eleven member Commission are to be made in the census year by the most recently retired Chief Justice of the Virginia Supreme Court. Appointments are to be made to represent each congressional district. Those appointed to the Commission may be retired justices or judges of the Supreme Court, Court of Appeals, or circuit courts, who are not actively practicing law.

House Joint Resolution 702 was tabled by the House Privileges and Elections Committee.

SENATE BILLS

SENATE BILL 806 (SENATOR TICER): TRANSFER OF NONRESIDENT DECEDENTS' PERSONAL PROPERTY

This legislation amends section 64.1-130 of the Code of Virginia, clarifying that the transfer of a nonresident decedent's stocks, bonds, securities, money, and personal property within Virginia may be done in accordance with either Virginia law or the comparable law of the state in which the nonresident decedent was domiciled.

Senate Bill 806 has been enacted as Chapter 250 of the 2009 Acts of Assembly.

SENATE BILL 808 (SENATOR PULLER): FOREIGN SERVICE OFFICERS

This legislation amends sections 8.01-328.1 and 20-97 of the Code of Virginia, extending a court's exercise of personal jurisdiction in suits for annulment or divorce over foreign service officers who have satisfied the residency requirements for such suits. The bill further states that a foreign services officer is deemed a resident of Virginia in suits for annulments or divorce if the following conditions are met: 1) he was stationed in any territory or foreign country at the time the suit was

commenced or immediately preceding such suit, and 2) he was domiciled in Virginia for six months prior to the time he was stationed in such territory or country.

Senate Bill 808 has been enacted as Chapter 582 of the 2009 Acts of Assembly.

**SENATE BILL 823 (SENATOR CUCCINELLI):
TRANSPORTATION OF MENTALLY ILL PERSONS**

This legislation amends sections 16.1-345, 37.2-808, 37.2-810, 37.2-817.2, and 37.2-829 and repeals section 37.2-830 of the Code of Virginia, authorizing a judge to order an alternative transportation provider to transport minors being involuntarily committed, persons subject to an emergency custody order, persons subject to temporary detention, or persons who have civilly and voluntarily chosen to be committed. An alternative transportation provider can be a family member or friend, a representative of the community services board, or other staff trained to provide transportation in a safe manner. The bill further requires the Court to specify a law-enforcement agency that will execute the order, take the person into custody, and transfer the person to the alternative transportation provider.

Senate Bill 823 has been enacted as Chapter 697 of the 2009 Acts of Assembly and is identical to *House Bill 2460* (Delegate O'Bannon), enacted as Chapter 112.

**SENATE BILL 827 (SENATOR SMITH): TOPICS COVERED BY
FAMILY LIFE EDUCATION CURRICULUM**

This bill amends section 22.1-207.1 of the Code of Virginia adding the topic of the benefits, challenges, responsibilities, and value of marriage for men, women, children, and communities to the Board of Education's curriculum guidelines for comprehensive, sequential family life education curriculum in kindergarten through twelfth grade.

Senate Bill 827 has been enacted as Chapter 583 of the 2009 Acts of Assembly and is identical to *House Bill 1746* (Delegate Pogge), enacted as Chapter 437.

**SENATE BILL 837 (SENATOR CUCINNELLI): AUTHORIZED
USERS OF THE STATE LAW LIBRARY**

This bill amends section 42.1-64 of the Code of Virginia, allowing an individual designated by a member of the General Assembly to perform legal research in the State Law Library.

Senate Bill 837 has been enacted as Chapter 584 of the 2009 Acts of Assembly.

**SENATE BILL 845 (SENATOR PULLER): INCREASE IN
LIVABLE HOME TAX CREDIT**

This legislation amends section 58.1-339.7 of the Code of Virginia, increasing the livable home tax credit for the purchase of a new residence or retrofitting an existing residence on or after January 1, 2010. For a new residence, the tax credit increases from five hundred dollars to two thousand dollars. For retrofitting an existing residence, the tax increases from twenty-five percent to fifty percent of the total cost of retrofitting but shall not exceed two thousand dollars.

Senate Bill 845 has been enacted as Chapter 496 of the 2009 Acts of Assembly.

**SENATE BILL 855 (SENATOR EDWARDS): UNIFORM POWER
OF ATTORNEY ACT**

This legislation amends sections 6.1-125.15:1, 37.2-1009, 37.2-1020, 37.2-1023, 55-34.7, 55-544.01, 55-544.02, and 55-546.02 of the Code of Virginia, adds sections 26.71.01 through 26.74.02 to the Code of Virginia, and repeals sections 11-9.1 through 11-9.7 and 37.2-1018 of the Code of Virginia, adopting the Uniform Power of Attorney Act. This act creates default rules applicable to powers of attorney respecting their creation and use, good faith reliance, limitations of agent's powers, refusal to recognize, judicial review, notification of resignation, specific and general authority, and other matters. These rules may be modified if the principal so desires. The act also provides that every power of attorney will be presumed to be durable unless it is drafted to expire upon a specific date or event.

Senate Bill 855 has been enacted as Chapter 830 of the 2009 Acts of Assembly; however, its provisions will not become effective unless reenacted by the 2010 General Assembly.

**SENATE BILL 860 (SENATOR EDWARDS): EMPLOYERS
REQUIRED TO PROVIDE NOTICE OF EMPLOYEE CREDIT
ELIGIBILITY FOR EARNED INCOME TAX**

This bill amends section 40.1-28.7:3 of the Code of Virginia, requiring employers to post any notice provided by the Department of Social Services that informs employees of their eligibility for federal and state earned income tax credits.

Senate Bill 860 has been enacted as Chapter 698 of the 2009 Acts of Assembly.

**SENATE BILL 871 (SENATOR TICER): DEPARTMENT OF
HEALTH RELIEVED OF MAKING CERTAIN REPORTS**

This bill amends section 3.2-206 of the Code of Virginia, relieving the Department of Health of the annual responsibility to prepare a plan describing how the department's regulations and projects will affect the conversion of farm and forest lands.

Senate Bill 871 has been enacted as Chapter 585 of the 2009 Acts of Assembly.

**SENATE BILL 877 (SENATOR MARTIN): RETIRED LAW-
ENFORCEMENT OFFICERS PERMITTED TO CARRY
CONCEALED WEAPONS INTO RESTAURANTS**

This legislation amends section 18.2-308 of the Code of Virginia, authorizing qualified retired law-enforcement officers with concealed weapon permits to carry concealed handguns onto premises serving alcohol.

Senate Bill 877 has been enacted as Chapter 779 of the 2009 Acts of Assembly.

SENATE BILL 878 (SENATOR MARTIN): ADVISORY BOARD ON MASSAGE THERAPY

This bill adds a section numbered 54.1-3029.1 to the Code of Virginia, creating an advisory board on massage therapy. This advisory board will assist the health regulatory board in carrying out the provisions of Chapter 30 relating to qualifications, examination, registration, regulation, and standards of professional conduct of massage therapists. The board will be comprised of five members, three of whom must be certified massage therapists who have practiced in Virginia for at least three years, one of whom must be an administrator or faculty member of an accredited school of massage therapy, and one a citizen of Virginia. The advisory board must meet at least once a year. Members can only serve for two successive terms. The legislation also requires health regulatory boards that appoint special conference committees for the Board of Nursing to appoint at least one member of the Board of Nursing and one member of the relevant advisory board.

Senate Bill 878 has been enacted as Chapter 534 of the 2009 Acts of Assembly.

SENATE BILL 884 (SENATOR MCEACHIN): SHARES OF STOCK BY BANKING INSTITUTIONS

This bill adds section 6.1-2.7:1 to the Code of Virginia, authorizing banks, savings institutions, bank holding companies, and savings and loan holding companies, to reclassify or convert a portion of issued and outstanding shares of common stock into a class or series of preferred stock for the purpose of ceasing to be, or avoiding the status of, an institution that is required to file periodic reports under provisions of the Securities Exchange Act of 1934. The conversion must be authorized by the institution's articles of incorporation, and the reclassified or converted shares must continue to be part of the equity capital of the corporation. Such a reclassification or conversion is exempt from appraisal rights provisions of the Stock Corporation Act if the institution's directors recommend the approval, the shareholders approve the amendment, all shares are reclassified or converted on the same terms, and articles of amendment are filed.

Senate Bill 884 has been enacted as Chapter 253 of the 2009 Acts of Assembly and is identical to *House Bill 1964* (Delegate Saxman), enacted as Chapter 356.

SENATE BILL 888 (SENATOR MCDOUGLE): ASSIGNMENT OF PENALTY FOR FAILURE TO RELEASE DEED OF TRUST

This legislation amends section 55-66.3 of the Code of Virginia, prohibiting the facilitation of an assignment to any third party by settlement agents or attorneys of their client's right to a \$500 penalty due to a lenders failure to timely deliver or file a certificate of satisfaction releasing a deed of trust.

Senate Bill 888 has been enacted as Chapter 254 of the 2009 Acts of Assembly and is identical to *House Bill 2291* (Delegate Cline), enacted as Chapter 421.

SENATE BILL 889 (SENATOR MCDOUGLE): PENALTY FOR OPERATING A CAR WITHOUT IGNITION INTERLOCK

This bill amends section 18.2-272 of the Code of Virginia, providing that operation of a motor vehicle without an ignition interlock when such operation is prohibited is a Class 1 misdemeanor. Any person so operating a vehicle forfeits his license for at least one year.

Senate Bill 889 has been enacted as Chapter 255 of the 2009 Acts of Assembly and is identical to *House Bill 1805* (Delegate Loupassi), enacted as Chapter 71.

SENATE BILL 890 (SENATOR MCDOUGLE): COLLECTION OF COURT COSTS

This legislation amends sections 3.2-6521, 3.2-6536, 16.1-69.48:1, 17.1-275.7, 46.2-104, 46.2-752, and 46.2-1157 of the Code of Virginia, clarifying that persons must still pay court costs or penalties for violations of vaccination requirements, animal licensing, or traffic infractions, even if the fine for the offense has been waived or if the defendant has taken action to comply with the law and rectify the problem.

Senate Bill 890 has been enacted as Chapter 756 of the 2009 Acts of Assembly.

SENATE BILL 892 (SENATOR MCDOUGLE): INFORMATION TECHNOLOGY PROJECTS

This bill amends section 2.2-1509.3 of the Code of Virginia, requiring the Governor to provide funding recommendations for all major information technology projects that have or are pending project development approval in the budget bill. This legislation specifies what information must be included in the budget bill regarding major information technology projects, and defines “major information technology project” as any state agency information technology project that (i) is mission-critical, (ii) has statewide application, or (iii) has a total estimated cost of more than one million dollars. Additionally, the bill requires the Chief Information Officer to determine whether funding for a major information technology project is included in the Governor’s budget bill prior to the development of such project.

Senate Bill 892 has been enacted as Chapter 757 of the 2009 Acts of Assembly.

SENATE BILL 897 (SENATOR MCDOUGLE): ANIMAL SHELTERS AND POUNDS PERMITTED TO EUTHANIZE

This bill amends sections 54.1-3423 and 54.1-3801 and repeals section 54.1-3425 of the Code of Virginia, allowing the Board of Pharmacy to register animal shelters or pounds so they may purchase, possess, and administer particular Schedule II-VI controlled substances for the purpose of euthanizing injured, sick, homeless, or unwanted domestic pets and animals and also to prevent, control, and treat certain communicable diseases that could be transmitted to the shelter population. The euthanizing drugs must be administered by those trained according to the State Veterinarian’s instructions, and the drugs for disease control may only be administered by those trained under the written protocols of the supervising veterinarian of that shelter.

Senate Bill 897 has been enacted as Chapter 169 of the 2009 Acts of Assembly and is identical to *House Bill 2097* (Delegate Orrock), enacted as Chapter 149.

SENATE BILL 898 (SENATOR MARTIN): ELDER OR DEPENDENT ADULT ABUSE REPORTING REQUIREMENTS

This bill amends section 63.2-1606 of the Code of Virginia, allowing emergency medical services personnel to forgo immediate reporting of elder abuse to adult protective services if immediate reports of the suspected abuse, neglect or exploitation are made directly to the attending physician at the hospital to which the adult is transported. In this case, the attending physician would then make the report.

Senate Bill 898 has been enacted as Chapter 538 of the 2009 Acts of Assembly.

SENATE BILL 903 (SENATOR STOSCH): INDEMNIFICATION OF CORPORATE DIRECTORS AND OFFICERS

This bill amends section 13.1-696 and 13.1-875 of the Code of Virginia, retroactively correcting an amendment that implied that indemnification of corporate officers made party to a proceeding is only available to directors and officers serving at the corporation's request. The amendment clarifies that corporate directors and officers or those serving at a corporation's request, are entitled to indemnification.

Senate Bill 903 has been enacted as Chapter 587 of the 2009 Acts of Assembly.

SENATE BILL 904 (SENATOR STOSCH): EXTENSION OF NEIGHBORHOOD ASSISTANCE TAX CREDIT

This legislation amends section 58.1-439.20 of the Code of Virginia by extending the sunset date for neighborhood assistance tax credits from July 1, 2009 to July 1, 2011.

SENATE BILL 907 (SENATOR STUART): POWER TO DONATE EASEMENTS

This legislation amends section 64.1-57.3 of the Code of Virginia, authorizing personal representatives and trustees to donate an open-space easement on the land of their decedents in order to receive the estate tax exclusion benefit.

Senate Bill 907 has been enacted as Chapter 588 of the 2009 Acts of Assembly.

**SENATE BILL 910 (SENATOR STUART): AUTOMATED
TELEPHONE SOLICITATION**

This bill amends section 59.1-200 and adds sections 59.1-518.4 through 578.4 to the Code of Virginia, prohibiting solicitors from using an automatic dialing-announcing device to make a commercial telephone call unless the caller has subscribed or the message is preceded by a live operator who gets the caller's consent. Even where the recipient has authorized or consented to the call, the automatic device must be designed to disconnect within five seconds after the party called terminates the call. A violation of this law is prohibited according to the Virginia Consumer Protection Act and may be enforced as such.

Senate Bill 910 has been enacted as Chapter 699 of the 2009 Acts of Assembly.

**SENATE BILL 922 (SENATORREYNOLDS): LARCENY OF
MONEY**

This legislation amends section 18.2-98 of the Code of Virginia, authorizing persons who steal bank notes, checks, money, or other papers of value to be charged with grand or petit larceny.

Senate Bill 922 has been enacted as Chapter 591 of the 2009 Acts of Assembly.

**SENATE BILL 923 (SENATOR REYNOLDS): MILEAGE
REIMBURSEMENT FOR JUDGES**

This legislation repeals section 17.1-524 of the Code of Virginia, revoking the granting of mileage reimbursement for travel to and from the courthouse to circuit court judges who do not reside in the county seat. The bill repeals this reimbursement because the state budget gives a stipend to such judges to cover such expenses.

Senate Bill 923 has been enacted as chapter 592 of the 2009 Acts of Assembly.

**SENATE BILL 936 (SENATOR CUCINELLI): STANDARD
VENDOR ACCOUNTING INFORMATION**

This bill amends section 30-133 and adds 2.2-1115.1 to the Code of Virginia, which requiring the Division of Purchases and Supply, the Virginia Information Technology Agency, and the state comptroller to develop and maintain data standards for use by all agencies and institutions for payments and purchases of goods and services. These standards should be reviewed and updated annually. The data collected under these standards should include vendor number, name, address, and tax identification number; commodity code, order number, invoice number, receipt information, and other information necessary to appropriately and consistently identify all suppliers of goods, commodities, and other services to the Commonwealth. The standards will be submitted to the Information Technology Investment Board for approval as statewide technical and data standards for information technology. Further, the bill requires the office of the Auditor of Public Accounts to include on its existing searchable database information related to state audits, other reports of public entries, annual bonded indebtedness, the issuance of bonds, funding actions and expenditures, and copies of grants and contracts, as the information becomes available.

Senate Bill 936 has been enacted as Chapter 758 of the 2009 Acts of Assembly.

SENATE BILL 944 (SENATOR DEEDS): FOODSTUFFS SALES AND USE TAX EXEMPTION

This legislation amends section 58.1-609.10 of the Code of Virginia, exempting the fabrication of animal meats, grains, vegetables, or other foodstuffs from sales and use taxes if the purchaser supplies and consumes the foodstuffs, is a 501(c)(3) or (c)(4) non-profit organization, or donates the foodstuffs to a 501(c)(3) or (c)(4) non-profit organization. Also exempted from the retail sales and use tax – for a temporary period from July 1, 2010 until June 30, 2020 – is computer equipment purchased for data processing, storage, retrieval, or communication. The exemption only applies to equipment purchased or leased by a data center located in Virginia that results in a capital investment of at least 150 million dollars and the creation of fifty new jobs that pay at least one and a half times the average wage of the area. In order to receive the investment, the qualifying entity must enter into a memorandum of understanding with the Virginia Economic Development Partnership Agency setting forth the details and timeline for these goals.

Senate Bill 944 has been enacted as Chapter 833 of the 2009 Acts of Assembly and incorporates *Senate Bill 813* (Senator Cucinelli) and *Senate Bill 1132* (Senator Peterson).

**SENATE BILL 946 (SENATOR HOWELL): MINIMUM
TAXATION ON TELECOMMUNICATIONS AND ELECTRIC
SUPPLIERS**

This bill amends sections 58.1-390.2, 58.1-400.1, and 58.1-400.3 of the Code of Virginia, clarifying that a limited liability company, partnership, S corporation, or other pass-through entity supplying telecommunication or electric services is subject to the minimum tax rate instead of the corporate income tax rate if the corporate income tax rate is the lesser of the two. Owners of such a pass through entity are liable for tax on actual income earned by the owners of the entity while the entity itself is liable for taxes imposed on the entity such as sales and use taxes, employee withholding taxes, and minimum taxes in lieu of income taxes.

Senate Bill 946 has been passed as Chapter 152 of the 2009 Acts of Assembly.

**SENATE BILL 951 (SENATOR HOWELL): ASSAULT AND
BATTERY OF POLICE OFFICERS**

This legislation amends section 18.2-57 of the Code of Virginia, adding Metropolitan Washington Airports Authority police officers to the list of law-enforcement officers for which assault and battery of such officer while on duty is elevated to a Class six felony.

Senate Bill 951 has been enacted as Chapter 257 of the 2009 Acts of Assembly.

**SENATE BILL 954 (SENATOR MCDUGLE): RECALL OF A
CHILDREN'S PRODUCT**

This bill amends sections 59.1-198 and 59.1-200 of the Code of Virginia, defining a children's product as a product designed for children twelve or younger and providing that it is a prohibited practice under the Virginia Consumer Protection Act to sell, offer to sell, or manufacture for sale a children's product that the supplier knows or has reason to know was recalled by the U.S. Consumer Product Safety Commission.

The section creates a rebuttable presumption that a supplier has reason to know a children's product was recalled if notice of the recall has been posted continuously at least thirty days before the sale, offer for sale, or manufacturing for sale on the website of the U.S. Consumer Product Safety Commission. This prohibition does not apply to children's products that are used or secondhand.

Senate Bill 954 has been enacted as Chapter 700 of the 2009 Acts of Assembly, and is identical to *House Bill 2039* (Delegate Iaquinto), enacted as Chapter 359.

SENATE BILL 958 (SENATOR OBENSHAIN): UNIFORM INTERSTATE DEPOSITIONS AND DISCOVERY ACT

This legislation adds sections 8.01-412.8 through 8.01-412.15 of the Code of Virginia, adopting the Uniform Interstate Depositions and Discovery Act. The Act allows a party to submit a subpoena issued by a court of another state to the circuit court in Virginia where discovery is sought. If the foreign subpoena is accompanied by a written statement that the law of the foreign state grants reciprocal discovery privileges as the law of Virginia, then the circuit court in Virginia must issue such subpoena. The Act also states that the laws of Virginia govern the service, enforcement, or denial of such subpoenas.

Senate Bill 958 has been enacted as Chapter 701 of the 2009 Acts of Assembly.

SENATE BILL 959 (SENATOR OBENSHAIN): FRAUDULENT CONVEYANCES

This legislation amends section 55-82 of the Code of Virginia, providing that courts shall award reasonable attorney fees to creditors where a fraudulent conveyance is declared void. The bill further provides that the attorney fees shall be paid out of proceeds from judicial sale so long as such does not affect a prior creditor not represented by the attorney.

Senate Bill 959 has been enacted as Chapter 593 of the 2009 Acts of Assembly.

**SENATE BILL 961 (SENATOR OBENSHAIN): TRIGGERMAN
RULE REDEFINED**

This legislation amends section 18.2-18 of the Code of Virginia, redefining the Triggerman Rule to allow principals in the second degree and accessories before the fact to be charged and punished as principals in the first degree in cases involving capital murder for hire, capital murder involving a continuing criminal enterprise, or a capital murder involving an act of terrorism. The bill further provides that principals in the second degree and accessories before the fact may be charged and punished as principals in the first degree for all other offenses involving capital murder only if he ordered or directed the premeditated killing. This bill is identical to *House Bill 2358* (Delegate Gilbert).

Both bills were adopted by both houses of the General Assembly, but were vetoed by the Governor. Though the house voted to override the Governor's veto, the Senate did not vote to override, and the bill has not been enacted into law.

**SENATE BILL 965 (SENATOR BLEVINS): PREVENTATIVE
MEDICATIONS FOR SEXUAL ASSAULT VICTIMS; MAY
AUTHORIZE REGISTERED NURSES TO ADMINISTER**

This legislation amends sections 54.1-2722 and 54.1-3408 of the Code of Virginia, allowing prescribers to authorize registered professional nurses certified as sexual assault nurse examiners under their supervision and when they are not physically present to possess and administer preventative medications for sexual assault victims as recommended by the Centers for Disease Control and Prevention, pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice.

Senate Bill 965 has been enacted as Chapter 506 of the 2009 Acts of Assembly.

**SENATE BILL 968 (SENATOR BLEVINS): LICENSURE OF
RADIOLOGIST ASSISTANTS**

This bill amends sections 54.1-2900, 54.1-2956.8:1, and 54.1-2956.8:2 to provide for the licensure of radiologist assistants as individuals who have met the requirements of the Board of Medicine for licensure as advanced-level radiologic technologists and who, under the

direct supervision of a licensed doctor of medicine or osteopathy specializing in radiology, are authorized to (1) assess and evaluate the physiological and psychological responsiveness of patients undergoing radiologic procedures, (2) evaluate image quality, make initial observations, and communicate observations to the supervising radiologist, (3) administer contrast media or other medications prescribed by the supervising radiologist, and (4) perform, or assist the supervising radiologist to perform, any other procedure consistent with the guidelines adopted by the American College of Radiology, the American Society of Radiologic Technologists, and the American Registry of Radiologic Technologists.

This bill is identical to *House Bill 1939* (Delegate Peace).

SENATE BILL 969 (SENATOR BLEVINS): STAFF-TO-CHILD RATIO AT UNLICENSED CHILD DAY CENTERS

This bill amends section 63.2-1716 of the Code of Virginia, allowing unlicensed child day care centers to reduce the staff-to-child ratio during designated rest periods. Specifically, only one staff member is required to be physically present with children from twenty-four months to six years of age during designated daily rest periods and designated sleep periods of evening and overnight care programs. In such cases, other staff members counted for purposes of the staff-to-child ratio need not be physically present in the same space as the resting or sleeping children, but must be present on the same floor as the resting or sleeping children and must have no barrier to their immediate access to the resting or sleeping children. The staff member who is physically present in the same space as the sleeping children must be able to summon additional staff counted in the staff-to-child ratio without leaving the space in which the resting or sleeping children are located.

Senate Bill 969 has been enacted as Chapter 258 of the 2009 Acts of Assembly.

SENATE BILL 978 (SENATOR STUART): RECOGNITION OF INCOME FROM DEALER DISPOSITION OF PROPERTY

This legislation amends sections 58.1-322 and 58.1-402 of the Code of Virginia, allowing taxpayers to recognize income derived from the disposition of real property held for sale to customers in the ordinary course of the taxpayer's business. Under the installment method, the taxpayer may recognize the income described in section 453 of the

Internal Revenue Code, so long as the taxpayers elects the method on or before the filing deadline and the disposition is in compliance with the Department of Taxation's conditions.

Senate Bill 978 has been enacted as Chapter 508 of the 2009 Acts of Assembly.

SENATE BILL 982 (SENATOR WAGNER): STORMWATER REGULATIONS

This legislation amends section 15.2-2114 of the Code of Virginia, requiring localities who implement a particular system of fee assessment to provide partial or full waiver of charges. Implementing such a system was formerly discretionary. This bill also adds the Department of Conservation and Recreation to listed agencies that localities must check with to see if applicant is permitted before issuing waiver.

Senate Bill 982 has been enacted as Chapter 703 of the 2009 Acts of Assembly.

SENATE BILL 986 (SENATOR COLGAN): REDUCTION OF LAND PRESERVATION TAX CREDIT

This legislation amends section 58.1-512 of the Code of Virginia, reducing the amount of the land preservation tax credit for taxable years 2009 and 2010 from \$100,000 to \$50,000. The credit will increase to \$100,000 again in fiscal in 2011 and each year thereafter. Further, any taxpayer affected by the reduction may carry over the unused portion of the credit for a maximum of twelve years until it is fully expended.

Senate Bill 986 has been enacted as Chapter 510 of the 2009 Acts of Assembly.

SENATE BILL 1000 (SENATOR QUAYLE): SEXUAL ABUSE HISTORY AS FACTOR IN DETERMINING BEST INTERESTS OF CHILD

This legislation amends section 20-124.3 of the Code of Virginia, directing courts to consider history of sexual abuse, in addition to family abuse, when determining the best interests of the child for purposes of child custody or visitation rights.

Senate Bill 1000 has been enacted as Chapter 684 of the 2009 Acts of Assembly.

SENATE BILL 1003 (SENATOR QUAYLE): PUBLIC NOTICE REQUIREMENTS FOR REAL PROPERTY TAX INCREASES DUE TO ASSESSMENT

This legislation amends section 58.1-3321 of the Code of Virginia, allowing a locality to only provide notice of the public hearing required when a real property assessment results in a tax increase fourteen days in advance under certain circumstances. This provision applies only in those years when no general appropriation act or amendments to such an act for the immediately following fiscal year have been enacted by April 30.

Senate Bill 1003 has been enacted as Chapter 511 of the 2009 Acts of Assembly.

SENATE BILL 1004 (SENATOR QUAYLE): ARCHITECT CERTIFICATION OF ENERGY-EFFICIENT BUILDINGS FOR TAX PURPOSES

This legislation amends section 58.1-3221.2 of the Code of Virginia, adding architects to the list of professionals allowed to certify a building as energy efficient for tax purposes.

Senate Bill 1004 has been enacted as Chapter 572 of the 2009 Acts of Assembly.

SENATE BILL 1009 (SENATOR DEEDS): SEARCH WARRANTS UPON ELECTRONIC COMMUNICATION SERVICE PROVIDERS

This legislation amends section 19.2-56 of the Code of Virginia, authorizing search warrants for records or information pertaining to customers of electronic communication services or remote computing services so long as such services have transacted business in Virginia. This bill further provides that such search warrants may be served on either foreign or domestic corporations and may be executed within or outside of the Commonwealth by hand, mail, facsimile, or other electronic means.

Senate Bill 1009 has been enacted as Chapter 725 of the 2009 Acts of Assembly.

SENATE BILL 1011 (SENATOR J. MILLER): POST ADOPTION CONTACT AND COMMUNICATION

This bill amends sections 16.1-277.01, 16.1-277.02, and 16.1-278.3 of the Code of Virginia and adds sections numbered 16.1-283.1, 63.2-1228.1, and 63.2-1228.2, authorizing a child's birth parent or parents to enter into a written post-adoption contact and communication agreement with the pre-adoptive parent or parents. A post-adoption contact and communication agreement may include, but is not limited to, provisions related to contact and communication between the child, the birth parent or parents, and the adoptive parent or parents, and provisions for the sharing of information about the child, including sharing of photographs of the child and information about the child's education, health, and welfare. Any contract must contain the birth parent's or parents' acknowledgment that the adoption of the child is irrevocable and acknowledgment that the agreement grants the birth parent or parents the right to seek to enforce the post-adoption contact and communication provisions set forth in the agreement.

The petitioner for adoption must file such agreement with other documents filed in the circuit court having jurisdiction over the child's adoption. A failure to enter into a post-adoption contact and communication agreement will not affect the validity of (i) the consent to the adoption, (ii) the voluntary relinquishment of parental rights, (iii) the voluntary or involuntary termination of parental rights, or (iv) the finality of the adoption.

Senate Bill 1011 has been enacted as Chapter 260 of the 2009 Acts of Assembly and is identical to *House Bill 2160* (Delegate Toscano), enacted as Chapter 98.

SENATE BILL 1012 (SENATOR EDWARDS): PLACEMENT OF CHILD IN FOSTER CARE

This bill amends section 63.2-906 of the Code of Virginia eliminating the authority of a public agency designated by the community policy and management team to enter into an agreement related to foster care with the parents of the child being placed. Only local social services boards may enter into agreements with parents for the placement of a child.

Senate Bill 1012 has been enacted as Chapter 124 of the 2009 Acts of Assembly.

SENATE BILL 1013 (SENATOR EDWARDS): ELECTRONIC CRASH PREVENTION COURSES

This bill amends section 38.2-2217 of the Code of Virginia, establishing that crash prevention courses can be administered over a secure computer-based medium, if it has been approved by the Department and has security to make sure the certificates issued are to the same person who took the course and passed the examination. The bill further provides that insurers may offer a reduction in premiums for persons who complete the course, even if by electronic means. Senate Bill 1013 has been enacted as Chapter 145 of the 2009 Acts of Assembly and is identical to *House Bill 1974* (Delegate Ware), enacted as Chapter 357.

SENATE BILL 1015 (SENATOR EDWARDS): CHILD SUPPORT ENFORCEMENT ORDER

This bill amends sections 63.2-1903 and 63.2-1931 of the Code of Virginia, eliminating the requirement that an obligor and obligee must have maintained a marital domicile in the Commonwealth in order for the Department of Social Services to establish an administrative support order on an out-of-state obligor. Further, the bill extends the time limit for service of notice of an order to withhold funds in a joint account of an obligor from twenty-one to forty-five days.

Senate Bill 1015 has been enacted as Chapter 125 of the 2009 Acts of Assembly.

SENATE BILL 1022 (SENATOR HANGER): WASTEWATER TREATMENT PLANT PETITIONS

This legislation authorizes the State Water Control Board to accept petitions from wastewater treatment plants regarding design flows based on the plants' certificates to operate through July 10, 2009. The sole purpose of the petitions will be to extend the December 31, 2015 deadline to obtain a certificate to operate at the higher design flow, subject to mandatory compliance with nutrient allocations as of January 1, 2011, under section 62.1-44.19:4 of the Code of Virginia or otherwise. The State Water Control Board shall approve or deny such

petitions after providing an opportunity for public comment and within one hundred and eighty days of the petition deadline.

Senate Bill 1022 has been enacted as Chapter 704 of the 2009 Acts of Assembly and is identical to *House Bill 2074* (Delegate Scott), enacted as Chapter 361.

SENATE BILL 1024 (SENATOR HANGER): OPEN-SPACE LANDS PRESERVATION TRUST FUND GRANTS

This bill amends section 10.1-1801.1 of the Code of Virginia, removing the requirement that conservation or open-space easements that receive grants from the Open-Space Lands Preservation Trust Fund must convey the easement to the Foundation and a local coholder. The easement may be conveyed to both the Foundation and a local coholder if the Foundation consents, but the Foundation may be the sole holder of the easement.

Senate Bill 1024 has been enacted as Chapter 599 of the 2009 Acts of Assembly.

SENATE BILL 1026 (SENATOR HANGER): CREATION OF A NONPROFIT CORPORATION BY THE FOUNDATION FOR NATURAL RESOURCES

This new legislation adds section 10.1-2140 to the Code of Virginia, authorizing the Foundation for Virginia's Natural Resources to establish a nonprofit, non-stock corporation to assist the Foundation in fostering collaborations among businesses, citizens, local governments and state agencies and in raising money to finance environmental projects. The Board of Directors will be composed of a chairman and eight members with an interest in conservation and experience in fundraising. The corporation is required to report to the Foundation annually.

Senate Bill 1026 has been enacted as Chapter 600 of the 2009 Acts of Assembly.

SENATE BILL 1028 (SENATOR HANGER): RELIGIOUS TREATMENT EXEMPTION OF ADULT NEGLECT

This bill amends section 63.2-100 of the Code of Virginia, revising specifically the definition of adult neglect. The amended definition states that no adult shall be considered neglected solely on the basis that

such adult is receiving religious nonmedical treatment or religious nonmedical nursing care in lieu of medical care, so long as such treatment or care is performed in good faith and in accordance with the religious practices of the adult and there is a written or oral expression of consent by that adult.

Senate Bill 1025 has been enacted as Chapter 705 of the 2009 Acts of Assembly.

SENATE BILL 1031 (SENATOR HANGER): REAL ESTATE BROKER LICENSE REQUIREMENTS

This bill amends sections 54.1-2103 and 55-526 of the Code of Virginia, exempting any person who is licensed and in good standing as a real estate broker or salesperson in another state from Virginia commercial real estate broker license requirements for the purpose of assisting a prospective purchaser, tenant, optionee, or licensee located in another state to purchase, lease, option, or license an interest in commercial real estate in the Commonwealth. The bill also authorizes such real estate licensee from another state to be compensated by a real estate broker in the Commonwealth.

Senate Bill 1031 has been enacted as Chapter 262 of the 2009 Acts of Assembly.

SENATE BILL 1035 (SENATOR HANGER): CONCEALED HANDGUNS IN RESTAURANTS

This legislation would have amended section 18.2-308 of the Code of Virginia, prohibiting persons with concealed weapons permits who carry a concealed handgun onto premises that serve alcoholic beverages from consuming alcoholic beverages while on the premises. The bill further provided that such persons who violate the bill by consuming alcohol shall be guilty of a Class 2 misdemeanor and that such persons who violate the bill by becoming intoxicated shall be guilty of a Class 1 misdemeanor.

Senate Bill 1035 was passed by the General Assembly but was vetoed by the Governor. The Senate rejected the motion to override the veto.

SENATE BILL 1045 (SENATOR Y. MILLER): DIVERSIONARY CASH ASSISTANCE

This bill amends section 63.2-617 of the Code of Virginia, revising the limitation on receipt of one-time diversionary Temporary Assistance for Needy Families (TANF) cash assistance from one payment per sixty-month period to one payment per twelve-month period.

Senate Bill 1045 has been enacted as Chapter 457 of the 1009 Acts of Assembly and is identical to *House Bill 1714* (Delegate Tyler), enacted as Chapter 61.

SENATE BILL 1047 (SENATOR Y. MILLER) WORKERS' COMPENSATION; RESPIRATORY DISEASE, ETC. CAUSING DEATH OF PORT AUTHORITY POLICE COMPENSABLE

This bill amends section 65.2-402 of the Code of Virginia, extending the presumption that hypertension or heart disease causing death or disability is an occupational disease and therefore compensable under the Workers' Compensation Act to police officers of the Virginia Port Authority.

Senate Bill 1047 has been enacted as Chapter 515 of the 2009 Acts of Assembly.

SENATE BILL 1052 (SENATOR WHIPPLE): AFFORDABLE RENTAL HOUSING ASSESSMENTS

This bill amends section 58.1-3295 of the Code of Virginia, allowing the owner of at least four residential units of real property operated as affordable rental housing, as defined by the locality, to apply to have their property assessed as such for tax purposes. This assessment will only be granted if the owner charges rent at levels that meet the locality's definition of affordable housing and if the property does not have any pending building code violations.

Senate Bill 1052 has been enacted as Chapter 264 of the 1009 Acts of Assembly.

SENATE BILL 1058 (SENATOR WHIPPLE): INCENTIVES FOR GREEN ROOFS

This legislation adds section 58.1-3852 to the Code of Virginia, authorizing localities to provide incentives and regulatory flexibility such as a reduction in permit fees, a stream-lined building permit approval process, or a reduction in gross receipts tax to encourage the use of green roofs in construction or repair of buildings.

Senate Bill 1058 has been enacted as Chapter 604 of the 2009 Acts of Assembly, and is identical to *House Bill 1975* (Delegate R. Ware), enacted as Chapter 17.

SENATE BILL 1059 (DELEGATE QUAYLE): CHILD SUPPORT ORDERS

This legislation amends sections 20-60.3 and 63.2-1916 of the Code of Virginia, amending the administrative requirements for orders and notices for child support or spousal support. These orders must include the name, date of birth, and last four digits of social security number for each child and each parent. The bill requires that the support order contain notice that child support obligations continue for children over the age of eighteen who are high school students, not self-supporting, and living in the home of the other parent until the child reaches the age of nineteen or graduates from high school. Notice must also be given that the court may extend child support obligations for those children over the age of eighteen who are mentally or physically disabled, unable to self-support, and live in home of the other parent. The bill also requires the support order to contain either an order for health care coverage or a written statement that health care coverage is not available at a reasonable cost, and the party paying for health care coverage for minor children must inform the Department of Social Services or the other parent of any changes to such health care coverage. Further, any support payments made must go toward current support obligations before paying off any balance in arrearage, and delinquent payments shall accrue interest unless the debtee waives in writing the collection of such interest. Finally, notice must be given that if a person is ninety days delinquent or five thousand dollars or more delinquent in support payments, the Commissioner of the Department of Social Services may initiate collection procedures and pursue any of the following penalties: (1) suspension of or refusal to

renew a driver's license; (2) withholding of income; (3) interception of tax refunds; (4) subjection of property to a lien; (5) suspension of any certificates, licenses, or authorizations to engage in a profession or activity.

Senate Bill 1059 has been enacted as Chapter 706 of the 2009 Acts of Assembly.

**SENATE BILL 1064 (SENATOR PULLER): VIRTUAL
PUBLICATION OF COMPREHENSIVE PLAN REVIEW**

This legislation amends sections 15.2-2225 and 15.2-2226 of the Code of Virginia, requiring local planning commissions to post any comprehensive plan for the physical development of a locality being considered by the commission, or part thereof, on the website maintained by the local governing body. Approved, certified, and adopted plans must also be posted. This bill notes, however, that failures to publish the comprehensive plan online will not invalidate the local planning commission's actions.

Senate Bill 1064 has been enacted as Chapter 605 of the 2009 Acts of Assembly.

**SENATE BILL 1069 (SENATOR MARTIN): CAPITAL MURDER
OF FIRE MARSHALS**

This legislation would have amended section 18.2-31 of the Code of Virginia, listing fire marshals or assistant fire marshals with police powers as law-enforcement officers under the capital murder statute, thereby allowing the death sentence to be imposed for the murder of such fire marshals.

Senate Bill 1069 was approved by both houses of the General Assembly but was vetoed by the Governor. The Senate declined to override the veto.

**SENATE BILL 1073 (SENATOR HOWELL): RISK
MANAGEMENT FOR SHERIFFS AND DEPUTIES**

This bill amends section 2.2-1839 of the Code of Virginia, clarifying when a law enforcement officer is acting within the scope of his employment for the purpose of risk management plans. A sheriff or deputy sheriff is considered to be acting in the scope of employment

when performing any law-enforcement-related services authorized by the sheriff. When performing any such service, the sheriff or deputy is protected from liability by the Division of Risk Management's risk management plans, even without prior notice to or authorization by the Division.

Senate Bill 1073 has been enacted as Chapter 2655 of the 2009 Acts of Assembly.

SENATE BILL 1075 (SENATOR HOWELL): DISTRIBUTION AND SALE OF CONTACT LENSES AND OPHTHALMIC DEVICES

This legislation amends sections 54.1-1706, 54.1-3202, 54.1-3204, and 54.1-3301 of the Code of Virginia. It permits only licensed optometrists and licensed opticians operating or working in a retail establishment to sell or dispense contact lenses, upon the valid written prescription of an individual licensed to practice medicine or osteopathy or a licensed optometrist. Further, only licensed optometrists may prescribe and pharmacists may dispense ophthalmic devices that contain medication.

Senate Bill 1075 has been enacted as Chapter 761 of the 2009 Acts of Assembly, and is identical to *House Bill 1943* (Delegate Peace), enacted as Chapter 353.

SENATE BILL 1077 (SENATOR HOWELL): NOTIFICATION AND DISCLOSURE IN THE COMMITMENT PROCESS

This bill amends sections 32.1-127.1:03 and 37.2-804.2, authorizing the disclosure of information directly relevant to involvement with a patient's health care, including the patient's location and general condition, to a family member or personal representative involved in the commitment process when the patient has agreed to the notification, the patient has been provided with an opportunity to object to the notification and does not express an objection, the health care provider can reasonably infer from the circumstances the patient does not object, or if the opportunity to agree or object cannot practicably be provided because of the patient's capacity or an emergency circumstance and it is deemed in the best interests of the individual. The bill also permits any health care provider providing services to a patient who is subject of commitment proceedings to

disclose such information unless the provider has actual knowledge a family member or personal representative is prohibited by court order from contacting the patient.

Senate Bill 1077 has been enacted as Chapter 606 of the 2009 Acts of Assembly.

SENATE BILL 1078 (SENATOR HOWELL): COMPENSATION FOR JUSTICES

This legislation amends section 37.2-804 of the Code of Virginia, clarifying that special justices, retired judges, or district court substitute judges are entitled to receive compensation for mileage, parking, tolls, and postage, in addition to the regular fee for presiding over hearings.

Senate Bill 1078 has been enacted as Chapter 266 of the 2009 Acts of Assembly.

SENATE BILL 1079 (SENATOR HOWELL): EMERGENCY CUSTODY

This legislation amends section 37.2-808 of the Code of Virginia, authorizing law-enforcement officers to take a person into emergency custody, based on his observations giving him probable cause to believe that a person meets the criteria for emergency custody, and transport such person beyond his jurisdiction for the purposes of assessment or evaluation. This bill provides that such period of custody shall not exceed four hours unless a magistrate grants and extension for good cause.

Senate Bill 1079 has been enacted as Chapter 607 of the 2009 Acts of Assembly, and is identical to *House Bill 2486* (Delegate Ward), enacted as Chapter 383.

SENATE BILL 1082 (SENATOR HOWELL): VOLUNTARY AND INVOLUNTARY COMMITMENT

This legislation amends section 37.2-801 of the Code of Virginia, directing the Office of the Executive Secretary of the Supreme Court of Virginia to prepare and distribute petitions, orders, and other legal documentation required for custody, detention, and involuntary admission proceedings. The bill further directs the Department of Mental Health, Mental Retardation and Substance Abuse Services to

prepare and distribute the preadmission screening report, examination, and other necessary documentation for custody, detention, and involuntary admission proceedings, and to distribute these forms to mental health care providers and community services boards.

Senate Bill 1082 has been enacted as Chapter 708 of the 2009 Acts of Assembly.

SENATE BILL 1083 (SENATOR HOWELL): MENTAL HEALTH COMMITMENT PROCESS

This legislation amends sections 19.2-182.9, 37.2-808, 37.2-815, 37.2-816, 37.2-817, and 37.2-819 of the Code of Virginia, authorizing judges to grant an extension to an emergency custody order for a period of two hours upon a finding of good cause. The bill further states that good cause exists when additional time is needed to find a suitable facility in which a person can be temporarily detained or additional time is needed to complete a medical evaluation of a person. The bill also provides that the medical examiner of a person in emergency custody and the representative of the community services board shall not be sequestered from hearings. Further, the preadmission screening report prepared by the community services board shall be admitted into evidence. Finally, this legislation extends the Central Criminal Records Exchange reporting requirements to the close of business on the business day following a hearing resulting in involuntary commitment.

Senate Bill 1083 has been enacted as Chapter 838 of the 2009 Acts of Assembly.

SENATE BILL 1085 (SENATOR HOUCK): REVOCATION OF A "DO NOT RESUSCITATE" ORDER

This legislation amends section 54.1-2987.1 of the Code of Virginia, clarifying that when a patient himself is able to and does express to a health care provider or practitioner a desire to be resuscitated in the event of cardiac or respiratory arrest, the provider's or practitioner's authority to follow a written Durable Do Not Resuscitate Order is revoked. Similarly, when the patient is a minor or is otherwise incapable of making an informed medical decision, a Durable Do Not Resuscitate Order issued upon request of and with the consent of a party authorized to consent on the patient's behalf will be revoked by that party expressing desire that the patient be resuscitated. In either instance, a new Durable Do Not Resuscitate Order may be issued upon consent of

the patient or a party authorized to consent on the patient's behalf. Finally, Do Not Resuscitate Orders may be rescinded in accordance with accepted medical practice by the provider or practitioner who issued the order.

Senate Bill 1085 has been enacted as Chapter 549 of the 2009 Acts of Assembly.

SENATE BILL 1089 (SENATOR J. MILLER): INVESTMENT PERFORMANCE GRANTS

This bill amends section 2.2-5101 of the Code of Virginia increasing the investment performance grant amount available under the Virginia Investment Partnership Act to an eligible manufacturer from three million to one and a half million dollars. Projects that demonstrate extraordinary characteristics are eligible for grants of up to five million dollars. The bill after July 1, 2009, increases the amount of funds available to eligible projects to an aggregate of six million dollars and caps the aggregate amount available at thirty million. All grants awarded on or after July 1, 2009, the annual obligations of the Commonwealth to make payments to individual recipients under the investment performance grants will not exceed one million dollars.

Senate Bill 1089 has been enacted as chapter 267 of the 2009 Acts of Assembly.

SENATE BILL 1090 (SENATOR J. MILLER): ANNUAL AND BIENNIAL REPORTS BY STATE ENTITIES

This bill amends section 2.2-608 of the Code of Virginia, requiring state entities that make annual and biennial reports to post the report on the entities' website on or before October 1st each year. In addition to the posting requirement, no more than 100 hard copies of the report must be printed unless there is a specific request for additional copies.

Senate Bill 1090 has been enacted as Chapter 550 of the 2009 Acts of Assembly.

SENATE BILL 1096 (SENATOR HERRING): DESIGN BILL CONSTRUCTION MANAGEMENT REVIEW BOARD

This bill amends section 2.2-2405 of the Code of Virginia, granting the Design Bill Construction Management Review board a one time discretionary power to determine that a locality with a population in excess of 100,000 has the personnel, procedures, and expertise necessary to enter into contracts for construction on either a fixed price or not-to-exceed price design-build or construction management basis without the approval of the Review Board. Any projects undertaken after such determination are exempt from approval by the Review Board but must otherwise be in compliance with all applicable law governing construction management contracts, law governing design builds and the Virginia Public Procurement Act.

Senate Bill 1096 has been enacted as Chapter 519 of the 2009 Acts of Assembly.

SENATE BILL 1105 (SENATOR NORTHAM): RESTAURANT SMOKING BAN

This legislation adds sections 15.2-2820 through 15.2-2833, amends section 18.2-511.1, and repeals sections 15.2-2800 through 15.2-2810, enacting a smoking ban in Virginia restaurants and other public places. This bill prohibits smoking in elevators, public school buses, the interior of public schools, hospital emergency rooms, local or district health departments, polling rooms, indoor service lines and cashier lines, public restrooms of buildings leased from the Commonwealth or agency and of health care facilities, the interior of child day center not doubling as a residence, restaurants, and restrooms of restaurants. An exception to the general prohibition of smoking in restaurants include, but are not limited to, private clubs, private functions, and establishments that have an open air setting or patio or separately ventilated smoking bar. Establishments are required to provide proper signage concerning whether the area is no-smoking or smoking permitted. This bill permits a civil fine of twenty-five dollars if a violator breaks the law and fails to extinguish smoking upon request. Any law enforcement officer is permitted to enforce this law. Localities are further given the ability to enact ordinances, which cannot exceed the regulation of this bill. This bill lastly prohibits local government from regulating smoking with standards that exceed those established by this act.

Senate Bill 1105 has been enacted as Chapter 154 of the 2009 Act of Assembly and this bill incorporates *Senate Bill 870* (Senator Lucas) and *Senate Bill 1002* (Senator Quayle).

**SENATE BILL 1111 (SENATOR NORTHAM): ESTABLISHING
A CRAB SEASON**

This bill amends section 28.2-709 of the Code of Virginia, making it unlawful to catch crabs for resale except during lawful periods. These periods will be established by regulations adopted by the marine resources commission. Formerly, it was only unlawful to catch crabs from June 1 through September 15.

Senate Bill 1111 has been enacted as chapter 170 of the 2009 Acts of Assembly.

**SENATE BILL 1114 (SENATOR TICER): ADOPTION OF
EMERGING STORMWATER CONTROL TECHNOLOGIES**

This bill amends section 10.1-603.4 of the Code of Virginia, directing the Virginia Soil and Water Conservation Board to adopt regulations that provide for the evaluation and potential inclusion of emerging or innovative stormwater control technologies that may prove effective in reducing nonpoint source pollution.

Senate Bill 1114 has been enacted as Chapter 709 of the 2009 Acts of Assembly.

**SENATE BILL 1116 (SENATOR TICER): MANDATED
HEALTH INSURANCE COVERAGE FOR PROSTHETIC
DEVICES**

This bill amends sections 38.2-4319 and 38.2-3418.15 of the Code of Virginia, requiring health insurers to offer and make available coverage for medically necessary prosthetic devices, as well as their repair, fitting, replacement, and components.

Senate Bill 1116 has been enacted as Chapter 839 of the 2009 Acts of Assembly.

**SENATE BILL 1119 (SENATOR COLGAN): INCENTIVE
FINANCING FOR MAJOR EMPLOYMENT AND
INVESTMENT PROJECTS**

This bill amends sections 2.2-2260, 2.2-2261, 2.2-2263, 2.2-3705.6,

62.1-198, 62.1-199 and adds sections 30-309 through 30-312 of the Code of Virginia, authorizing the Virginia Public Building Authority and Virginia Resources Authority to provide finances for economic development initiatives for major employment and investment projects, known as MEI projects, performed by state and local government entities. MEI projects are those which a private entity plans to make a capital investment worth over \$250 million and create at least 400 new jobs. This bill also establishes the MEI Project Approval Commission to review the financing for individual incentive projects that will be financed by the Virginia Public Building Authority.

Senate Bill 1119 has been enacted as Chapter 311 of the 2009 Acts of Assembly.

SENATE BILL 1120 (SENATOR COLGAN): TAX AMNESTY PROGRAM

This bill amends section 58.1-1840.1 of the Code of Virginia, allowing the Department of Taxation to administer a tax amnesty program for fiscal years 2009 and 2010. All civil or criminal penalties from tax violations would be waived upon payment of delinquent taxes. The Department will also be exempt from oversight from the Virginia Information Technologies Agency's oversight for this program.

Senate Bill 1120 has been enacted as Chapter 611 of the 2009 Acts of Assembly.

SENATE BILL 1122 (SENATOR LUCAS): MANDATORY OUTPATIENT TREATMENT OF MINORS

This legislation amends sections 16.1-336 through 16.1-342, 16.1-344, 16.1-345, 16.1-345.1, 37.2-808, and 37.2-809 of the Code of Virginia and adds sections 16.1-339.1 and 16.1-345.2 through 16.1-345.5, relating to mandatory outpatient treatment under the Psychiatric Inpatient Treatment of Minors Act. The bill authorizes mandatory outpatient treatment for minors meeting the criteria for involuntary commitment when such less restrictive treatment is appropriate and the minor and his parents have the capacity to understand the minors treatment and agreed to comply with the treatment plan. The legislation establishes the procedures for such mandatory outpatient treatment and the results of noncompliance with the treatment plan. It authorizes a minor to petition for voluntary admission for treatment of a mental illness when detained by a juvenile and domestic relations court.

The bill also clarifies that circumstances under which a medical evaluator's report is admissible into evidence and the medical evaluator's attendance is required at hearings.

Senate Bill 1122 has been enacted as Chapter 555 of the 2009 Acts of Assembly and is identical to *House Bill 2061* (Delegate Hamilton) enacted as Chapter 455.

SENATE BILL 1142 (SENATOR WHIPPLE): CLARIFICATION OF THE HEALTH CARE DECISIONS ACT

This bill amends the Health Care Decisions Act in sections 37.2-801, 37.2-1009, 54.1-2982 to 54.1-2992 of the Code of Virginia; and adds sections 37.2-805.1 and 54.1-2983.1 to 54.1-2983.3, 54.1-2985.1, 54.1-2986.1, and 54.1-2986.2 to the Code of Virginia permitting incapacitated persons warranting treatment in a facility to be admitted pursuant to advance directives or by guardians for no more than ten calendar days if the person has a mental illness, is incapable of making an informed decision, is in need of treatment and the facility has agreed to admit the person; such persons must first be screened by the local community services board. The bill also more extensively defines the requirements for a court's order appointing a guardian and it clarifies procedures for making an advance directive. Further the bill notes that an advance directive may authorize an agent to allow the declarant to participate in an approved health care study either to directly benefit the declarant's health, or to promote scientific understanding of the declarant's condition. It is further established that every adult is presumed capable of making and informed decision. A second physician, not otherwise involved in the care of the patient, must affirm the determination of incapacity at least once every 180 days while the need for health care continues. The bill clarifies when a physician may treat a patient over his or her protests and determining when a patient is not competent to make an informed decision regarding medical care. The bill specifies that competent adults may make a written advance directive to advise which health care decisions are not authorized, appoint an agent to make medical decisions, and to provide for anatomical gifts. A suggested advance directive is included in the legislation.

Finally, the bill provides that a person who willfully conceals, cancels, defaces, obliterates, damages, falsifies, or forges an advance medical directive or revocation of an advance directive of another shall be guilty of a Class 1 misdemeanor; where such action causes life-prolonging

procedures to be used in contravention to previously expressed intent, such person shall be guilty of a Class 6 felony; and where such action directly causes life-prolonging procedures to be withheld in contravention of the previously expressed intent or death to be hastened, such person shall be guilty of a Class 2 felony.

Senate Bill 1142 has been enacted as Chapter 268 of the 2009 Acts of Assembly and incorporates *Senate Bill 1051* (Senator Whipple). It is identical to *House Bill 2396* (Delegate Bell), enacted as Chapter 211.

SENATE BILL 1147 (SENATOR WHIPPLE): CAPTIVE REAL ESTATE INVESTMENT TRUST TAXATION

This bill amends section 58.1-402 of the Code of Virginia, setting the parameters for deductions of dividends and taxation of Captive Real Estate Investment Trusts. A Captive Real Estate Investment Trust is one that is not regularly traded on the marked. More than fifty percent of the voting power is controlled by a for-profit corporation and more than twenty-five percent of its income is profit from rents of real property.

Senate Bill 1147 has been enacted as Chapter 558 of the 2009 Acts of Assembly.

SENATE BILL 1149 (SENATOR HOWELL): JUVENILE LAW

This legislation amends sections 4.1-305, 16.1-237, 16.1-260, and 18.2-57.2 of the Code of Virginia, clarifying the law pertaining to juvenile delinquency and juvenile courts. The bill provides that the differed disposition provisions of the underage possession of alcohol laws apply only to defendants who are eighteen or older, and that a violation of the law by a minor is handled in accordance with juvenile law. Further, the bill makes it mandatory for an intake officer to file a petition alleging that a juvenile is delinquent, rather than proceeding informally, if the juvenile committed an offense that would be a felony if committed by an adult and has previously been adjudicated delinquent for an offense that would be a felony. The bill also authorizes probation or parole officers to maintain records that include photographs of juveniles.

Senate Bill 1149 has been enacted as Chapter 726 of the 2009 Acts of Assembly.

SENATE BILL 1153 (SENATOR MCDOUGLE): AMENDMENTS TO THE PUBLIC-PRIVATE EDUCATION FACILITIES AND INFRASTRUCTURE ACT OF 2002

This legislation amends sections 56-575.1, 56-575.17, and 56-575.18 of the Code of Virginia, making certain technical amendments to the review process of conceptual proposals for the building of a public facility. The new provisions require that the responsible public entity hold a public hearing on the proposals during the proposal review process but not later than thirty days prior to entering into an interim or comprehensive agreement, clarifying previous language to a similar effect. Further, copies of the agreements and supporting documents must be electronically filed with the Auditor of Public Accounts and electronic agreements should be made available in an online database.

Senate Bill 1153 incorporates *Senate Bill 1244* (Senator Stosch) and has been enacted as Chapter 762 of the 2009 Acts of Assembly.

SENATE BILL 1154 (SENATOR MCDOUGLE): FREE COPIES OF MEDICAL BILLS

This legislation amends section 8.01-413 of the Code of Virginia, specifying that a patient may request from their health care provider a copy of their account balance or itemized listing of charges and such must be provided to the patient or their attorney at no cost up to three times every twelve months.

Senate Bill 1154 has been enacted as Chapter 270 of the 2009 Acts of Assembly.

SENATE BILL 1157 (SENATOR SASLAW): PENALTY FOR MISREPRESENTATION OF CONSIDERATION FOR PROPERTY

This bill amends section 58.1-812 of the Code of Virginia, increasing the penalty for any misrepresentation of the conveyance of an interest in property for recordation or grantor's taxes from a Class 2 to a Class 1 misdemeanor. In addition, a penalty equal to one hundred percent of the

tax due will be imposed, and added to the amount of tax due, plus interest, for a false or fraudulent understatement of the consideration given with the intent to evade a tax.

Senate Bill 1157 has been enacted as Chapter 686 of the 2009 Acts of Assembly.

**SENATE BILL 1162 (SENATOR WATKINS): PLAN OF
CORRECTION FOR FAILURE TO MEET CONDITIONS
IMPOSED BY A CERTIFICATE OF PUBLIC NEED**

This legislation amends section 32.1-102.4 of the Code of Virginia; which allows the State Health Commissioner to impose certain conditions relating to the delivery of services to indigents and in medically underserved areas when issuing a certificate of public need. The new provisions require certificate-holders to provide documentation demonstrating that the conditions have been satisfied. If conditions are not met, the Department of Health may approve alternative methods in a plan of compliance. This alternative plan of compliance must identify a timeframe in which the certificate holder will satisfy the conditions and may include making direct payments to organizations authorized to receive contributions satisfying the conditions of the certificate, making direct payments to a private nonprofit foundation that funds basic insurance coverage for indigents authorized to receive contributions satisfying conditions of a certificate, or other documented efforts or initiatives to provide primary or specialized care to underserved populations.

Senate Bill 1162 has been enacted as Chapter 711 of the 2009 Acts of Assembly.

**SENATE BILL 1163 (SENATOR WATKINS): COMPOSITION
OF THE WIRELESS E-911 SERVICES BOARD**

This legislation amends sections 56-484.13 and 56-484.15 of the Code of Virginia, decreasing the number of board members appointed by the Governor from thirteen to twelve. The bill relieves the Chief Information Officer of the Information Technology Investment Board of the position as chairman of the wireless E-911 Management Board, replacing him with the Director of the Virginia Department of Energy Management. The bill further increases the number of members of the wireless carriers E-911 Cost Recovery Subcommittee from seven to

eight, adding the Director of the Virginia Department of Energy Management as a member and designating him as the chairman of the subcommittee, instead of the Chief Information Officer.

Senate Bill 1163 has been enacted as Chapter 613 of the 2009 Acts of Assembly.

SENATE BILL 1164 (SENATOR WATKINS): WIRELESS E-911 FUND

This legislation amends section 2.2-2031 of the Code of Virginia, authorizing payments for operating expenses and administrative costs of the Division of Public Safety Communications from the Wireless E-911 Fund.

Senate Bill 1164 has been enacted as Chapter 614 of the 2009 Acts of Assembly.

SENATE BILL 1170 (SENATOR WATKINS): AUTHORITY OF THE ATTORNEY GENERAL TO INVESTIGATE VIOLATIONS OF THE MORGATGE LENDER AND BROKER ACT

This bill amends sections 6.1-430 and 6.1-430.1 of the Code of Virginia, providing that no person in the business of originating residential mortgage loans shall use any deception, fraud, false pretense, false promise, or misrepresentation in connection with a mortgage loan transaction and authorizes the Attorney General to investigate any such violation by issuing a civil investigative demand. The Attorney General may bring an action in circuit court to enjoin any such violations. If a person is found to have committed a willful violation, the Attorney General may recover a civil penalty of not more than \$2,500 per violation. The Attorney General may also recover damages, restitution on behalf of borrowers, other costs and expenses, and attorney fees. The bill does not create a private right of action in favor of any person aggrieved by a violation.

Senate Bill 1170 has been enacted as chapter 727 of the 2009 Acts of Assembly and is identical to *House Bill 2262* (Delegate Kilgore), enacted as chapter 204.

SENATE BILL 1174 (SENATOR WATKINS): PATENT PROTECTION AND COPYRIGHT POLICIES

This legislation amends section 2.2-2822 of the Code of Virginia, vesting what was formerly the Governor's responsibility to establish patent and copyright policies in the Secretary of Administration, in consultation with the Secretary of Technology. These policies are subject to approval by the Governor. Specifically, policies regarding protection and release of patents and copyrights owned by the Commonwealth will be developed by the Secretary of Administration. These policies must include: a policy granting state agencies the authority over the protection and release of patents and copyrights created by employees of the agency, which will authorize state agencies to release all potentially copyrightable materials under the Creative Commons or Open Source Initiative licensing system, a provision authorizing state agencies to seek patent protection only in those instances where the agency reasonably determines the patent has significant commercial value, according a summary of the expected commercial value of the patent, which must be filed with the Secretary, a procedure authorizing state agencies to license or transfer to a state employee any interest in potentially patentable material developed by that employee during work hours; and a procedure authorizing state agencies to license or transfer to a private entity any interest in potentially patentable material developed by that agency.

Senate Bill 1174 has been enacted as Chapter 841 of the 2009 Acts of Assembly.

SENATE BILL 1176 (SENATOR WATKINS): REQUIRED CONSULTATION WITH LODGING PROPERTIES FOR USE OF TRANSIENT OCCUPANCY TAX

This legislation amends section 58.1-3819 of the Code of Virginia, requiring localities who adopt a transient occupancy tax greater than two percent of the amount of the charge for occupancy of any room to consult with representations of lodging properties within the country. Currently, the law requires consultation with local tourism industry organizations, but does not specifically mention lodging properties.

Senate Bill 1176 has been enacted as Chapter 524 of the 2009 Acts of Assembly.

**SENATE BILL 1180 (SENATOR HANGER): DUTIES OF THE
STATE EXECUTIVE COUNCIL FOR COMPREHENSIVE
SERVICES**

This bill amends section 2.2-2648 of the Code of Virginia, expanding the responsibilities of the State Council for Comprehensive Services for At-Risk Youth and Families. The amendment directs the Council to report and analyze expenditures associated with children who do not receive pool funding and have emotional and behavioral problems and to identify funding streams used to purchase services in addition to pooled, Medicaid, and Title IV-E funding.

Senate Bill 1180 has been enacted as Chapter 712 of the 2009 Acts of Assembly.

**SENATE BILL 1181 (SENATOR HANGER): OFFICE OF
COMREHENSIVE SERVICES**

This bill amends section 2.2-2649 of the Code of Virginia, requiring the Director of the Office of Comprehensive Services for At-Risk Youth and Families to report to the Council all expenditures associated with serving children who receive pool-funded services, including all services purchased with pool funding, all treatment, foster care case management, and residential care funded by Medicaid, and all child-specific payments made through the Title IV-E program; to report to the State Executive Council on the nature and cost of all services provided to the population of at risk and troubled children identified by the Council as within the scope of the comprehensive services program; develop and distribute model job descriptions for the position of Comprehensive Services Act Coordinator and provide technical assistance to localities and coordinators to help them guide localities in prioritizing the coordinators' responsibilities toward activities to maximize program effectiveness and minimize spending; and develop and distribute guidelines, approved by the State Executive Council, regarding the development and use of multidisciplinary teams to encourage utilization of multidisciplinary teams in service planning.

Senate Bill 1181 incorporates *Senate Bill 1182* (Senator Hanger), *Senate Bill 1183* (Senator Hanger) and *Senate Bill 1184* (Senator Hanger) and has been enacted as Chapter 275 of the 2009 Acts of Assembly.

SENATE BILL 1197 (SENATOR PUCKETT): EXPUNGEMENT OF RECORDS FOR VICTIMS OF IDENTITY THEFT

This legislation amends section 19.2-392.2 of the Code of Virginia, specifying that victims of identity theft resulting in criminal records of charges against them shall not be responsible for paying fees for filing petition to expunge such records of charges.

Senate Bill 1197 has been enacted as Chapter 618 of the 2009 Acts of Assembly.

SENATE BILL 1198 (SENATOR PUCKETT): DISABLED VETERAN'S PASSPORT

This new legislation amends the Code of Virginia by adding section 10.1-202.2, creating a Disabled Veteran's Passport, which entitles the holder to free parking and entry at state parks and fifty percent discount on camping, swimming, and picnic shelter rental fees and other equipment rental fees provided by the Department of Conservation and Recreation. The passport shall be issued upon a showing that the person has a service-connected disability rating of one hundred percent.

Senate Bill 1198 has been enacted as Chapter 560 of the 2009 Acts of Assembly.

SENATE BILL 1199 (SENATOR PUCKETT): FEES CHARGED TO INMATES FOR KEEP

This bill amends section 53.1-131.3 of the Code of Virginia, increasing the per day fee for keep charged to a jail inmate from one dollar to three dollars. Further, if the jail is a regional jail, funds collected from any such fee will be credited to the participating locality whose inmate was charged the fee.

Senate Bill 1199 was enacted as Chapter 842 of the 2009 Acts of Assembly, after the Governor's recommendation of decreasing the fee amount of five dollars, as originally set by the bill, to three dollars was accepted.

This bill was identical to *House Bill 1919* (Delegate Crockett-Stark), which was vetoed after the General Assembly declined to adopt the Governor's recommendation.

SENATE BILL 1200 (SENATOR PUCKETT): VEHICLE FEE EXEMPTION FOR VETERANS AND SPOUSES

This bill amends section 46.2-752 of the Code of Virginia, expanding the motor vehicle license fee exemption to include not only disabled veterans and their surviving spouses but all veterans and their families. This bill allows localities to issue licenses free of charge for any vehicle owner qualified to receive special license plates by virtue of his or her status as a former member of one the armed services of the United States.

Though originally identical to *House Bill 2182* (Delegate Phillips), enacted as 366 of the 2009 Acts of Assembly, Senate Bill 1200 was amended to come into conflict with its House companion bill. It has been enacted as Chapter 843 of the 2009 Acts of Assembly.

SENATE BILL 1201 (SENATOR PUCKETT): HOME ENERGY ASSISTANCE

This bill amends section 63.2-805 of the Code of Virginia, requiring the Department of Social Services, in administering the Home Energy Assistance Program, to conduct biennial surveys in each year that a report is due to the General Assembly on the effectiveness of low-income energy assistance programs in meeting the needs of low-income Virginians.

Senate Bill 1201 has been enacted as Chapter 127 of the 2009 Acts of Assembly.

SENATE BILL 1213 (SENATOR DEEDS): CONTROL OF BLENDED ALCOHOLIC BEVERAGES

This bill amends section 4.1-119 of the Code of Virginia, defining the term “blended” as the receipt of any liquor which is additionally aged and bottled by the receiving distillery. The bill further designates any licensed distiller who blends alcoholic beverages on his licensed premises and meets other existing statutory requirements as agents of the ABC Board.

Senate Bill 1213 has been enacted as Chapter 620 of the 2009 Acts of Assembly.

**SENATE BILL 1218 (SENATOR OBENSHAIN): NOTICE OF
RELEASE OF JUVENILE OFFENDERS TO SCHOOLS**

This legislation amends section 16.1-305.2 of the Code of Virginia and adds section 66-25.2:1 to the Code of Virginia, authorizing the Director of the Department of Juvenile Justice to notify the superintendent where a juvenile offender will attend school upon release from a juvenile correctional center if there is reason to believe the juvenile poses any credible danger of serious bodily injury or death to a student or school personnel. The bill allows the superintendent to disclose this information to the school principal, who may in turn disseminate the information as necessary to other school personnel for safety purposes.

Senate Bill 1218 has been enacted as Chapter 276 of the 2009 Acts of Assembly.

**SENATE BILL 1219 (SENATOR OBENSHAIN): PENALTY FOR
HANGING NOOSE AS A THREAT**

This legislation adds section 18.2-423.2 to the Code of Virginia, making it a Class 6 felony for any person to display a noose on the private property of another without permission or in a public place (with the intent to intimate another person or groups of persons).

Senate Bill 1219 has been enacted as Chapter 277 of the 2009 Acts of Assembly.

**SENATE BILL 1222 (SENATOR OBENSHAIN): NONPROFIT
SALES AND USE TAX EXEMPTION REQUIREMENTS**

This bill amends section 58.1-609.11 of the Code of Virginia, requiring nonprofit entities with gross annual revenue of at least \$750,000 in the previous year to provide a financial review by an independent certified public accountant to qualify for a sales and use tax exemption. Moreover, the Department of Taxation may require nonprofit entities with gross annual revenue of at least \$1,000,000 in the previous year to provide a financial audit performed by an independent certified public accountant to qualify for the tax exemption.

Senate Bill 1222 has been enacted as Chapter 526 of the 2009 Acts of Assembly.

SENATE BILL 1223 (SENATOR OBENSHAIN): NOTIFICATION OF GANG MEMBERSHIP

This bill amends section 53.1-10 of the Code of Virginia, mandating that the Director of the Department of Corrections notify the attorney for the Commonwealth of an inmate's gang membership status when the Commonwealth Attorney is prosecuting that inmate for an offense committed while in prison. The notice must include identifying information and the criminal record for each gang member.

Senate Bill 1223 has been enacted as Chapter 621 of the 2009 Acts of Assembly and is identical to *House Bill 2441* (Delegate Cline), enacted as Chapter 39.

SENATE BILL 1236 (SENATOR BARKER): INCREASED MEMBERSHIP OF THE BOARD OF HEALTH

This bill amends section 32.1-5 of the Code of Virginia; adding two members to the State Board of Health, thereby increasing its membership to fifteen residents. One of the new members must be an expert in public environmental health, and the other must be a representative of the emergency medical services community as recommended by the State Emergency Medical Services Advisory Board.

Senate Bill 1236 has been enacted as Chapter 128 of the 2009 Acts of Assembly.

SENATE BILL 1237 (SENATOR BARKER): CHILD SUPPORT AND HEALTH CARE

This legislation amends sections 20-60.3, 20-103, 20-107.2, 20-108.1, 20-108.2, 20-124.2, 63.2-1900, 63.2-1902, 63.2-1903, 63.2-1916, and 63.2-1924.1 of the Code of Virginia and adds section 63.2-1954.1 to the Code of Virginia, requiring the Department of Social Security to deduct health care costs from child support payments to custodial parents and send the cost of health care coverage to the plan provider when the child support order includes Department-sponsored health care coverage. The custodial parent must be paid first if

payments are not sufficient for both child support and health care costs. The bill further modifies child support guidelines relating to health care costs to come into compliance with federal requirements.

Senate Bill 1237 has been enacted as Chapter 713 of the 2009 Acts of Assembly.

SENATE BILL 1241 (SENATOR STOSCH): REVISIONS TO THE LAW OF LIMITED LIABILITY COMPANIES

This bill amends sections 13.1-1002, 13.1-1011, 13.1-1023, 13.1-1035, 13.1-1040.1, 13.1-1049.1, 13.1-1049.3, and 13.1-1117 of the Code of Virginia, binding a limited liability company by the terms of its operating agreement whether or not the operating agreement is actually executed. The amendments clarify that restrictions on distributions made by a limited liability company do not apply to distributions upon dissolution for a wrongful distribution from six to two years. Further, a claim against a dissolved limited liability company must be commenced within ninety days from the effective date of the notice from the company rather than the former requirement to commence a claim within ninety days from the date that the company receives written notice of the claim. The change also allows a dissolved limited liability company to apply for a court determination of the security to be provided for payment of claims that will not mature for more than sixty days after written notice of the claim has been delivered to the claimant. Lastly, the bill provides that the obligation of a professional limited liability company to pay a former member the value of his interest when his membership is terminated, is not contingent upon the company's continuation.

Senate Bill 1241 has been enacted as Chapter 763 of the 2009 Acts of Assembly.

SENATE BILL 1246 (SENATOR STOSCH): EXTENTION OF RETALIATORY COSTS TAX CREDIT

This bill amends section 58.2-2510 of the Code of Virginia, extending from five to ten years, the time period within which a qualified company may use the retaliatory tax credit permitted as a result of the difference between other states' lower tax rates and costs in the year in which the credit was earned. The extension applies to credit, whether before or after the current tax year.

Senate Bill 1246 has been enacted as Chapter 567 of the 2009 Acts of Assembly.

**SENATE BILL 1251 (SENATOR Y. MILLER): FOIA
EXCLUSION FOR CERTAIN ACTIVITIES AND RECORDS OF
THE COLLEGE SAVINGS PLAN BOARD**

This legislation amends sections 2.2-3705.7, 2.2-3711, 23-9.2:3.03, 23-38.76, 23-38.77, 23-38.79, 23-38.80, 23-38.87, and 23-38.88 of the Code of Virginia and creates sections 23-38.79:1 and 23-38.87:1. providing for the authorization of closed meetings of the Board of the Virginia College Savings Plan in certain circumstances, permitting certain financial records of the College Savings Plan from the Freedom of Information Act and the bill also expands the Virginia College Savings Plan Board from eight to eleven members, creates an Investment Advisory Committee and Audit and Actuarial Committee to the Board, and grants the Board the authority to establish scholarships or matching grant programs for qualified students. Further, the position responsible for direction, management, and administration of the Virginia College Savings Plan is renamed from “Executive Director” to “Chief Executive Officer,” and the qualifications and duties of this officer are clarified.

Senate Bill 1251 has been enacted as Chapter 845 of the 2009 Acts of Assembly, and is identical to *House Bill 2549* (Delegate Cox).

**SENATE BILL 1256 (SENATOR MARSH): REPEAL OF THE
“YEAR AND A DAY” RULE**

This new legislation adds section 19.2-8.1 to the Code of Virginia, providing that prosecution for murder or manslaughter may be initiated under common law or under the Code of Virginia regardless of the amount of time elapsed between the commission of the crime and the date of the death of the victim. This bill revokes the common law rule that if more than a year passed between the act causing death and the actual death, the defendant could not be tried for murder.

Senate Bill 1256 has been enacted as Chapter 218 of the 2009 Acts of Assembly.

SENATE BILL 1257 (SENATOR MARSH): GUN SHOW CRIMINAL RECORDS CHECK

This legislation would have amended section 54.1-4200 of the Code of Virginia and would have added sections 18.2-308.2:4 and 54.1-4201.2 to the Code of Virginia, prohibiting firearms show vendors from selling firearms to a person without a valid concealed handgun permit unless the vendor has requested a criminal history record information check and received a determination from the Department of State Police that the prospective buyer is not prohibited under state or federal law from possessing a weapon. Such a criminal records check would not be required for the sale of antique firearms. This legislation would also have made it a Class Five felony for any person who intentionally requests a criminal record check under false pretenses and a Class Six felony for any person who intentionally sells a firearm in violation of this bill. Finally, this bill would have required the promoter of a firearm show to verify the identity of each vendor and inform the vendor of their obligations under this bill, and to make available to vendors and dealers to conduct the mandated animal background check.

Senate Bill 1257 was defeated in the Senate by a vote of nineteen in favor and twenty-one opposed to the bill.

SENATE BILL 1264 (SENATOR NORMENT): ELECTRONIC PAYMENT OF WAGES

This bill amends section 40.1-29 of the Code of Virginia, authorizing employers to pay wages & salaries to employees hired after January 1, 2010 by credit or debit card, without the employee's affirmative written consent, if the employee does not designate an account for payment via direct deposit. This bill requires the employer to issue a credit or debit card account through a network system that allows the employee to withdraw at least once per pay period.

Senate Bill 1264 has been enacted as Chapter 728 of the 2009 Acts of Assembly.

SENATE BILL 1268 (SENATOR HOLTZMAN VOGEL): USE OF ELECTRONIC VIDEO AND AUDIO COMMUNICATION IN CRIMINAL PROCEEDINGS

This legislation amends section 19.2-3.1 of the Code of Virginia, requiring courts to use two-way electronic video and audio communication, where available, to conduct a hearing in a criminal proceeding if a person from outside the court's jurisdiction would have to be transported in order to appear in person before the court.

Senate Bill 1268 has been enacted as Chapter 623 of the 2009 Acts of Assembly.

**SENATE BILL 1271 (SENATOR HOLTZMAN VOGEL): RISK
MANAGEMENT LIABILITY COVERAGE FOR CERTAIN
VOLUNTEERS**

This bill amends section 2.2-1839 of the Code of Virginia, extending coverage under the state risk management plan to volunteer drivers for any nonprofit organization providing transportation to medical treatment and services for the elderly, disabled, or indigent, provided the volunteer driver has successfully completed training approved by the Division of Risk Management. Coverage has also been extended to volunteer drivers for local chapters of the Meals on Wheels Association of America or any area agency on aging that provides meal and nutritional services to the elderly, homebound, or disabled, so long as the drivers have also successfully completed training approved by the Division.

Senate Bill 1271 has been enacted as Chapter 568 of the 2009 Acts of Assembly.

**SENATE BILL 1275 (SENATOR OBENSHAIN): PRIVILEGED
COMMUNICATIONS BETWEEN DOCTORS AND PATIENTS**

This legislation amends section 8.01-399 of the Code of Virginia, providing that physicians may not testify or reveal communications with patients unless at the request or with the consent of the patient. This amendment changes the former rule that permitted doctors to voluntarily disclose such information.

Senate Bill 1275 has been enacted as Chapter 714 of the 2009 Acts of Assembly.

**SENATE BILL 1277 (SENATOR NEWMAN): RECORDS VIA
SECURE REMOTE ACCESS**

This legislation amends section 17.1-294 of the Code of Virginia, requiring that land records made available by secure remote access to subscribers may only contain the last four digits of the social security numbers of any party.

Senate Bill 1277 has been enacted as Chapter 312 of the 2009 Acts of Assembly. This requirement takes effect on July 1, 2012.

**SENATE BILL 1282 (SENATOR NEWMAN): DEPARTMENT
OF HEALTH PROFESSIONS PROHIBITED FROM PROVIDING
PERSONAL INFORMATION**

This legislation amends sections 54.1-2400.02 and 54.1-3005 of the Code of Virginia, directing the Department of Health Professions to collect an official address record from each health professional licensed, registered, or certified by each health regulatory board within the Department. This information will be used for agency purposes, including workforce planning and emergency contact, and will otherwise remain confidential and exempt from the Freedom of Information Act. The Department must also provide an opportunity for health professionals to provide a second address for the purposes of public dissemination but must notify the person from whom it is collecting the information that the address may be publicly disclosed and is subject to the Freedom of Information Act. The bill also directs the Department to develop a procedure to allow health professionals to update their address at regular intervals, and allows the Department to collect a fee to cover the costs of the updates. Finally, the bill requires the Board of Nursing to promulgate regulations that permit the use of an appropriate title, first name, and first letter only of last name only on identification badges of those practicing in emergency departments, psychiatric and mental health units and programs, or in health care facility units offering treatment for patients in custody of state or local law-enforcement agencies in order to protect the privacy and security of health professionals.

Senate Bill 1282 has been enacted as Chapter 687 of the 2009 Acts of Assembly.

SENATE BILL 1285 (SENATOR NEWMAN): SCHOOL BUDGET PUBLICATION

This legislation amends sections 15.2-2506 and 22.1-93 of the Code of Virginia requiring each local school division to include the estimate of the required local match when it publishes the annual approved budget. This amendment ensures that school budget publications include the estimated amount of money that will be locally matched. This figure will also be included when the budget is published online.

Senate Bill 1285 has been enacted as Chapter 280 of the 2009 Acts of Assembly.

SENATE BILL 1291 (SENATOR EDWARDS): EXTENDING THE STATUTE OF LIMITATIONS ON THE ENFORCEMENT OF MORTGAGES

This legislation amends section 8.01-241 of the Code of Virginia, extending the statutory limitations period for deed of trust, mortgage or lien obligations that became payable between July 1, 1988 and July 1, 2000. These security interest may be enforced until July 1, 2010; however the bill also provides that the statute of limitations will have no effect on the rights of persons who acquired interest in real property between July 1, 2008 and the date of the bill's enactment and who would otherwise under the laws of Virginia have priority over or take free of such mortgage or deed of trust.

Senate Bill 1291 has been enacted as Chapter 163 of the 2009 Acts of Assembly.

SENATE BILL 1292 (SENATOR EDWARDS): GOVERNMENT COLLECTION OF PAST DUE TAXES FROM FEDERAL INCOME TAX RETURN

This legislation amends sections 58.1-520 and 58.1-530 of the Code of Virginia, authorizing local governments, with the assistance of the Department of Taxation, to collect past due taxes from federal income tax returns, that goes into effect when the United States Congress

passes legislation enabling local governments to do so. The bill also clarifies the order of priority for state agencies and local governments' claims on federal income tax returns to settle delinquencies.

Senate Bill 1292 has been enacted as Chapter 571 of the 2009 Acts of Assembly.

SENATE BILL 1293 (SENATOR EDWARDS): SETTLEMENTS WITH PERSONS UNDER A DISABILITY

This legislation amends section 8.01-424 of the Code of Virginia, giving courts the authority to approve a settlement agreement on under which payments are to be made over a period of time on behalf of the of a party who is under a disability if the payments due are to be irrevocably guaranteed by an insurance company authorized to do business in the commonwealth and that is rated "A plus" or better by Best's Insurance Reports.

Senate Bill 1293 has been enacted as Chapter 688 of the 2009 Acts of Assembly.

SENATE BILL 1294 (SENATOR EDWARDS): CRISIS INTERVENTION TEAMS

This legislation amends section 9.1-102 of the Code of Virginia and adds sections 9.1-187 through 9.1-190 to the Code of Virginia, directing the Department of Criminal Justice Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services to establish the crisis intervention team programs throughout the Commonwealth by January 1, 2010. These crisis intervention teams must assist law-enforcement officers responding to crisis situations involving persons with mental illness or substance abuse problems. The legislation also defines the goals, training procedures, and administrative procedures for the crisis intervention teams, and requires the Department of Criminal Justice Services to assess and report on the impact and effectiveness of the teams.

Senate Bill 1294 has been enacted as Chapter 715 of the 2009 Acts of Assembly.

SENATE BILL 1295 (SENATOR REYNOLDS): STATE FORESTER AUTHORIZED TO INSPECT SILVICULTURAL ACTIVITIES

This bill amends section 10.1-1181.2 of the Code of Virginia, authorizing the State Forester to enter upon a silvicultural operation to conduct an inspection of whether the activity being conducted is causing or is likely to cause pollution if he believes that the owner or operator has conducted or is allowing activity that is likely to or is causing pollution, and then he may notify the owner of a the pollution-causing activity and recommend corrective measures and a reasonable time period to mitigate the pollution.

Senate Bill 1295 has been enacted as Chapter 572 of the 2009 Acts of Assembly.

SENATE BILL 1299 (SENATOR WAGNER): ELECTRONIC SUBMISSION OF DOCUMENTS UNDER THE ADMINISTRATIVE PROCESS ACT

This legislation requires that each agency having regulations promulgated in accordance with the Administrative Process Act, section 2.2-4000 through 2.2-4032 of the Code of Virginia, that require the submission of documents or payments must examine such regulations to determine whether the submission of the required documents or payments may be accomplished by electronic means. This review of required submission regulations should be conducted on or before January 1, 2010. If electronic submission is feasible, the agency should consider amending the regulation that is being promulgated to offer the alternative of submitting the documents or payments by electronic means.

Senate Bill 1299 has been enacted as Chapter 624 of the 2009 Acts of Assembly.

SENATE BILL 1301 (SENATOR HURT): PROCUREMENT OF MONEY OR CREDIT BY IDENTITY THEFT

This legislation amends section 18.2-186.3 of the Code of Virginia, clarifying that identity theft statutes prohibit a person from obtaining money, credit, or a loan through the use of a person's identify without their authorization.

Senate Bill 1301 has been enacted as Chapter 314 of the 2009 Acts of the Assembly and is identical to *House Bill 2402* (Delegate Bell), enacted as Chapter 380.

**SENATE BILL 1302 (SENATOR HURT): CRIMINAL
PENALTIES FOR TOBACCO REGULATION VIOLATIONS**

This legislation amends sections 2.2-511, 3.2-4212, 18.2-246.11, 18.2-246.13, 18.2-246.15, 18.2-513, and 18.2-514 of the Code of Virginia and adds sections 3.2-4219 and 19.2-245.01 through 58.1-1008.2 to the Code of Virginia, enhancing penalties for tobacco-related crimes. This bill also makes it a Class One misdemeanor to possess cigarettes made by the manufacturers that are not in compliance with Virginia law with the intent to distribute or sell if the offense involves less than 3,000 cigarette packages; if the offense involves more than 3,000 cigarette packages there is also a mandatory sentence of ninety days imprisonment. The legislation also punishes tobacco manufacturers or their agents for failing to file or keep documents as required by law or for making materially false statements with the intent to mislead in such documents. Further, the Attorney General is given the authority to institute criminal proceedings to enforce violations of tobacco regulation laws.

Senate Bill 1302 has been enacted as Chapter 847 of the 2009 Acts of Assembly.

**SENATE BILL 1304 (SENATOR HURT): FRANKLIN COUNTY
DRUG COURT**

This legislation amends section 18.2-254.1 of the Code of Virginia, establishing a drug treatment court in the Juvenile and Domestic Relations Court for the County of Franklin funded solely through local sources.

Senate Bill 1304 has been enacted as Chapter 281 of the 2009 Acts of Assembly and is identical to *House Bill 2275* (Delegate Poindexter), enacted as Chapter 205.

**SENATE BILL 1305 (SENATOR HURT): GOVERNMENT DATA
COLLECTION AND DISSEMINATION PRACTICES ACT;
DEPARTMENT OF SOCIAL SERVICES EXEMPTION**

This bill amends section 2.2-3802 of the Code of Virginia, exempting personal information systems maintained by the Department of Social Services or any local department of social services relating to public assistance fraud investigations from the Government Data Collection and Dissemination Practices Act.

Senate Bill 1305 has been enacted as Chapter 573 of the 2009 Acts of Assembly.

**SENATE BILL 1307 (SENATOR HURT): TRANSPORT OF
PRISONERS**

This legislation amends section 19.2-108 of the Code of Virginia, clarifying that law enforcement officials who are directed to execute an arrest warrant may authorize a private prisoner transportation company to execute such arrest outside of Virginia and return the subject of the warrant to the commonwealth, so long as the private company meets minimum qualifications set by Department of Criminal Justice Services.

Senate Bill 1307 has been enacted as Chapter 848 of the 2009 Acts of Assembly.

**SENATE BILL 1309 (SENATOR HURT): EXPANSION OF LOW
COST HOME BUILDERS RECORDATION TAX EXEMPTION**

This legislation amends section 58.1-811, exempting any 501(c)(3) non-profit organization from the recordation tax when the organization primarily engages in acquiring land and purchasing materials to construct or repair low-cost homes. The organization must sell such homes at costs to people who otherwise would not be able to afford to buy a home through conventional means. Formerly, only such organizations in the City of Lynchburg were exempt, but now the exemption applies throughout the commonwealth.

Senate Bill 1309 has been enacted as Chapter 574 of the 2009 Acts of Assembly.

**SENATE BILL 1315 (SENATOR LOCKE): PRECISION
INVESTMENT CASTING MACHINERY AND TOOLS TAX
CLASSIFICATION**

This bill adds section 58.1-3508.3 of the Code of Virginia, requiring local governments to create a separate taxation classification for machinery and tools used directly in the manufacture of precision investment casting. The tax rate on such machinery may not exceed the tax rate applicable to general machinery and tools.

Senate Bill 1315 has been enacted as Chapter 528 of the 2009 Acts of Assembly.

**SENATE BILL 1316 (SENATOR HOUCK): FREEDOM OF
INFORMATION ACT REQUIREMENTS**

This bill amends sections 2.2-3704 and 2.2-3704.1 of the Code of Virginia, eliminating the requirement of section 2.2-3704. That every public body of the state government keep an annually updated index of computer databases. The bill further adds the requirement that state bodies making contact information available to the public post the following on the internet: a general description, summary, list, or index of the types of public records they maintain and a general description, summary, list, or index of any exemptions in law that permit or require such public records to be withheld from release.

Senate Bill 1316 has been enacted as Chapter 626 of the 2009 Acts of Assembly.

**SENATE BILL 1317 (SENATOR HOUCK): ELECTRONIC
MEETINGS OF THE AIR POLLUTION CONTROL BOARD
AND STATE WATER CONTROL BOARD**

This bill amends sections 10.1-1322.01 and 62.1-44.15:02 of the Code of Virginia, allowing electronic meetings of the Air Pollution Control Board and the State Water Control Board even when a quorum of the Board is not physically assembled at one primary or central meeting location. The subject matter of electronic meetings must be limited to (i) review of the Director's decisions after public comment

period, (ii) determination of the Board whether or not to grant a public hearing or Board consideration, or (iii) delegation of the permit to the Director for his decision. Further, a member of the board must preside over public hearings under these sections and the public hearings may be conducted by the Board at a regular or special meeting or by one or more members of the Board.

Senate Bill 1317 has been enacted as Chapter 627 of the 2009 Acts of Assembly.

SENATE BILL 1318 (SENATOR HOUCK): COLLECTION OF SOCIAL SECURITY NUMBERS UNDER THE GOVERNMENT DATA COLLECTION AND DISSEMINATION PRACTICES ACT

This bill amends sections 2.2-3800, 2.2-3801 and 2.2-3808 of the Code of Virginia, extending from July 1, 2009, to July 1, 2010, the implementation of the prohibition against collecting an individual's social security number by a government agency by state or federal law and essential for the agency and performance of its duties. The bill also includes a prohibition against agencies sending or delivering any letter, envelope, or package that displays a social security number on the face of the mailing envelope or package or from which a social security number is visible.

Senate Bill 1318 has been enacted as Chapter 849 of the 2009 Acts of Assembly.

SENATE BILL 1319 (SENATOR HOUCK): FREEDOM OF INFORMATION ACT: MEETING MINUTES

This bill amends section 2.2-3707 of the Code of Virginia, clarifying that under the Freedom of Information Act, the meeting minutes of public bodies must be in writing.

Senate Bill 1319 has been enacted as Chapter 628 of the 2009 Acts of Assembly.

SENATE BILL 1325 (SENATOR STOSCH): NEIGHBORHOOD ASSISTANCE TAX CREDITS ADMINISTRATION AND ELIGIBILITY CHANGES

This bill amends sections 58.1-439.18, 58.1-439.20, 58.1-439.21, 58.1-439.22, and 58.1-439.24 of the Code of Virginia, changing the administration of and eligibility for neighborhood assistance tax credits. The bill redefines “impoverished people” as those with a family income of no more than 180% of the current poverty guidelines for education proposals requesting tax credits or as those with a family income of no more than 150% of poverty guidelines for all other proposals be sent to the Superintendent of Public Instruction rather than the State Department of Social Services and the Board of Education is authorized to adopt guidelines for the approval or disapproval of such proposals. Aggregate tax credits cannot exceed \$500,000 for either type of proposal. Total tax credits are limited to \$4.9 million for education proposals and \$7 million for all other proposals. Finally, the bill authorizes the extension of such tax credits from fiscal year 2009 to 2011.

Senate Bill 1325 has been enacted as Chapter 851 of the 2009 Acts of Assembly.

SENATE BILL 1336 (SENATOR PUCKETT): BROADBAND ADVISORY COUNCIL

This bill adds article 34 sections 2.2-2699.3 and 2.2-2699.4 in Chapter 26 of Title 2.2 of the Code of Virginia, establishing the Broadband Advisory Council. The Broadband Advisory Council’s purpose is to advise the Governor on policy and funding priorities to expedite deployment and reduce the cost of broadband access. The Council will have 11 members whose duties include: (1) monitoring the broadband-based development efforts of other states and nations in areas such as business, education, and health; (2) advising the Governor, Secretary of Technology, and the General Assembly on policies and strategies related to making affordable broadband services available to every Virginia home and business; (3) monitoring broadband-related activities at the federal level; (4) encouraging public-private partnerships to increase the deployment and adoption of broadband services and applications; (5) annually reporting to the Governor and the Joint Commission on Technology and Science on the progress towards the goal of universal access for businesses and on the assessment of Commonwealth broadband infrastructure investments and utilization of Council-supported resources to promote broadband access; (6) periodically reviewing the quality, availability, and accessibility of state-maintained or funded broadband resources and programs; and (7)

monitoring regulatory and policy changes for potential impact on broadband deployment and sustainability in the Commonwealth.

Senate Bill 1336 has been enacted as Chapter 852 of the 2009 Acts of Assembly.

SENATE BILL 1338 (SENATOR HERRING): SCIENCE AND TECHNOLOGY DEVELOPMENT AND PROMOTION

This bill amends sections 2.2-2233.1, 2.2-2515, 2.2-2516, and 58.1-339.4 of the Code of Virginia, making changes to encourage of science and technology-based research, development, and commercialization in the Commonwealth. The bill changes the existing Commonwealth Technology Research Fund to the Commonwealth Research Commercialization Fund with purposes that will better focus the moneys available under the program to key areas of research and development in the Commonwealth, to emphasize the importance of commercialization of research and development through matching-funds programs and the leveraging of private and federal funds for commercialization activities, and to provide a loan program for the construction of facilities utilized in commercializing qualified research. The Innovation and Entrepreneurship Investment Authority is given the responsibility of evaluating proposals and awarding monies from the Fund to applicants. Additionally, the bill amends the existing qualified equity and subordinated debt investment tax credit to limit its applicability only to companies engaged in science and technology-related businesses, and to encourage investment in companies focused on commercializing research developed at universities.

Senate Bill 1338 has been enacted as Chapter 853 of the 2009 Acts of Assembly.

SENATE BILL 1343 (SENATOR REYNOLDS): PETITION FOR A RESTRICTED LICENSE

This bill amends section 46.2-301 of the Code of Virginia, allowing persons with suspended licenses who would be otherwise eligible for a restricted license to petition the court for a restricted license, provided that the period of the actual period of the suspension of the license has passed, even though the suspension itself may not have expired. The court may authorize the Department of Motor Vehicles to issue a

restricted license so the holder may travel to and from work of court-ordered rehabilitation, or a provider of school or medical services until the period of suspension has expired.

Senate Bill 1343 has been enacted as Chapter 764 of the 2009 Acts of Assembly and is identical to *House Bill 2571* (Delegate BaCote), enacted as Chapter 390.

SENATE BILL 1348 (SENATOR WAGNER): ELECTRICITY; SCC TO CONDUCT PROCEEDING TO DETERMINE APPROPRIATE ENERGY CONSERVATION, ETC.

This bill adds section 10.1-1307.02 of the Code of Virginia, requiring the Air Pollution Control Board to adopt permits for the use of back-up energy generation sources during emergencies declared by the independent emergency generation system operator. This bill also directs the State Corporation Commission to conduct a formal public proceeding to determine achievable, cost-effective energy conservation and demand response targets that can be accomplished through demand-side management and energy conservation, as established by standard industry-recognized tests. This bill also directs the Air Pollution Control Board to adopt air permits for the construction and operation of energy-generating facilities that operate in a voluntary demand response program and include air quality protection requirements.

Senate Bill 1348 has been enacted as Chapter 855 of the 2009 Acts of Assembly and is identical to *House Bill 2531* (Delegate Kilgore), enacted as Chapter 752.

SENATE BILL 1350 (SENATOR WAGNER): OFFSHORE RENEWABLE ENERGY LEASES

This bill amends section 28.2-1208 of the Code of Virginia, extending the maximum lease period of certain waterbed easements outside the Baylor Survey by the Marine Resources Commission from five to thirty years for offshore renewable energy leases. In addition, leases authorizing lessees to generate electrical energy from water or tidal action, currents, offshore winds, or thermal or salinity gradients and then transfer that energy to shore shall require a royalty. These royalties will be paid into the state treasury and appropriated to the Virginia Coastal Energy Research Consortium.

Senate Bill 1350 has been enacted as Chapter 766 of the 2009 Acts of Assembly.

SENATE BILL 1351 HEALTH INSURANCE PLAN; INSURANCE MANDATE FOR ACCIDENT, ETC. APPLY TO PLANS FOR STATE EMPLOYEES

This bill amends section 2.2-2818 and 2.2-2818.2 of the Code of Virginia, establishing that any health insurance mandate passed under state law will also apply to health insurance plans for state employees. This legislation does not include administrative rules and regulations imposing obligations, but only those mandates established by statute. The bill also requires the Department of Human Resource Management to report to the Special Advisory Commission on Mandated Health Insurance Benefits on the cost and utilization information for every new mandate that is imposed.

Senate Bill 1351 has been enacted as Chapter 317 of the 2009 Acts of Assembly.

SENATE BILL 1357 (SENATOR HANGER): EXPANSION OF CLEAN FUEL VEHICLE JOB CREATION TAX CREDIT

This bill amends section 58.1-439.1 of the Code of Virginia, changing qualification requirements of the Clean Fuel Vehicle Job Creation Tax Credit. The term “job” is redefined and specific job fields qualifying under the credit are listed to clarify eligibility requirements. Further, the types of fuels to which job creation must relate are expanded to include fuels derived from any cellulose, hemicellulose, or lignin derived from renewable biomass or algae.

Senate Bill 1357 has been enacted as Chapter 730 of the 2009 Acts of Assembly.

SENATE BILL 1358 (SENATOR HANGER): EXPANSION OF ALTERNATIVE FUEL TAX EXEMPTION

This legislation amends section 58.1-2250 of the Code of Virginia, extending the tax exemption for alternative fuels to those produced by the owner or lessee of an agricultural operation and used exclusively for farm use or in any vehicle owned by the fuel producer.

Senate Bill 1358 has been enacted as Chapter 530 of the 2009 Acts of Assembly.

SENATE BILL 1363 (SENATOR REYNOLDS): COURT-APPOINTED COUNSEL FOR HABEAS PROCEEDINGS

This legislation amends section 19.2-163 of the Code of Virginia, authorizing compensation for counsel representing indigent prisoners under a death sentence in a state habeas corpus proceeding.

Senate Bill 1363 has been enacted as Chapter 284 of the 2009 Acts of Assembly.

SENATE BILL 1377 (SENATOR STOLLE): JUVENILE ARREST INFORMATION

This legislation amends section 16.1-301 of the Code of Virginia, allowing law-enforcement agencies to release current information on juvenile arrests to law-enforcement agencies outside of Virginia, but only for the purpose of current investigation.

Senate Bill 1377 has been enacted as Chapter 286 of the 2009 Acts of Assembly.

SENATE BILL 1379 (SENATOR STOLLE): PROFESSIONAL MALPRACTICE INSURANCE REQUIRED TO RETAIN A LICENSE TO PRACTICE LAW UNDER CERTAIN CIRCUMSTANCES

This legislation amends section 54.1-3935 of the Code of Virginia, requiring courts to mandating that attorneys, who are guilty of a violation of the Virginia Rules of Professional Conduct that results in the loss of client's property but who are allowed to retain their license, must maintain malpractice insurance. This bill further requires the Virginia State Bar to establish the standards for maintaining malpractice insurance and requires the attorneys to certify such insurance.

Senate Bill 1379 has been enacted as Chapter 287 of the 2009 Acts of Assembly.

SENATE BILL 1381 (SENATOR STOLLE): EXTENDING WRITS OF ACTUAL INNOCENCE TO NON-INCARCERATED PERSONS

This legislation amends sections 19.2-327.2, 19.2-327.3, and 19.2-327.5 of the Code of Virginia, authorizing a person who is not incarcerated to petition for a writ of actual innocence based on prior unknown or untested biological evidence.

Senate Bill 1381 has been enacted as Chapter 320 of the 2009 Acts of Assembly and is identical to *House Bill 2312* (Delegate Melvin), enacted as Chapter 139.

SENATE BILL 1383 (SENATOR STOLLE): UNREGISTERED FIREARM SILENCER NO LONGER A FELONY

This legislation repeals section 18.2-308.6 of the Code of Virginia, providing that it is no longer a Class 6 felony to possess an unregistered firearm silencer.

Senate Bill 1383 has been enacted as Chapter 288 of the 2009 Acts of Assembly.

SENATE BILL 1387 (SENATOR STOLLE): COURTHOUSE ASSESSMENTS

This legislation amends section 17.1-281 of the Code of Virginia, allowing counties or cities operating courthouses not in compliance with the Virginia Courthouse Facility Guidelines as of January 1, 2009 and which can not be feasibly renovated to assess and collect additional fees to be used for the construction of a courthouse. These additional fees shall not be in excess of three dollars and may be assessed for civil actions with an amount in controversy of more than five hundred dollars and criminal or traffic offenses filed in court. These fees shall be transferred to the county or city treasurer and held solely for construction, reconstructive renovation or adaptive re-use of a courthouse.

Senate Bill 1387 has been enacted as Chapter 857 of the 2009 Acts of Assembly and is identical to *House Bill 2311* (Delegate Melvin), enacted as Chapter 814.

SENATE BILL 1389 (SENATOR STOLLE): MEDICAL MALPRACTICE JUDGMENT IN EXCESS OF \$2 MILLION TO BE PAID FROM PATIENT'S COMPENSATION FUND

This bill proposed to amend sections 8.01-581.15 and 54.1-2400 of the Code of Virginia and to add sections 8.01-581.20:2 through 8.01-581.20:11 to the Code of Virginia. The bill proposed that on or after July 1, 2009, a health care provider's personal liability would have been limited to \$2 million for any injury to, or death of, a patient, and any amount due from a judgment or verdict in excess of this amount would have been paid from the Patients' Compensation Fund, which would have been created by the legislation. Health care providers were to pay fees sufficient to cover all expenses for the administration and operation of the program. The Fund was to be liable only for payments of claims against health care providers who have paid fees and include only reasonable and necessary expenses incurred in payment of claims and the Fund's administrative expense.

Senate Bill 1389 was left in the Senate Courts of Justice Committee.

SENATE BILL 1396 (SENATOR NORMENT): SERVICE HANDGUN PURCHASE

This legislation amends section 59.1-148.3 of the Code of Virginia, allowing a former law-enforcement officer who is receiving long-term disability due to a service-related injury and who has no expectation of returning to employment to purchase his service handgun for one dollar.

Senate Bill 1396 has been enacted as Chapter 289 of the 2009 Acts of Assembly.

SENATE BILL 1398 (SENATOR NORMENT): STATEWIDE TRANSPORTATION PLAN

This bill amends sections 2.2-229, 15.2-2232, 33.1-12, and 33.1-23.03 of the Code of Virginia, promoting the coordination of transportation investments and land use planning. The bill seeks to better coordinate the actions of the agencies of the transportation secretariat to implement a comprehensive, multimodal transportation policy to help address mobility and accessibility within corridors of statewide significance. To achieve this purpose the legislation requires

the Commonwealth Transportation Board to include in the Statewide Transportation Plan an assessment of capacity needs for corridors of statewide significance and urban development areas. The plan must also establish goals with a twenty year planning horizon.

Senate Bill 1398 incorporates *Senate Bill 1475* (Senator McEachin) and has been enacted as Chapter 690 of the 2009 Acts of Assembly. This bill is identical to *House Bill 2019* (Delegate Rust), which incorporated *House Bill 2420* (Delegate Bouchard) and has been enacted as Chapter 670.

SENATE BILL 1409 (SENATOR NORMENT): MURDER OF AUXILIARY OFFICERS

This legislation amends section 18.2-31 of the Code of Virginia, listing the killing of auxiliary police officers and auxiliary deputy sheriffs under the capital murder statute so that the death sentence may be imposed for the murder of such officers.

Senate Bill 1409 has been enacted as Chapter of the 2009 Acts of Assembly.

SENATE BILL 1410 (SENATOR NORMENT): RESPONSIBILITIES OF AUTOMOBILE MANUFACTURERS TOWARDS DEALERS

This bill amends sections 46.2-1569, 46.2-1571, and 46.2-1573 of the Code of Virginia, making it illegal for manufacturers to set prices at which dealerships must sell their vehicles. This bill also provides that if a dealer's franchise contract is not renewed due to the termination, elimination, or cessation of a line of automobiles by the manufacturer, the manufacturer must reimburse the dealer at least the fair market value of the franchise. If the line of cars is the only line carried by the automobile dealer, thus requiring the entire dealership to close, the manufacturers must pay the franchisee for the unexpired lease period or three years though this facilities assistance for the lesser of is only available if the franchise mitigate damages. The bill further clarifies warranty obligations owed to franchises by manufacturers.

Senate Bill 1410 has been enacted as Chapter 173 of the 2009 Acts of Assembly and is identical to *House Bill 1778* (Delegate Athey), enacted as Chapter 176.

**SENATE BILL 1414 (SENATOR PULLER): ALCOHOLIC
BEVERAGE CONTROL; RURAL EVENT FACILITY MIXED
BEVERAGE LICENSE**

This bill amends section 4.1-210 of the Code of Virginia, expanding the annual mixed beverage special events license to include licenses to persons operating food and beverage services at any rural event and entertainment park or similar facility owned by a duly organized 501(c)(3) nonprofit that has a minimum of 60,000 square feet of indoor exhibit space, equine and other livestock show areas, and is located in Caroline County. The bill also restricts the Board from prohibiting the sponsorship of an entertainment or cultural event.

Senate Bill 1414 has been enacted as Chapter 322 of the 2009 Acts of Assembly.

**SENATE BILL 1419 (SENATOR WATKINS): CREATION OF
SEPARATE TAX CLASSIFICATION FOR SHORT TERM
RENTAL PROPERTY**

This legislation amends section 58.1-3510.4, adds sections 58.1-3510.4 through 58.1-3510.7, and repeals sections 58.1-3510.1 through 58.1-3510.3 of the Code of Virginia, creating a tax classification for short term rental property. The bill defines short term rental property as tangible personal property held for rental by a person engaged in the short term rental business, a business of which at least eighty percent of receipts come from renting property for ninety-two consecutive days or less or at least sixty percent of receipts come from renting heavy equipment for 270 days or less. The owner of a short term rental business must file annually with the local Commissioner. Local governments may levy a short term rental tax of no more than one percent on the gross proceeds of a short term rental business renting general property or of one and a half percent if the business is engaged in renting heavy equipment. This tax is in lieu of the business personal property tax and is to be collected from the short term lessee at the time of rental.

Senate Bill 1419 has been enacted as Chapter 692 of the 2009 Acts of Assembly.

SENATE BILL 1421 (SENATOR LUCAS): CREATION OF FEE FOR IN ROOM DIGITAL MEDIA RENTAL

This bill adds sections 58.1-1731, 58.1-1732, and 58.1-1733 of the Code of Virginia to create a ten percent fee on the price of all in room purchases or rental of digital media in hotels, motels, bed and breakfasts, inns, and other facilities offering rental rooms for fewer than 90 consecutive days. Fifty percent of the fees will go into the state's general fund and fifty percent will go into the Governor's Motion Picture Opportunity Fund to be used for film incentive programs created by the Virginia Film Office.

Senate Bill 1421 has been enacted as Chapter 531 of the 2009 Acts of Assembly.

SENATE BILL 1426 (SENATOR DEEDS): ARREST WARRANTS FOR FELONIES

This legislation amends sections 19.2-45, 19.2-71, and 19.2-72 of the Code of Virginia, requiring magistrates to consult with a Commonwealth's attorney or, if not available, a law-enforcement agency having jurisdiction prior to issuing an arrest warrant for a felony offense based on a complaint by a person other than a law-enforcement officer. The bill also requires a written complaint whenever practicable when the complainant is a person other than a law-enforcement officer.

Senate Bill 1426 has been enacted as Chapter 291 of the 2009 Acts of Assembly.

SENATE BILL 1427 (SENATOR HANGER): USE OF SUSTAINABLE AGRICULTURAL BIOFUELS

This bill amends sections 67-101 and 67-102 of the Code of Virginia, authorizing the Virginia Energy Plain to reorganize the objective of increasing Virginia's reliance on and production of sustainably produce biofuels made from traditional agricultural crops and other feedstocks. This bill also promotes supporting the delivery infrastructure needed for statewide distribution to consumers.

Senate Bill 1427 has been enacted as Chapter 768 of the 2009 Acts of Assembly and is identical to *House Bill 2002* (Delegate Cosgrove), enacted as Chapter 411.

SENATE BILL 1439 (SENATORS EDWARDS AND OBENSHAIN): REPORTING AND EXPIRATION OF PROTECTIVE ORDERS

This legislation amends sections 16.1-253, 16.1-253.1, 16.1-253.4, 16.1-279.1, 19.2-152.8, 19.2-152.9, and 19.2-152.10 of the Code of Virginia, requiring courts, in all cases granting preliminary protective orders, protective orders, or emergency protective orders, to issue electronically to the Virginia Criminal Information Network the name, date of birth, sex, and race of protected persons and the respondent's identifying information by the end of the business day on the day on which the order was issued. This bill further requires courts to send an attested copy of such protective order with the same information to the proper law-enforcement agency. This legislation also removes provisions that require the law-enforcement agency to correct erroneous information sent to the Virginia Criminal Information Network. All protective orders expire at 11:59 p.m. on the date specified in order or at 11:59 p.m. on last day of two-year period when no date is specified. Emergency protective orders expire at 11:59 p.m. on the third day following the date the order was issued or, if the court is not in session on the third day, at 11:59 p.m. the next day the court is in session.

Senate Bill 1439 has been enacted as Chapter 732 of the 2009 Acts of Assembly.

SENATE BILL 1442 (SENATOR STOLLE): STATEWIDE CASE AND FINANCIAL MANAGEMENT SYSTEMS

This legislation amends sections 17.1-279, 17.1-293, and 17.1-502 of the Code of Virginia, directing the Executive Secretary of the Supreme Court to operate and maintain a statewide case management system and financial management system and to be responsible for other related technology improvements. This bill also provides that circuit courts may apply to the Compensation Board for allocation of Technology Trust Fund for the purposes of establishing an interface with the statewide case management system or financial management system and the Secretary shall permit such interface. Expenses for the operation and maintenance of these management systems shall be reimbursed to the Secretary through the Technology Trust Fund, but such reimbursement shall not exceed \$104,280.

Senate Bill 1442 has been enacted as Chapter 858 of the 2009 Acts of Assembly and is identical to *House Bill 1946* (Delegate Peace), enacted as Chapter 793.

SENATE BILL 1445 (SENATOR DEEDS): WINE OR BEER SHIPPER'S LICENSE

This bill amends section 4.1-209.1. of the Code of Virginia, adding a provision that permits the holder of a wine shipper license or beer shipper license to solicit and receive applications for subscription to a wine-of-the-month or beer-of-the-month club at in-state or out-of-state locations for which a license for on-premises consumption has been issued, other than the place where the licensee carries on the business for which the license is granted. "Wine-of-the-month club" or "beer-of-the-month club" means an agreement between an in-state or out-of-state holder of a wine shipper license or beer shipper license and a consumer in Virginia to whom alcoholic beverages may be lawfully sold that the shipper will sell and ship to the consumer and the consumer will purchase a lawful amount of wine or beer each month for an agreed term of months.

Senate Bill 1445 has been enacted as Chapter 292 of the 2009 Acts of Assembly.

SENATE BILL 1448 (SENATOR WATKINS): REPEAL OF THE INDIGENT HEALTH CARE TRUST FUND

This bill amends section 32.1-351.1 and repeals sections 32.1-332 through 32.1-342 of the Code of Virginia eliminating the Virginia Indigent Health Care Trust Fund, which previously collected and distributed moneys used to reimburse hospitals for charity care provided to medically indigent persons.

Senate Bill 1448 has been enacted as Chapter 578 of the 2009 Acts of Assembly.

SENATE BILL 1451 (SENATOR COLGAN): INCREASE IN CEILING FOR DEBT BONDS ISSUED TO LOCALITIES BY THE VIRGINIA RESOURCES AUTHORITY

This legislation amends section 62.1-204 of the Code of Virginia, increasing the aggregate amount of bonds the Virginia Resources Authority may issue and guarantee to assist localities with infrastructure projects without approval by the General Assembly from \$900 million to \$1.5 billion.

Senate Bill 1451 has been enacted as Chapter 324 of the 2009 Acts of Assembly.

SENATE BILL 1453 (SENATOR PETERSEN): COMMISSION ON CIVICS EDUCATION

This legislation amends section 2.2-2101 of the Code of Virginia, adds sections 30-309 through 30-314 to, and repeals section 22.1-212.17 through 22.1-212.22 of the Code of Virginia, moving the Commission on Civics Education to the legislative branch and setting forth the purposes of the Commission, which are identical to its former purposes. This bill also changes membership of the Committee from 23 to 19 members, comprised of 6 legislative members, 12 citizen members and 1 ex-office member. The compensation, powers and duties of the Commission are essentially the same as before, but a Commission on Civics Education Fund has been established to help the Commission carry out its duties. The term of the Commission expires in 2012.

Senate Bill 1453 has been enacted as Chapter 859 of the 2009 Acts of Assembly.

SENATE BILL 1456 (SENATOR PETERSEN): INNOVATION AND ENTREPRENEURSHIP INVESTMENT AUTHORITY

This bill amends sections 2.2-225, 2.2-225.1, 2.2-2218 through 2.2-2221, 2.2-2233.1, 2.2-3705.6, 2.2-3711, and 23-4.4 of the Code of Virginia, merging the Innovative Technology Authority, and the Virginia Research and Technology Advisory Commission into a single entity, named the Innovation and Entrepreneurship Investment Authority. The Authority will have 13 members, 3 of whom will be presidents of State Universities or Colleges and 3 citizen members appointed by the Governor, 6 citizen members appointed by the House and Senate, and the Secretary of Technology. The new Authority is given the responsibility of continuing the former Innovative Technology Authority's work, and it will have an increased role in developing a strategic roadmap for the commonwealth's pursuit of research projects.

Senate Bill 1456 has been enacted as Chapter 325 of the 2009 Acts of Assembly and is identical to *House Bill 2201* (Delegate Vanderhyle), enacted as Chapter 810.

SENATE BILL 1460 (SENATOR PUCKETT): GAS WELL OPERATORS TO SAMPLE WATER AND REPLACE CONTAMINATED WATER

This bill amends sections 45.1-361.43 and 45.1-361.44 of the Code of Virginia, requiring the owner of any type of gas well to sample the water within 750 feet of the well and to provide replacement water if the sample shows contamination. Prior to this amendment, the requirement only applied to operators of coalbed methane wells.

Senate Bill 1470 has been enacted as Chapter 293 of the 2009 Acts of Assembly.

SENATE BILL 1462 (SENATOR PUCKETT): TAZEWELL COUNTY DRUG COURT

This legislation amends section 18.2-254.1 of the Code of Virginia, establishing a drug treatment court funded solely through local sources in the County of Tazewell.

Senate Bill 1462 has been enacted as Chapter 294 of the 2009 Acts of Assembly.

SENATE BILL 1463 (SENATOR MCDOUGLE): IGNITION INTERLOCK

This legislation amends section 18.2-271.1 of the Code of Virginia, requiring that persons receiving a second DUI conviction within ten years after first offense install an ignition interlock prior to license restoration. Under pre-existing law, an ignition interlock was only required if an offender had received two DUIs in five years.

Senate Bill 1463 has been enacted as Chapter 295 of the 2009 Acts of Assembly.

**SENATE BILL 1468 (SENATOR QUAYLE): ONSITE
TREATMENT WORKS**

This bill amends section 32.1-163.6 of the Code of Virginia, requiring the Department of Health to ensure that onsite treatment works designs by professional engineers meet or exceed the discharge standards for systems otherwise permitted pursuant to the Department's regulations and policies.

Further, all treatment works designs permitted pursuant to this section must comply with the applicable operation, maintenance, and monitoring requirements.

Senate Bill 1468 has been enacted as Chapter 296 of the 2009 Acts of Assembly, and is identical to *House Bill 2551* (Delegate Orrock), enacted as Chapter 220.

**SENATE BILL 1470 (SENATOR SASLAW): PAYDAY LENDERS
PROHIBITED FROM MAKING OPEN END LOANS**

This bill amends section 6.1-330.78 of the Code of Virginia, prohibiting any payday lender licensed under the Payday Loan Act from extending credit under an open-ended loan. Further, no third party can make such a loan in the same place of business as a license. If a licensee surrenders its license or has it revoked and extends a loan under an open-ended credit line, the license will be surrendered for ten years from the date it was surrendered or revoked. These provisions do not apply to open-ended loans secured by an interest in a motor vehicle.

Senate Bill 1470 has been enacted as Chapter 860 of the 2009 Acts of Assembly, and is identical to *House Bill 1079* (Delegate Oder), enacted as Chapter 784.

**SENATE BILL 1473 (SENATOR PUCKETT): SPECIAL USE
PERMITS REQUIRED FOR ACTIVITIES ON DEPARTMENT
OF FORESTRY LAND**

This bill amends section 10.1-1152 of the Code of Virginia, permitting the State Forester to require any person who hunts, fishes, traps, or rides mountain bikes or horses on lands under the control of the

Department of Forestry to obtain a special use permit, which may not exceed \$15 a year. Formerly, permits could only be required for hunting.

Senate Bill 1473 has been enacted as Chapter 297 of the 2009 Acts of Assembly.

SENATE BILL 1480 (SENATOR RUFF): DELIVERY OF LIFE INSURANCE POLICIES

This bill amends section 38.2-3301.1 of the Code of Virginia, providing that, for the purposes of exercising the statutory right to examine or cancel an insurance policy, the date of delivery of a life insurance policy will be the date of the signed receipt of delivery or the date of electronic transmission. When the policy is not delivered in one of these two ways, the insurer bears the burden of proving delivery in a dispute with the policy holder. This bill also states that a policy is deemed received if six months have passed since issuance and the owner has paid all premiums throughout this time period.

Senate Bill 1480 has been enacted as Chapter 299 of the 2009 Acts of Assembly.

SENATE BILL 1495 (SENATOR LOCKE): UNEMPLOYMENT FOR LEAVING EMPLOYMENT TO ACCOMPANY A MILITARY SPOUSE

This bill amends sections 60.2-528 and 60.2-618 of the Code of Virginia, providing that leaving employment to accompany a military spouse who is transferred on active duty qualifies as good cause to file for unemployment. This bill is only active if the state where the claimant moves has a similar statute and if the federal government appropriates funds for the purpose. This bill also pays claimants from a pool and is not charged against the claimant's employer.

Senate Bill 1495 has been enacted as Chapter 878 of the 2009 Acts of Assembly.

SENATE BILL 1506 (SENATOR HANGER): JUDICIAL ASSIGNMENT OF SERVICES FOR CHILDREN UNDER THE COMPREHENSIVE SERVICES ACT

This legislation amends section 2.2-5211 of the Code of Virginia, requiring courts, in making a treatment disposition for a family and/or child in need of services, to request a second report regarding a service from the community policy and management team any time the court is asked to consider such service not originally identified or recommended by the community policy and management teams' original report. Notwithstanding this requirement, the court still has the authority to make any disposition authorized by law.

Senate Bill 1506 has been enacted as Chapter 304 of the 2009 Acts of Assembly.

SENATE BILL 1509 (SENATOR TICER): NITROGEN REMOVAL SEWAGE SYSTEMS

This bill amends sections 10.1-2132 and 32.1-164 of the Code of Virginia, allowing grant funding to be made available to projects that would replace or modify residential onsite sewage systems to include nitrogen removal capabilities. The legislation also permits the Board of Health to create performance requirements for nitrogen discharged from alternative onsite sewage systems that protect the public health and ground and water quality.

Senate Bill 1509 has been enacted as Chapter 695 of the 2009 Acts of Assembly.

SENATE BILL 1515 (SENATOR STOLLE): WILDLIFE HAZARDOUS TO THE SAFE OPERATION OF AIRCRAFT OR FACILITIES

This bill amends section 29.1-529 of the Code of Virginia, permitting the person responsible for the safe operation of an aircraft and its facilities to kill any non-federally protected wildlife if the Director of the Department of Game and Inland Fisheries, or an assigned designee, determines the wildlife is creating a hazard to the safe operation of the aircraft or facilities. Prior to this amendment, the operator could only kill deer.

Senate Bill 1515 has been enacted as Chapter 305 of the 2009 Acts of Assembly.

**SENATE BILL 1525 (SENATOR MARTIN): PROHIBITED
CONTRACTS UNDER THE CONFLICTS OF INTERESTS ACT**

This bill amends section 2.2-3109 of the Code of Virginia, to specify that a contract is not prohibited because of a conflict of interest because an employee has a personal interest in a contract for goods or services, or a contract of employment with his own governmental agency because of a member of his immediate family, provided the employee does not exercise any control over the employment or the employment activities of the member of his immediate family and the employee is not in a position to influence those activities.

Senate Bill 1525 has been enacted as Chapter 862 of the 2009 Acts of Assembly.

**SENATE BILL 1528 (SENATOR CUCCINELLI): FIREARMS
SAFETY TRAINING**

This legislation amends section 18.2-308 of the Code of Virginia, clarifying that an electronic, video, or on-line firearms training or safety class conducted by a state-certified or National Rifle Association-certified firearms instructor is sufficient to demonstrate competence for the purposes of obtaining a handgun permit.

Senate Bill 1528 has been enacted as Chapter 780 of the 2009 Acts of Assembly.

**SENATE BILL 1529 (SENATOR Y. MILLER): LOCAL
EMPLOYEE POLITICAL ACTIVITY**

This legislation amends section 15.2-1512.2 of the Code of Virginia, prohibiting a local government from limiting the political participation of any off-duty local government employee. However, the legislation does prohibit these employees from using their position to: 1) coerce of subordinate employees, 2) fail to provide service because of political affiliation, 3) to make any political endorsements, 4) contribute to a campaign, 5) discriminate for employment purposes because of political affiliation.

Senate Bill 1529 has been enacted as Chapter 306 of the 2009 Acts of Assembly.

**SENATE BILL 1530 (SENATOR NORMENT): SUBDIVISION
STREETS IN HIGHWAY SYSTEM**

This bill amends section 33.1-72.1 of the Code of Virginia, providing that subdivision streets may be accepted into the highway system, and thereby managed by the Department of Transportation, only after all required permits have been obtained and any outstanding fees, charges, or other financial obligations of any nature have been satisfied.

Senate Bill 1530 has been enacted as Chapter 635 of the 2009 Acts of Assembly.

**SENATE BILL 1531 (SENATOR COLGAN): CAPITAL OUTLAY
PLAN**

This bill sets out the Commonwealth's six-year capital outlay plan pursuant to section 2.2-1518 of the Code of Virginia, assigning priority to capital projects supported entirely or partially from the general fund.

Senate Bill 1531 has been enacted as Chapter 696 of the 2009 Acts of Assembly.

**SENATE BILL 1532 (SENATOR SASLAW): NORTHERN
VIRGINIA MOTOR FUELS TAX COLLECTION**

This bill amends sections 58.1-1719, 58.1-1720, and 58.1-1722 of the Code of Virginia, changing the collection of motor fuels taxes in Northern Virginia. The bill creates a distributor of motor fuels as any person that produces or sells fuel in the state but not directly to a consumer. A distributor must pay license or privilege tax of 2.1 percent, an increase from the former two percent for selling fuels to retail dealers. Finally the bill requires the tax to be paid by the distributor but imposed on the retailer at the time of the sale. These taxes will be but accounted for by monthly returns, which must be completed by the distributor.

Senate Bill 1532 has been enacted as Chapter 532 of the 2009 Acts of Assembly.

SENATE BILL 1533 (SENATOR SASLAW): SPECIAL USE PERMIT EXTENSION

This legislation amends section 15.2-2288.4 of the Code of Virginia, extending the expiration of special use permits. This legislation extends any valid special use permit from Jan. 1, 2009 until July 1, 2011 regardless of statute, proffer, permit, local ordinance, or local custom. This legislation does not impair the ability of a permit holder to otherwise extend a permit.

Senate Bill 1533 has been enacted as Chapter 636 of the 2009 Acts of Assembly.

SENATE BILL 1539 (SENATOR HURT): LINE OF DUTY ACT INVESTIGATION

This legislation amends section 9.1-403 of the Code of Virginia, directing police departments or sheriff's offices administrated by Virginia to investigate the circumstances surrounding the death or injury of one of their officers and report findings to the Comptroller within ten business days after the investigation was completed. This bill also authorizes the Comptroller or other such chief officer to direct Department of the State Police to perform such investigation if the offer was not employed by a commonwealth police department or sheriff's office.

Senate Bill 1539 has been enacted as Chapter 580 of the 2009 Acts of Assembly and is identical to *House Bill 2626* (Delegate Byron), enacted as Chapter 393.

SENATE BILL 1546 (SENATOR STOLLE): WRITTEN NOTICE OF A DEED OF TRUST

This legislation amends section 55-59.1 of the Code of Virginia, creating a rebuttable presumption that the lienholder has complied with all notice requirements in a deed of trust when written notice of a proposed sale in execution of a deed of trust has properly been given.

Senate Bill 1546 has been enacted as Chapter 307 of the 2009 Acts of Assembly.

SENATE BILL 1547 (SENATOR CUCCINELLI): ELIGIBILITY OF HOME-SCHOOLERS FOR FINACIAL AID

This legislation amends section 23-7.1:02 of the Code of Virginia, providing that students who have completed a program of home school instruction or who have been lawfully excused from school attendance will be deemed to have met the high school graduation requirements for purposes of eligibility for any state-supported financial aid or other higher education programs. Additionally, when high school grade point average, class rank, or other academic criteria is specified as a condition of participating in a program, the State Council of Higher Education for Virginia shall develop empirical alternative equivalent measures.

Senate Bill 1547 has been enacted as Chapter 879 of the 2009 Acts of Assembly.

SENATE BILL 1548 (SENATOR COLGAN): VIRGINIA INVESTMENT PARTNERSHIP GRANT ELIGIBILITY

This legislation amends section 2.2-5100 of the Code of Virginia, allowing companies that create or cause to be created at least three hundred jobs with average salaries at least one hundred percent greater than the prevailing average wage to be eligible for Virginia Investment Partnership Grants. Pre-existing law only permitted grants to be awarded to companies that created four hundred jobs with average salaries of at least fifty percent greater than the prevailing average wage.

Senate Bill 1548 has been enacted as Chapter 174 of the 2009 Acts of Assembly.

SENATE JOINT RESOLUTION 337 (SENATOR DEEDS): ADVISING STATE AGENCIES OF FEDERAL GRANTS

This legislation sets forth a resolution, requesting the Department of Planning and Budget to advise state agencies of the availability of federal grants. The resolution also requests that the Department provide training opportunities in applying for such federal grants.

Senate Joint Resolution Number 337 passed both the House and Senate of the General Assembly.

**SENATE JOINT RESOLUTION 345 (SENATOR HOLTZMAN
VOGEL): INCREASED USAGE OF RECYCLING RECEPTACLES**

This legislation sets forth a resolution encouraging state and local governmental entities to increase the usage of recycling receptacles at public places and governmental facilities.

Senate Joint Resolution Number 345 has been passed by both the House and the Senate of the General Assembly.

