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Notable Bills of the 2010 Virginia General Assembly

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NOTABLE BILLS OF THE 2010 GENERAL ASSEMBLY

HOUSE BILLS

HOUSE BILL 1 (DELEGATE LOUPASSI): SCOPE OF ANTI-SPAM STATUTE

This bill amends sections 18.2-152.2, 18.2-152.3:1, and 18.2-152.12 of the Code of Virginia, restoring the constitutionality of Virginia's anti-spam statute, which had been held unconstitutionally broad by the Virginia Supreme Court in the case of *Jaynes v. Commonwealth*. Under the revised statute, only unsolicited electronic communications of a commercial nature are subject to penalty. Prior language penalized any and all unsolicited anonymous communication, including that of political, religious, or other protected speech

HOUSE BILL 10 (DELEGATE R MARSHALL): INDIVIDUAL RIGHT AND POWER TO PARTICIPATE IN HEALTH CARE SYSTEM

This legislation adds section 38.2-3430.1:1 to the Code of Virginia, stating that no resident of the Commonwealth should be required to buy and maintain an individual health insurance policy, and no resident should be fined for failure to do so. The legislation does not affect those who voluntarily apply for coverage under state-run programs under the Social Security Act.

House Bill 10 is identical to Senate Bill 283 (Senator Quayle), Senate Bill 311 (Senator Martin), and Senate Bill 417 (Senator Holtzman Vogel).

HOUSE BILL 15 (DELEGATE R. MARSHALL): PRE-SENTENCE REPORTS

This bill amends sections 9.1-177.1 and 19.2-299 of the Code of Virginia, allowing for the transmission of any pre-sentence reports prepared by probation officers to the convicted person's counsel for the purposes of pursuing post-conviction remedies. Currently, such reports are only available before conviction or through court order.

HOUSE BILL 17 (DELEGATE COLE): REDUCES THE PERIOD OF LIMITATION FOR COLLECTION OF STATE TAXES FROM 20 TO 10 YEARS

This legislation amends and reenacts section 58.1-1802.1 of the Code of Virginia. It amends the time period during which the Tax Commissioner may make an effort to collect delinquent taxes by levy, court proceeding, or by other means from 20 years down to 10 years. Action must be instituted within the applicable time period.

HOUSE BILL 18 (DELEGATE COLE): GOODS MANUFACTURED OR MADE IN VIRGINIA SHALL NOT BE UNDER THE REGULATORY AUTHORITY OF THE U.S. CONGRESS

This legislation would have added section 59.1-21.29 to the Code of Virginia. It stipulated that all goods made, and all services performed, in the Commonwealth would have been outside of the regulatory authority of the U.S. Congress under the commerce clause if the goods and services remained within the Commonwealth.

House Bill 18 passed the House of Delegates by a vote of 74 to 23, but was left in the Senate Commerce and Labor Committee and failed to pass.

HOUSE BILL 40 (DELEGATE ORROCK): DISABLED CHILD SUPPORT

This bill amends section 20-61 of the Code of Virginia, clarifying that a parent is not exempted from prosecution for failure to pay child support for a child simply because another child receives disability assistance. The current language is unclear and appears to exempt a parent from any prosecution if any child receives such assistance.

HOUSE BILL 41 (DELEGATE PUTNEY): COMMONWEALTH OF VIRGINIA HIGHER EDUCATIONAL INSTITUTIONS BOND ACT OF 2010

This legislation authorizes the Treasury Board to issue and sell bonds to finance revenue-producing capital projects at institutions of higher learning. The aggregate principle amount cannot exceed \$206,870,000 plus amounts needed to fund issuance costs, reserve funds, construction period interest and other financing expenses. This legislation also dictates the amount to be spent on specific projects at institutions of higher learning.

HOUSE BILL 53 (DELEGATE COLE): UNAUTHORIZED TRACKING IMPLANTS

This proposal would prevent employers or insurers from requiring an implanted identification or tracking device as a condition of coverage or employment. The proposal achieved some notoriety due to comments by its patron regarding apocalyptic fears.

The bill passed through the House but was eventually left in the Senate Commerce and Labor Committee and failed to pass.

HOUSE BILL 56 (DELEGATE COLE): TESTAMENTARY TRUSTEES' DUTIES

This bill relieves trustees of the duty of filing inventories or annual accounts with the commissioner of accounts, if not mandated by the terms of the will and all the beneficiaries consent. The commissioner of accounts is awarded a \$25 fee for the consent forms.

House Bill 56 is identical to Senate Bill 43 (Senator Stuart).

HOUSE BILL 66 (DELEGATE TOSCANO): VOCATIONAL EXPERT EVALUATIONS FOR CHILD AND SPOUSAL SUPPORT HEARINGS

This bill adds a provision to section 20-108.1 of the Code of Virginia, allowing for the appointment of a vocational expert to evaluate and testify in cases for child or spousal support where income is in controversy. This expert will testify as to the earning capacity and voluntary under- or unemployment of a party. Costs and fees may be awarded at any time at the discretion of the court.

HOUSE BILL 77 (DELEGATE WARE): DISCLOSURE REQUIREMENT FOR LIFE INSURANCE

This legislation amends and reenacts sections 38.2-3724 and 38.2-3735 of the Code of Virginia, requiring that insurance companies who accept payment of a premium in advance in a lump sum inform the purchaser of his right to obtain a refund if the insurer cancels the policy early.

HOUSE BILL 81 (DELEGATE KNIGHT): EQUALIZING PAY FOR JURORS

This bill amends section 25.1-235 of the Code of Virginia, putting all jurors on the same pay system. Currently, regular jurors are paid \$30 per day once summoned and appearing for jury duty, while jurors in condemnation cases are paid \$60 per day only if they are empanelled on the jury. This bill would pay each juror \$30 per day for being summoned and appearing, whether for regular jury service or for service as a condemnation juror.

HOUSE BILL 82 (DELEGATE KNIGHT) CIVIL PENALTIES FOR VIOLATION SEWAGE USAGE ORDINANCES

This bill amends section 15.2-2122 of the Code of Virginia, giving localities the authority to adopt an ordinance imposing civil penalties for violating ordinances regarding the introduction of pollutants and waste into the locality's public sewer system. The penalties cannot exceed \$100 for initial offenses and \$150 for subsequent offenses.

HOUSE BILL 83 (DELEGATE KNIGHT): PAWNBROKERS DAILY REPORTS

This bill amends section 54.1-4010 of the Code of Virginia, authorizing any local governing body to enact an ordinance requiring a pawnbroker to maintain and file a daily report of all goods, articles or things pawned or pledged with him or sold to him that day. The daily report may be filed electronically through the use of a disk, electronic transmission, or any other electronic means or reporting approved by an appropriate law-enforcement officer, with whom the pawnbroker files the daily report.

HOUSE BILL 84 (DELEGATE R. MARSHALL): OUT-OF-STATE SEARCH WARRANTS

This bill amends section 19.2-70.3 of the Code of Virginia, allowing for the execution of out-of-state search warrants for corporations or other entities that provide electronic communication services or remote computing services to the general public. Upon service, the entity shall produce records and information pertaining to subscribers as though the warrant had been issued in Virginia. These provisions will only apply to investigations concerning certain violent or sexual offenses, as well as identity theft.

House Bill 84 is identical to Senate Bill 492 (Senator Hurt).

HOUSE BILL 88 (DELEGATE KILGORE): COOPERATIVE UTILITY SERVICES TO INSTALL AND OPERATE PREPAID METERING EQUIPMENT UPON REQUEST

This legislation amends section 56-247.1 of the Code of Virginia, allowing a customer to request his electric cooperative utility company to install prepaid metering equipment. The equipment permits the customer to pay a prepaid amount toward his electric bill, and the equipment terminates service immediately when the customer's power use has exceeded his prepaid sum. The utility company is required to approve its tariffs with the State Corporation Commission prior to implementation.

HOUSE BILL 92 (DELEGATE KILGORE): REQUIREMENT OF FILING TARIFF RATE BY COOPERATIVES FOR RENEWABLE ENERGY CERTIFICATES

This legislation amends 56-577 of the Code of Virginia, stipulating that if an electric cooperative offers different tariffs to one or more classes of residential customers, the utility will be deemed to offer a specific tariff amount for 100 percent renewable energy if the utility retires renewable energy certificates that are equal to 100 of the energy that it provides under the specified tariff. This legislation allows customers to continue purchasing renewable energy if their agreements were effective prior to July 1, 2010.

HOUSE BILL 93 (DELEGATE KILGORE): UNDERINSURED MOTORIST INSURANCE, LIABILITY OF DEFENDING OWNER

This bill adds to the provisions of section 38.2-2206 of the Code of Virginia. A liability insurer may be relieved of the costs of defending an under-insured driver in a case of serious bodily injury or damage, provided the insurer provide written notice that it will cover the limits of its policy. The insurer providing the under-insured motorist coverage will reimburse the liability insurer for the costs to defend the under-insured motor vehicle owner, up to the date of the under-insured motorist insurer's offer of its limit of coverage.

HOUSE BILL 97 (DELEGATE LOUPASSI): RESTRICTED-USE DRIVER'S LICENSE

This bill adds section, 46.2-398.1, to the Code of Virginia, providing that when the driver of any motor vehicle, holding an out-of-state driver's license, is convicted in Virginia of a violation for which license suspension and issuance of a restricted license is authorized, the court may issue a restricted driving privilege in Virginia upon the same conditions as if the person held a valid Virginia license.

HOUSE BILL 98 (DELEGATE LOUPASSI): RESTRICTED LEARNER'S PERMIT

This bill amends section 46.2-335 of the Code of Virginia, authorizing the Department of Motor Vehicles to issue a restricted learner's permit to an individual 25 years of age or older, provided a court has authorized restricted driving privileges to the person.

House Bill 98 is identical to Senate Bill 107 (Senator McDougle).

HOUSE BILL 99 (DELEGATE LOUPASSI): UNLAWFUL DETAINER AND APPEAL BONDS

This bill amends section 16.1-107 of the Code of Virginia, adding the offense of unlawful detainer to those offenses requiring an appeal bond by indigent defendants. In cases of unlawful detainer against a former owner based upon a foreclosure against that owner, an indigent defendant shall post an appeal bond within thirty days from the date of judgment.

HOUSE BILL 105 (DELEGATE LOUPASSI): SECURITY BONDS, COURT ADJUSTMENTS

This bill amends section 8.01-676.1 of the Code of Virginia, allowing a court to impose any additional requirements to a security posted on appeal, upon a showing of good cause. Currently, the court may only adjust the amount of the bond. The language is also clarified, ensuring that motions and objections involving such modification may be made either to the appellate court or the court whose decision is being appealed until such time as the appellate court acts.

HOUSE BILL 107 (DELEGATE COLE): SCHOOL DISTRICT NOTIFICATION FOR ADULT STUDENTS

This bill amends sections 16.1-260 and 16.1-293 of the Code of Virginia. Currently, the juvenile intake officer notifies school superintendents whenever one of their students is charged with a crime, exempting eighteen-year-olds. This legislation raises that barrier to include these young adults. Comparable notification is instituted for commitment to a Department of Juvenile Justice facility.

HOUSE BILL 116 (DELEGATE PURKEY): INSURERS NOT LIMITED TO A SINGLE PROVIDER FOR MAIL ORDER PHARMACY SERVICES

This legislation amends sections 2.2-2818, 38.2-3407.7, 38.2-4209.1, and 38.2-4312.1 of the Code of Virginia, allowing insurers to select a single mail order pharmacy provider to serve as its exclusive provider for mail order pharmacy services, defined as a pharmacy that is permitted to do business by delivering pharmacy products by “mail, common carrier, or delivery service.”

HOUSE BILL 138 (DELEGATE POLLARD): ESTABLISHMENT OF AQUACULTURE OPPORUNITY ZONES

This bill amends section 28.2-603 of the code of Virginia, directing the Marine Resources Commission to establish commercial shellfish aquaculture opportunity zones in the waters off of the Northern Neck, the Middle Peninsula, and Tangier Island. Temporary protective enclosures shall be placed in these areas.

HOUSE BILL 141 (DELEGATE POLLARD): NONPROFIT ORGANIZATIONS HOLDING EASEMENT ARE NOT ELIGIBLE FOR LAND PRESERVATION TAX CREDIT

This legislation amends section 58.1-512 of the Code of Virginia, specifying that non-profit organizations in Virginia that hold a “less-than-fee” interest in land by means of a conservation easement are not eligible to receive the benefits of the Land Preservation Tax Credit.

HOUSE BILL 142 (DELEGATE POLLARD) EXTENSION OF THE SUNSET HARVEST PROVISION FOR MENHADEN FISHERIES

This legislation amends and reenacts chapter 41 of the Acts of Assembly of 2007, extending the quota for menhaden harvest until January 1, 2014. The quota is 109,020 metric tons for the Virginia portion of the Chesapeake Bay.

This bill is identical to Senate Bill 47 (Senator Stuart).

HOUSE BILL 144 (DELEGATE O'BANNON): DUI SUSPECT QUESTIONING

This bill amends section 9.1-102 of the Code of Virginia, allowing the Department of Criminal Justice Services to create and disseminate a model policy for law-enforcement personnel to use in questioning drivers suspected of driving under the influence, in order to determine the location of their last beverage for the purpose of notifying the Alcoholic Beverage Control Board.

HOUSE BILL 166 (DELEGATE POGGE): CAPITAL MURDER AND FIRE MARSHALLS

This bill amends section 18.2-31 of the Code of Virginia, adding fire marshals and deputy and assistant fire marshals to the capital murder statute. This allows the death sentence to be imposed for their murder when such killing is for the purpose of interfering with the performance of their official duties.

HOUSE BILL 174 (DELEGATE COX): VETERANS SERVICES

This bill amends section 2.2-2001.1 of the Code of Virginia, broadening the coverage of the Wounded Warrior Program for veterans' seeking

rehabilitative and mental health services. The bill contains a technical amendment that extends the program to provide timely assessment and treatment for stress-related and traumatic brain injuries resulting from military service, as opposed to only injuries resulting from service in combat areas.

HOUSE BILL 192 (DELEGATE COSGROVE): FAIR HOUSING BOARD

This bill amends sections 54.1-2343 and 54.1-2344 of the Code of Virginia, requiring the Fair Housing Board to establish, by regulation, educational materials on the Fair Housing Law and require a signed affidavit from persons in the business or activity of selling or renting dwellings, that they have read and understood the provided materials. This bill also defines the term “persons in the business or activity of selling or renting dwellings” as any individual who is the owner of any combination of residential dwelling units occupied by five or more families; however, the definition excludes any person involved in the sale of a dwelling pursuant to a deed of trust, or in full or partial satisfaction of a debt that was secured by such dwelling.

HOUSE BILL 199 (DELEGATE COX): EXPANDS SCOPE OF INCENTIVE PACKAGE TO BE REVIEWED BY THE MEI PROJECT APPROVAL COMMISSION

This legislation amends sections 30-309, 30-310 and 30-312 of the Code of Virginia, expanding the scope of incentive packages to be reviewed by the MEI Project Approval Commission by giving the commission the authority to review individual incentive packages including but not limited to packages offering tax incentives, for economic development projects (including but not limited to MEI projects) for which (i) one or more of the incentives in the incentive package is not authorized under current law or (ii) an amendment by the General Assembly is being sought to one or more currently existing incentives included as part of the incentive package. The Commission shall recommend approval or denial of such packages to the General Assembly.

HOUSE BILL 203 (DELEGATE ALEXANDER): WRITS OF ACTUAL INNOCENCE

This bill amends section 8.01-195.10 of the Code of Virginia, clarifying the definition of “wrongful incarceration” to include those persons receiving a writ of actual innocence based on non-biological evidence or an absolute pardon for the commission of a crime that they did not commit. This definition is critical in the determination of post-imprisonment compensation.

HOUSE BILL 204 (DELEGATE ALEXANDER): AUTHORIZATION AND VERIFICATION FOR PRODUCTS ON TELEPHONE BILL

This legislation adds section 56-479.3 to the Code of Virginia, prohibiting telephone companies from adding products to phone bills without receiving the permission of the customer. The legislation removes liability for such charges that were not authorized in written, oral, or electronic form from the customer. Further, the phone company should regain the verification of approval for two years.

HOUSE BILL 210 (DELEGATE BULOVA): EXTORTION DEFINITION

This bill amends section 18.2-59 of the Code of Virginia, expanding the definition of extortion to include the sale, distribution, or release of personal identification under the identity theft statute. A good faith defense is incorporated.

HOUSE BILL 227 (DELEGATE WATTS): SEX OFFENDER TRESPASS EXCEPTIONS

This bill amends sections 16.1-241 and 18.2-370.5 of the Code of Virginia, providing that a sex offender who has received a court order allowing entry on school or child daycare center must also obtain permission of the school board or of the owner of the private school or daycare. The bill also provides that the petition must be filed in circuit court; current law allows an adult to petition either the juvenile and domestic relations district or circuit court of the locality for permission to enter the property.

HOUSE BILL 231 (DELEGATE DANCE): INTERPLEADER OF REAL ESTATE ESCROWS

This bill amends section 16.1-77 and adds section 54.1-2108.1 to the Code of Virginia, protecting escrow funds in the event of a real estate foreclosure by authorizing a lender, the licensee or an agent of the licensee to file an interpleader action in the General District Court. The bill also requires that where, at the date of the foreclosure sale, the landlord is holding a security deposit of the tenant in a residential dwelling unit foreclosed upon, then the landlord must return any security deposit and any accrued interest that is duly owed to the tenant.

HOUSE BILL 233 (DELEGATE DANCE): ASSESSMENTS ON AFFORDABLE HOUSING UNITS

This legislation amends section 58.1-3295 of the Code of Virginia, requiring that the income generated by affordable housing be taxed based on the manner in which the property is presently being used, provisions of the arm's-length contract, and any income restrictions that might exist.

House Bill 233 is identical to Senate Bill 273 (Senator Whipple).

HOUSE BILL 247 (DELEGATE KILGORE): INVOLUNTARY COMMITMENT APPEAL

This bill amends section 37.2-821 of the Code of Virginia, reducing the time for appeal from 30 days to 10 days after an order for involuntary commitment, mandatory outpatient treatment, or certification for admission to a training center. Such appeal does not automatically suspend execution of the order, and an appeal will not extend the required length of commitment. The bill also clarifies that the appeals court may rely upon the evaluation report from the original commitment hearing, instead of requiring a new evaluation.

House Bill 247 is identical to Senate Bill 63 (Senator Lucas).

HOUSE BILL 248 (DELEGATE KILGORE): JUVENILE PSYCHIATRIC TREATMENT

This bill creates a Psychiatric Treatment of Minors Act out of the relevant sections from the Psychiatric Inpatient Treatment of Minors Act, in order to make a standard juvenile commitment act. Various cross-

references to the adult statutes are removed, instead incorporating them to a more streamlined Act. In addition, the bill revises the appeals process, reducing the time of appeal from thirty to ten days, putting the procedure in line with other appeals from the Juvenile and Domestic Relations Court.

House Bill 248 identical to Senate Bill 65 (Senator Lucas).

HOUSE BILL 258 (DELEGATE McCLELLAN): EXPANDING THE SCOPE OF WHO IS ELIGIBLE FOR INDIVIDUAL HEALTH INSURANCE COVERAGE

This legislation amends section 38.2-3430.2 of the Code of Virginia, expanding the definition of who is eligible for guaranteed individual health insurance coverage to include those who were covered under a state plan under the Social Security Act (Virginia Medicaid recipients).

HOUSE BILL 260 (DELEGATE McCLELLAN): STATE CORPORATION COMMISSION TO REQUIRE PERSON TO MAKE RESTITUTION FOR IMPROPERLY WITHHOLDING MONEY

This legislation amends 38.2-218 of the Code of Virginia., adding the withholding, misappropriation, or conversion of any money received during the course of business to the list of offenses for which the Commission may require a person to make restitution for improperly receiving money. The legislation applies primarily to insurers who charge excessive rates or engage in charging discriminatory premiums.

HOUSE BILL 262 (DELEGATE SHERWOOD): ONE-STOP SMALL BUSINESS PERMITTING PROGRAM

This bill amends section 2.2-904.1 of the Code of Virginia, exempting veterans from paying the Department of Business Assistance's handling fee when establishing a small business through the one-stop small business permitting program.

HOUSE BILL 281 (DELEGATE ALBO): INCREASE IN PENALTIES FOR ANIMAL CRUELTY

This bill amends 3.2-6503 and 3.2-6574 of the Code of Virginia by increasing the penalty for a second or subsequent violation of animal care laws. An owner's second or subsequent conviction for failure to provide

adequate water, shelter, or veterinary care is increased from a Class 4 misdemeanor to a Class 2 misdemeanor. A second or subsequent violation related to adequate space, adequate exercise, and adequate care and transportation is increased from a Class 4 misdemeanor to a Class 3 misdemeanor. Additionally, the civil penalty for failing to sterilize an adopted cat or dog is increased to \$250.

HOUSE BILL 283 (DELEGATE ALBO): ELECTRONIC FILING OF CIVIL CASES

This bill adds section 16.1-79.1 to the Code of Virginia, allowing for the electronic submission of case data in any civil action in the general district courts. Usage of electronic data is at the option of the plaintiff or the plaintiff's attorney, and the security standards of the Office of the Executive Secretary of the Supreme Court are to be followed.

HOUSE BILL 284 (DELEGATE MERRICKS): INVESTMENT OF PUBLIC FUNDS

This legislation amends section 2.2-4518 of the Code of Virginia by allowing public funds to be invested with a federally insured bank or savings institution qualified by the Virginia Treasury Board if the full amount of principal and interest must be covered by federal deposit insurance. Previously, public funds could only be invested in certificates of deposits.

HOUSE BILL 291 (DELEGATE GRIFFITH): BAIL DECISIONS

This bill amends sections 19.2-124 and 19.2-132 of the Code of Virginia, specifying that the proper court for evaluation of bail decisions is to be based on where the initial determination was made and the court in which the charge is pending. In general, appeals are to first go to the court in which the initial decision was made. The bill also streamlines the process by which the Commonwealth can move to increase the bail decision.

House Bill 291 is identical to Senate Bill 75 (Senator Reynolds).

HOUSE BILL 295 (DELEGATE COSGROVE): OCEANA/FENTRESS MILITARY ADVISORY COUNCIL MEMBERSHIP

This bill amends section 2.2-2666.3 of the Code of Virginia, adding the Executive Director of the Virginia National Defense Industrial Authority to the membership of the Oceana/Fentress Military Advisory Council, a subset of the Virginia Military Advisory Council.

HOUSE BILL 302 (DELEGATE O'BANNON): EXEMPTIONS FROM RETAIL SALES AND USE TAX

This legislation amends sections 58.1-609.3 and 58.1-609.10 of the Code of Virginia, providing for an exemption to the Retail Sales and Use Tax for employers who purchase equipment for processing, storage, retrieval, or communication of data if the effort has the effect of creating at least fifty new tech jobs in the Commonwealth of Virginia.

House Bill 302 is identical to Senate Bill 130 (Senator Stosch).

HOUSE BILL 311 (DELEGATE O'BANNON): HOSPITALIZATION OF INMATES

This bill amends sections 19.2-169.6, 19.2-174.1, 19.2-175, 19.2-178, 19.2-389, 32.1-127.1:03, 37.2-803, 37.2-804, 37.2-809, and 37.2-811 of the Code of Virginia, moving the provisions regarding competency after conviction and involuntary commitment of individuals in custody into general competency and hospitalization statutes. The bill also elaborates the procedures that a court or a person having custody of an inmate must follow to determine whether treatment of mental illness is necessary.

House Bill 311 is identical to Senate Bill 87 (Senator Howell).

HOUSE BILL 314 (DELEGATE MCCLELLAN): DNA SAMPLING

This bill amends section 19.2-310.5 of the Code of Virginia, making technical changes providing that instead of blood, saliva and tissue samples, "samples of human biological evidence" shall be analyzed. The bill also provides that results of analyses are to be provided to an accused or his attorney.

HOUSE BILL 315 (DELEGATE McCLELLAN): EXPANDING OPTIONS FOR CONTINUATION OF GROUP HEALTH COVERAGE UPON TERMINATION OF ELIGIBILITY

This legislation amends section 38.2-3541 of the Code of Virginia, allowing individuals who have become ineligible for their previous group health insurance coverage to continue their coverage by allowing terminated employees the option of retaining such coverage for up to twelve months by making monthly payments of the premium cost. The legislation additionally requires employers to notify employees under group health insurance plans of their eligibility for the provisions of this legislation in a timely manner.

HOUSE BILL 317 (DELEGATE McCLELLAN): ENROLLMENT OPPORTUNITIES FOR GROUP HEALTH INSURANCE

This legislation amends sections 38.2-4214 and 38.2-4319, and adds section 38.2-3451.2 to the Code of Virginia. The legislation obliges health insurance companies within the Commonwealth to offer health insurance to employees and dependants who have lost eligibility for Virginia Medicaid or FAMIS, or have lost eligibility for assistance paying their premiums. Employees are required to request coverage under this provision within 60 days of losing their previous coverage. Employers are required to notify their employees of their eligibility under this program.

HOUSE BILL 334 (DELEGATE WATTS): SMALL ESTATE ACT REVISIONS

This bill revises the Small Estate Act, section 64.1-132.1 *et seq.* of the Code of Virginia, by consolidating it with various provisions from other sections of the Code. Also under this bill, a person holding an asset of a decedent valued at less than \$50,000 may pay or deliver the asset to a designated successor if he presents an affidavit on behalf of the other known successors. In the event of an asset worth less than \$15,000, the affidavit requirement is waived. This designated successor is one with a fiduciary duty to safeguard the asset and deliver it to the other successors as required by law. In addition, up to \$3,500 of the asset may be used towards the funeral of the decedent.

HOUSE BILL 342 (DELEGATE R. MARSHALL): PRIVATIZATION OF ALCOHOLIC BEVERAGE CONTROL STORES

This bill proposed to amend sections 4.1-100, 4.1-103, 4.1-111, 4.1-115, 4.1-121, 4.1-122, 4.1-201, 4.1-206, 4.1-207, 4.1-210, 4.1-215, 4.1-231, 4.1-233, 4.1-234, 4.1-235, 4.1-303, and 4.1-330; add sections 4.1-119.1, 4.1-120.1, 4.1-204.1, and 4.1-214.1; and repeal sections 4.1-119 and 4.1-120, of the Code of Virginia. This legislation proposed issuing “package store” licenses to authorize the retail sale of alcoholic beverages for off-premises consumption. The bill also required the ABC Board to sell at auction all real estate used as ABC stores, and to terminate leased property upon which the ABC Board has operated a government store. The ABC Board was required to complete an implementation study by December 31, 2010, on how it will privatize government stores. This bill had a delayed effective date of January 1, 2011, to achieve full retail privatization of government stores.

House Bill 342 was left in the House Committee on General Law and failed to pass.

HOUSE BILL 352 (DELEGATE RUST): EXTENDS GROUP LIFE INSURANCE COVERAGE TO PERSONS MUTUALLY AGREED UPON BY INSURER AND POLICYHOLDER

This legislation amends section 38.2-3323 of the Code of Virginia, permitting group life insurance policies to cover anyone who the insured group member has an insurable insured as defined by sections 38.2-301 and 38.2-302 of the Code of Virginia. It requires that the insurer and group policy-holder mutually agree to extend coverage to the person.

House Bill 352 is identical to Senate Bill 465 (Senator Howell).

HOUSE BILL 355 (DELEGATE ENGLIN): TAX COMMISSIONER TO ISSUE ANNUAL TAX EXPENDITURE REPORT AND POST ON INTERNET

This legislation amends section 58.1-202 of the Code of Virginia, specifying that the Department of Taxation must issue an annual report regarding the types of taxpayers who claim tax relief. The report is to be provided to the General Assembly, formerly to the House and Senate Finance and Appropriations Committees, and to be posted online. Further, the report must include information about companies receiving tax credits for creating jobs.

HOUSE BILL 376 (DELEGATE LEWIS): SERVICE BY PUBLICATION

This bill amends section 8.01-316 of the Code of Virginia, retroactively allowing notice by publication to be sufficient if the order was processed by a clerk before July 1, 2010. Previously, all orders must be ratified by a judge.

HOUSE BILL 377 (DELEGATE LEWIS): MONETARY AWARDS IN DIVORCE

This bill amends section 20-107.3 of the Code of Virginia, clarifying that a monetary award made in a divorce case may be enforceable in the same manner as any other money judgment.

HOUSE BILL 380 (DELEGATE EDMUNDS): GOVERNOR'S DEVELOPMENT OPPORTUNITY FUND

This bill amends section 2.2-115 of the Code of Virginia, providing that criteria used to award grants or loans to political subdivisions from the Governor's Development Opportunity Fund include (i) job creation, (ii) private capital investment, and (iii) anticipated additional state tax revenue expected to accrue to the state and affected localities as a result of the capital investment and jobs created.

HOUSE BILL 384 (DELEGATE COX): INDIVIDUAL INCOME TAX REPORTING REQUIREMENTS

This legislation amends section 58.1-1823 of the Code of Virginia, deleting the restriction that the individual taxpayer must have previously claimed a tax credit in the other state in which tax was owed. Under this amendment, it is immaterial whether the taxpayer originally applied for the credit or not.

HOUSE BILL 385 (DELEGATE DANCE): SUSPENSION OF STATE MANDATES

This bill amends section 2.2-113 of the Code of Virginia, authorizing the Governor, upon application by a locality, to suspend any mandate, or portion thereof, for a period not to exceed two years, prescribed by any unit of the executive branch of state government on a locality upon a finding

that it faces fiscal stress and the suspension of the mandate or portion thereof would help alleviate the fiscal hardship.

HOUSE BILL 386 (DELEGATE JANIS): MATURITY DATE OF DEPOSITS

This bill amends section 8.3A-118.1 of the Code of Virginia, eliminating the stated maturity date of a deposit as a factor for determining the time in which a person may institute an action to enforce financial obligations. Under current law, an action to enforce the obligations of a financial institution to pay a deposit account or certificate of deposit must occur within six years of either the due date of the deposit, last written communication from the bank, last day of the year of reported interest for income tax purposes, or the stated maturity date of the deposit. This bill eliminates the last factor, making the stated maturity date erroneous in calculating the statute of limitations. In addition, the bill provides that the trigger relating to the reporting of interest income tax purposes relates to a report made by either the depositor or the bank. Currently, it is triggered only by the depositor's report of interest income on the deposit.

HOUSE BILL 388 (DELEGATE JANIS): REGISTER ACT

This bill amends section 2.2-4103 of the Code of Virginia, requiring final regulations filed with the Virginia Registrar to be accompanied by a statement or certification that states the regulations are full, true, and correctly dated. The bill eliminates the prior requirement that the statement or certification be signed, and allows the statement or certification to be either in original or electronic form.

HOUSE BILL 389 (DELEGATE JANIS): CREATION OF THE VIRGINIA OFFSHORE WIND DEVELOPMENT AUTHORITY

This legislation adds sections 67-1200 to 67-1211 to the Code of Virginia, creating the Virginia Offshore Wind Development Authority. The purpose of the Authority is to facilitate and support the development of Virginia's offshore wind industry outside of Virginia's jurisdictional limit of three miles. The Act authorizes the Authority to collect data, upgrade

port facilities, identify current barriers to the wind industry, and work with the U.S. Department of Energy to receive federal loan guarantees.

House Bill 389 is identical to Senate Bill 577 (Senator McEachin), which incorporated Senate Bill 393 (Senator Wagner).

HOUSE BILL 407 (DELEGATE ODER): LANDLORD AND TENANT LAWS

This bill amends sections 6.1-330.54, 8.01-128, 34-5, 55-226.2, 55-246.1, 55-248.4, 55-248.7:2, 55-248.9:1, 55-248.15:1, 55-248.15:2, and 55-248.38:3 of the Code of Virginia, and adds section 16.1-79.1 to the Code of Virginia. This bill clarifies the judgment rate of interest as including any and all amounts covered by the judgment. The bill also (i) requires the general district court to accept electronically filed civil actions forms developed by the executive secretary; (ii) provides that the homestead exemption does not apply to a money judgment for nonpayment of rent for which a writ of garnishment is issued, and which does not request a writ of fieri facias or levy on the real or personal property of the debtor; (iii) revises the ratio utility billing system for landlords and tenants; (iv) allows certain persons to prepare, execute, file, and serve other parties, in any proceeding in a general district court, various warrants and civil notices without the intervention of any attorney; (v) revises the definition of “security deposit” under the Virginia Residential Landlord Tenant Act as to not include damage insurance policy or renter’s insurance policy purchased by a landlord to provide coverage for a tenant; (vi) allows for disclosure of tenant records of revenue to a local commissioner, and to the commanding or military housing officer, or military attorney of the tenant; (vii) allows the landlord to withhold a portion of the security deposit until final settlement of utility bills. This bill contains technical amendments.

HOUSE BILL 408 (DELEGATE ODER): REAL ESTATE APPRAISER BOARD

This bill amends the Code of Virginia by adding in Title 54.1 a chapter numbered 20.2, consisting of sections numbered 54.1-2020 through 54.1-2023, providing for the regulation of real estate appraisal management companies by the Virginia Real Estate Appraiser Board. This bill specifically prohibits an appraisal management company to enter into any contracts or agreements with an independent appraiser for the performance of residential real estate appraisal services unless the independent appraiser is licensed to provide that service by law. This legislation also requires the

appraisal management company to comply with any applicable requirements of federal law including the requirements of the United States Department of Housing and Urban Development.

HOUSE BILL 409 (DELEGATE ODER): BOARD FOR CONTRACTORS

This bill amends section 54.1-1111 of the Code of Virginia, requiring any contractor applying for or renewing a business license in any locality to furnish either (i) satisfactory proof that he is duly licensed or certified as a contractor or (ii) a written statement, supported by an affidavit, that he is not subject to licensure or certification as a contractor or subcontractor. No locality may issue or renew a business license unless the contractor has furnished his contractor license or certificate number or evidence of a lawful exemption.

HOUSE BILL 417 (DELEGATE ODER): EXCHANGE FACILITATORS ACT

This legislation adds sections 55-525.1 through 55.525.7 to the Code of Virginia, setting the requirements and fines for those acting as exchange facilitators in the Commonwealth of Virginia. Exchange facilitators are required to maintain exchange funds in separate escrow accounts, to properly account for property and money, to maintain insurance, and to make clients aware of changes in control of the exchange facilitator. The Act generally prohibits fraud and misrepresentation, inability to account for property and money of the clients, and failing to carry out contractual duties. Fines for failure to comply with the act range up to \$2,500.

HOUSE BILL 419 (DELEGATE COX): DEPARTMENT OF VETERANS SERVICES

This bill amends section 2.2-2001 of the Code of Virginia, requiring the Department of Veterans Services to replace its existing case management technology providing an automated system for the electronic preparation of veterans' disability claims. This bill also requires that the initial replacement of the Department's existing case management technology to support highly sophisticated electronic claims preparation.

HOUSE BILL 426 (DELEGATE GRIFFITH): PUBLIC PROCUREMENT ACT

This bill amends section 2.2-4304 of the Code of Virginia, prohibiting a local public body from using another local public body's contract for construction where the cost of the project is in excess of \$200,000 and the other local public body is more than a straight line distance of 75 miles from the territorial limits of the local public body procuring the construction. This bill provides an exception to the above limitation for the installation of artificial turf or other artificial surfaces. This bill also clarifies that the limitation shall not be construed to limit a local public body's use of the sole source or emergency procurements provisions of the Virginia Public Procurement Act.

HOUSE BILL 430 (DELEGATE GRIFFITH): DEPARTMENT OF TAXATION TO ESTABLISH QUALIFICATIONS FOR CERTIFICATION OF REAL PROPERTY TAX ASSESSMENT

This legislation amends several provisions under Title 58 of the Code of Virginia. It requires that the fair market value of affordable housing be determined based on the income approach, and that taxpayers be allowed access to information relating to their tax assessments. Further, it provides that a sales assessment ratio lower than 70% or higher than 130% for the year that a general reassessment or annual assessment is effective shall be *prima facie* proof that such locality has failed to assess at 100%, and requires that a local officer provide notice for any requests in increase of assessed value for commercial, multifamily residential and industrial properties when the assessments have already been appealed.

HOUSE BILL 431 (DELEGATE GRIFFITH): FREEDOM OF INFORMATION ACT

This bill amends section 2.2-3713 of the Code of Virginia, allowing a FOIA action to be brought in the name of a person notwithstanding that the person's attorney made a request for public records in his representative capacity. The bill also clarifies that costs and reasonable fees for expert witnesses may be recovered by the petitioner in a FOIA action.

HOUSE BILL 432 (DELEGATE GRIFFITH): FREEDOM OF INFORMATION ACT

This bill amends section 2.2-3705.7 of the Code of Virginia, exempting the working papers and correspondence of the Clerks of the House of Delegates and the Senate of Virginia from the mandatory disclosure requirements of FOIA.

HOUSE BILL 433 (DELEGATE GRIFFITH): GOVERNMENT DATA COLLECTION AND DISSEMINATION PRACTICES ACT

This bill amends section 2.2-3808 of the Code of Virginia, requiring an individual to disclose or furnish his social security number not previously disclosed or furnished where specifically required by a state law in effect prior to January 1, 1975, or where specifically authorized or required by federal law. This bill also provides that nothing shall be construed to prohibit the collection of a social security number for the sole purpose of debt collection by state and local agencies.

HOUSE BILL 434 (DELEGATE GRIFFITH): FREEDOM OF INFORMATION ACT

This bill amends section 2.2-3705.1 of the Code of Virginia, exempting from the mandatory disclosure provisions of FOIA those portions of records that contain account numbers or routing information for any credit card, debit card, or other account with a financial institution of any person or public body. This legislation provides, however, that access shall not be denied to the person who is the subject of the record. This bill also defines “financial institution” as any organization authorized to do business under state or federal laws relating to financial institutions, including, without limitation, banks and trust companies, savings banks, savings and loan companies or associations, and credit unions.

HOUSE BILL 438 (DELEGATE TOSCANO): DAM SAFETY

This legislation amends sections 10.1-604, 10.1-607.1, and 10.1-609 of the Code of Virginia, by requiring the Soil and Water Conservation Board to adopt regulations regarding impounding these structures. The Board shall consider the impact on limited-use or private roadways with low traffic volume and low public safety risk that are downstream from or across from an impounding structure. Furthermore, the procedure must be

set that dam failure shall not significantly increase downstream hazard to life or property. Additionally, if the owner of a dam receives notice from the

Board containing recommendations for changes, the owner is allowed to propose his own changes to bring the dam into compliance with law.

HOUSE BILL 442 (DELEGATE TOSCANO): AUTHORIZES RETAIL CUSTOMERS TO CONTINUE PURCHASING RENEWABLE ENERGY

This legislation amends section 56-577 of the Code of Virginia, allowing customers to continue purchasing renewable energy at the terms and rate previously agreed to for the duration of the power purchase agreement after the utility has filed a tariff with the State Corporation Commission.

HOUSE BILL 444 (DELEGATE TOSCANO): STATE AND LOCAL GOVERNMENT CONFLICT OF INTERESTS ACT

This bill amends section 2.2-3110 of the Code of Virginia, exempting from the conflict of interests rules, under certain circumstances, contracts between an officer or employee with a public institution of higher education, where the officer or employee holds personal interest in the contracting firm by reason of ownership interest and income from the contracting firm in excess of \$10,000.

HOUSE BILL 447 (DELEGATE WARE): REMAINDER OF STATE INCOME TAX REVENUES TRANSFERRED TO LAND CONSERVATION FUND FOR DISTRIBUTION

This legislation amends section 58.1-513 of the Code of Virginia, modifying the fees on land transferred into land conservation funds in that, whereas the former law required that a 2% fee on the value of the transferred land up to a total of \$10,000, the fees collected will, by law, amount to a total of 2% of the total value of the land. Additionally, the legislation requires that these fees be used by the Department of Conservation and Recreation and the Department of Taxation for use by conservation groups.

House Bill 447 is identical to Senate Bill 264 (Senator Whipple).

HOUSE BILL 448 (DELEGATE WARE): EXPANDING THE SCOPE OF THE VIRGINIA LIFE, ACCIDENT & SICKNESS INSURANCE GUARANTY ASSOCIATION

This legislation amends sections 38.2-1442 and 38.2-1700 through 38.2-1715 of the Code of Virginia, updating the provisions relating to the Virginia Life, Accident and Sickness Insurance Guaranty Association. The Act defines terms for the Association, which protects those depending on insurers in the case that the insurer becomes insolvent, and increases its mandate.

House Bill 448 incorporated House Bill 574 (Delegate Cole).

HOUSE BILL 458 (DELEGATE HERRING): ATTORNEY-ISSUED SUMMONSES FOR PROTECTIVE ORDERS

This bill amends section 8.01-407 of the Code of Virginia, giving attorneys the right to issue summonses in cases involving protective orders. Such summonses were barred in these cases.

House Bill 458 is identical to Senate Bill 721 (Senator Marsden).

HOUSE BILL 476 (DELEGATE CARRICO): POLYGRAPHS AND OTHER DETECTION DEVICES

This bill amends sections 54.1-1800 through 54.1-1805 of the Code of Virginia, authorizing the Director of the Department of Professional and Occupational Regulation to approve the use of mechanical devices used to detect deception or verify truthfulness other than polygraphs. This bill also requires operators of such devices to be licensed just as polygraph examiners are currently licensed.

HOUSE BILL 482 (DELEGATE SICKLES): CONVERSION OF CREDIT UNIONS TO A STATE MUTUAL SAVINGS INSTITUTION

This legislation adds section 6.1-225.30:1 to the Code of Virginia, permitting a credit union to convert itself to a state mutual savings institution and outlines the process for credit unions to accomplish this. The statute requires that two-thirds of the members who are eligible to vote approve the transition and that the Commission approve the decision and

amendments of the articles of incorporation of the credit union that are required to bring about the transition become effective.

House Bill 482 identical to Senate Bill 440 (Senator Saslaw).

HOUSE BILL 485 (DELEGATE LINGAMFELTER): GOVERNOR REVIEW OF STATE AGENCIES

This legislation directs the Governor to initiate on July 1, 2010, an operational and programmatic performance review of the agencies under the Secretary of Health and Human Resources and the Secretary of Public Safety, the Department of Education, and any other department, agency, or program of the Commonwealth in the executive branch of state government that the Governor deems necessary to effect savings in expenditures, a reduction in duplication of effort, and programmatic efficiencies in the operation of state government. The review shall be concluded by December 1, 2011. This bill requires the review to be conducted by a private management consulting firm pursuant to a fixed price contract.

HOUSE BILL 495 (DELEGATE LINGAMFELTER): CHURCH LICENSURE REQUIREMENTS

This bill amends section 35.1-25 of the Code of Virginia, exempting churches that serve meals consisting of food prepared in the homes of members or in the kitchen of the church for their members or their invited guests from licensure requirements applicable to restaurants.

HOUSE BILL 500 (DELEGATE GILBERT): CERTIFICATES OF ANALYSIS AT PRELIMINARY HEARINGS

This bill amends sections 17.1-275.5, 19.2-183, and 19.2-187.1 of the Code of Virginia, providing that at any preliminary hearing, certificates of analysis shall be admissible without the testimony of the person preparing such certificate or report. The bill also provides that when such an analyst appears in court on the day of trial to testify, the certificate of analysis shall be admissible. Any defendant demanding the testimony of an analyst must pay \$50 in court costs for expenses related to the analyst's appearance, if the defendant is convicted.

House Bill 500 incorporated House Bill 456 (Delegate Herring).

HOUSE BILL 501 (DELEGATE GILBERT): DESIGNATES PART OF THE JORDAN RIVER AS PART OF THE STATE'S SCENIC RIVER SYSTEM

This legislation adds section 10.1-418.6 to the Code of Virginia by making a seven mile section of the Jordan River as part of the Virginia River Scenic System.

HOUSE BILL 503 (DELEGATE GILBERT): DESIGNATES PART OF THE HUGHES RIVER AS PART OF THE STATE'S SCENIC RIVER SYSTEM

This bill adds section 10.1-418.6 to the Code of Virginia by designating a 10 mile portion of the Hughes River as part of the Virginia Scenic River System.

HOUSE BILL 513 (DELEGATE RUST): IMPOUNDING OF VEHICLES FOR DRIVING WITHOUT A LICENSE

This bill amends section 46.2-301.1 of the Code of Virginia, allowing for the impoundment of a motor vehicle when its operator is a repeat offender of driving without a license. A person who authorizes the use of their vehicle by a person that they know does not have a license, and who has been previously convicted of unlicensed driving, is guilty of a Class 1 misdemeanor. There are exceptions in the law for a person whose license has been expired for less than a year prior to the offense, and for juveniles.

HOUSE BILL 515 (DELEGATE RUST): PROTECTION OF WETLANDS AND STREAMS

This legislation amends section 62.1-44.15:20 of the Code of Virginia, preventing any locality from imposing or establishing any provision related to the location of wetlands or stream mitigation that are in satisfaction of aquatic resource impacts regulated by the Commonwealth or the U.S. Army Corps of Engineers. A locality retains the right to determine the appropriate uses for these areas.

HOUSE BILL 517 (DELEGATE RUST): UNIFORM STATEWIDE BUILDING CODE

This bill amends section 36-106 of the Code of Virginia, authorizing a court to order violations of the Uniform Statewide Building Code on nonresidential buildings or structures be abated or otherwise remedied if the violations remain uncorrected at the time of assessment of civil penalties by the court.

HOUSE BILL 518 (DELEGATE RUST): FREEDOM OF INFORMATION ACT

This bill amends sections 2.2-3704 and 2.2-3706 of the Code of Virginia, allowing a public body that transferred possession of public records for storage, maintenance or archiving to remain the custodian of the records for the purpose of responding to FOIA requests. It also adds a definition of “criminal investigative file” and excludes such records from FOIA. This legislation further excludes portions of any records containing information related to undercover operations and protective detail records, as well as records of background and internal affairs investigations conducted by any law-enforcement agency from the disclosure requirements of FOIA.

HOUSE BILL 523 (DELEGATE NIXON): PROVIDES EXEMPTIONS FOR ANY INCOME TAXED AS LONG-TERM CAPITAL GAIN FOR FEDERAL INCOME TAX

This legislation amends 58.1-322 and 58.1-402 of the Code of Virginia, providing a state tax deduction for federal income taxes incurred from long-term capital gains that result from an investment in technology and science start-up businesses located within the Commonwealth between July 1, 2010 and June 30, 2013.

House Bill 523 is identical to Senate Bill 428 (Senator Herring).

HOUSE BILL 524 (DELEGATE NIXON): LOBBYIST DISCLOSURE STATEMENT

The bill proposed to amend sections 2.2-426, 2.2-428, and 2.2-431 of the Code of Virginia, redesigning the Lobbyist’s Disclosure Statement to require a lobbyist to include a list of all House of Delegates or Senate delegates for which he lobbied. It also proposes changing the manner in which entertainment and gift expenses are reported. The legislation directs

the Secretary of the Commonwealth to review the lobbyist disclosure statements for completeness and accuracy, and to reject the statement if it is not properly completed. Upon rejection, the statement may be returned to the lobbyist, who must submit a revised statement within 30 days from receipt of the returned statement.

This bill failed to pass and was continued to 2011.

HOUSE BILL 526 (DELEGATE NIXON): STATE CORPORATION COMMISSION FILINGS THAT CONTAIN PERSONAL IDENTIFYING INFORMATION

This legislation amends section 12.1-19 of the Code of Virginia, requiring that a person submitting documentation to the State Corporation Commission ensure that the documentation does not include social security numbers, credit card, electronic billing information, account numbers, dates of birth, or mothers' maiden names. If such information remains on a document that has been submitted, the legislation authorizes the clerk to remove the information or to refuse the filing of such a document. The legislation also specifies that the Commission will not be liable for the disclosure of any information that is contained on public filings.

HOUSE BILL 531 (DELEGATE NIXON): EXEMPTS INSURANCE RATE-RELATED INFORMATION FILED WITH THE STATE CORPORATION COMMISSION FROM INSPECTION

This legislation amends section 38.2-1907 of the Code of Virginia, restricting the public disclosure of insurance rate-related information that the State Corporation Commission has received if the documents contain trade secrets. The filing insurance company must make the case to the Commissioner that the information contained on the form constitutes a trade secret under section 59.1-336 of the Code of Virginia.

HOUSE BILL 532 (DELEGATE NIXON): EXEMPTS HOME SERVICE CONTRACT PROVIDERS THAT HAVE CERTAIN WORTH FROM LICENSURE REQUIREMENTS

This legislation amends sections 38.2-2617, 38.2-2618, and 38.2-2619 of the Code of Virginia, adding "home service providers" to the list of entities

that are not subject to this legislation. Home service providers are exempt if they have a net worth in excess of \$100 million.

House Bill 532 is identical to Senate Bill 439 (Senator Saslaw).

HOUSE BILL 535 (DELEGATE NIXON): POSTPONES SCHEDULED INCREASE FOR MINIMUM EARNINGS REQUIREMENT FOR UNEMPLOYMENT BENEFITS

This legislation amends section 60.2-602 of the Code of Virginia,, removing dates relating to previous years' minimum earnings requirements and postpones the 2010 scheduled increase in the amount of income that one was required to earn in his two highest earnings quarters to be eligible for unemployment benefits until July 3, 2011.

HOUSE BILL 547 (DELEGATE D. MARSHALL): REQUIRING MORTGAGE LENDERS AND BROKERS TO REGISTER WITH THE NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY

This legislation amends sections 6.1-409 and 6.1-410 of the Code of Virginia, requiring mortgage lenders and brokers to be licensed under the national registry. Such individuals must submit to any renewal requirements established by the registry and must be responsible for any associated fees. Additionally, the Virginia Commission may collect any registration and renewal fees on behalf of the registry. The Act authorizes the Commission to establish contracts with the registry for the purpose of carrying out this relationship.

House Bill 547 is identical to Senate Bill 240 (Senator Watkins).

HOUSE BILL 548 (DELEGATE D. MARSHALL): PROVIDES DISCOUNTS IN GROUP HEALTH INSURANCE POLICIES FOR INSURERS WHO INSTITUTE WELLNESS PROGRAMS

This legislation amends section 38.2-4319 of the Code of Virginia, allowing insurers to provide a premium discount for employers that institute and maintain employee wellness programs as defined by the insurer. Insurance companies insuring companies instituting a wellness program may require employees to submit to health assessment prior to beginning the program.

HOUSE BILL 550 (DELEGATE D. MARSHALL): VIRGINIA EMPLOYMENT COMMISSION MAY NEGOTIATE TERMS OF REPAYMENT FOR BENEFITS TO WHICH RECIPIENT WAS NOT ENTITLED

This legislation amends section 60.2-633 of the Code of Virginia, permitting the Virginia Employment Commission to negotiate the terms of repayment when the recipient is not entitled to the benefits he has received. The inserted language gives the Commission the option to deduct up to 50% payable in benefits for any future week, to forgive the debt until the recipient has found a job, or agreeing to an individualized repayment plan. The legislation gives the Commission the authority to use any other means of collection if the individual fails to comply with the agreement.

HOUSE BILL 554 (DELEGATE D. MARSHALL): CONTINUATION OF COBRA FOLLOWING TERMINATION OF EMPLOYMENT

This legislation amends section 38.2-3541.1 of the Code of Virginia, mandating that employers that have provided group health insurance coverage to their employees make COBRA coverage available beyond a period of nine months for employees who have been involuntarily terminated, pursuant to amendments to the American Recovery and Reinvestment Act.

HOUSE BILL 555 (DELEGATE D. MARSHALL) PREFERENCE FOR ALLOCATING GRANT FUNDS UNDER THE ENTERPRISE ZONE GRANT PROGRAM

This bill amends sections 59.1-547 and 59.1-549 of the Code of Virginia, changing the eligibility for enterprise zone job creating grants is calculated. Specifically, it gives grants of \$500 a year for up to five years for each grant eligible position that pays 150% of the federal minimum wage and provides health benefits. Formally, only positions paying 175% or more of the federal minimum wage plus health benefits were eligible for grants. Additionally, this bill provides that job creation job grants take precedent over real property investment grants when the total amount of money appropriated is not sufficient.

HOUSE BILL 556 (DELEGATE D. MARSHALL): HMOs MAY OFFER PLANS THAT DO NOT INCLUDE STATE-MANDATED BENEFITS

This legislation amends sections 38.2-3406.1 and 38.2-4319 of the Code of Virginia, allowing health maintenance organizations to sell group health insurance to small employers, which do not include the entire state-mandated health insurance benefits.

House Bill 556 is identical to Senate Bill 642 (Senator Reynolds).

HOUSE BILL 559 (DELEGATE TATA): ABSOLUTE PARDONS, WRONGFUL IMPRISONMENT, AND COMPENSATION

This bill amends sections 8.01-195.10, 8.01-195.11, and 8.01-195.12 of the Code of Virginia, clarifying that individuals granted an absolute pardon by the Governor may be considered under the wrongful incarceration compensation statute. The amount of compensation provided under the statute, meanwhile, is to be adjusted for inflation. In addition, the bill specifies that any person awarded compensation who is subsequently incarcerated shall, during the period of such incarceration, forfeit any payments under an annuity purchased. Any forfeited amounts under the annuity shall become the property of the Commonwealth and shall be deposited into the general fund of the state treasury.

HOUSE BILL 560 (DELEGATE TATA): LIMITS ON THE SICKNESS AND DISABILITY PLAN OF THE VIRGINIA RETIREMENT SYSTEM

This legislation amends sections 51.1-1103, 51.1-1110, 51.1-1111, 51.1112, 51.1-1122, and 51.1-1123 of the Code of Virginia by not providing Nonwork Related Disability Benefits for employees until they complete one continuous year of active employment or re-employment. Furthermore, it requires employees to work forty-five consecutive full days before they are eligible to receive a new period of short term disability. Finally, the bill creates a different benefit structure for new employees.

HOUSE BILL 561 (DELEGATE TATA): MAXIMUM COVERAGE UNDER THE OPTIONAL LIFE INSURANCE OF THE RETIREMENT SYSTEM AND EXEMPTIONS FOR ACTIVE DUTY MILITARY PERSONNEL

This legislation amends sections 51.1-505 and 51.1-512 of the Code of

Virginia, giving the Board of Trustees of the Virginia Retirement System the discretion to set the maximum amount of coverage provided by the optional life insurance plan. Also, this legislation clarifies that employees will not lose their accidental death and dismemberment insurance and life insurance after twenty-four months of leave without pay if the employee is on leave without pay while performing active duty military service.

HOUSE BILL 562 (DELEGATE TATA): RETIREMENT SUPPLEMENTS UNDER THE VIRGINIA RETIREMENT SYSTEM IN THE CASE OF DEFLATION

This bill amends section 51.1-166 of the Code of Virginia, providing that amount of post-retirement supplements allowed will not be reduced in the event of deflation and changes how cost of living adjustments are calculated following a period of deflation.

HOUSE BILL 567 (DELEGATE IAQUINTO): STATE-AID CONSTRUCTION PROJECTS

This bill amends section 2.2-4305 of the Code of Virginia, raising the competitive sealed bidding or competitive negotiation dollar threshold from \$30,000 to \$50,000 for the construction of any building, or for an addition to or improvement of an existing building, by any local governing body for which state funds are used for all or part of the cost of construction.

HOUSE BILL 568 (DELEGATE IAQUINTO): EXPERT TESTIMONY IN CAPITAL MURDER

This bill increases the time of advance notice before mitigating expert testimony can be presented in a capital murder trial from 21 days to 60 days.

HOUSE BILL 582 (DELEGATE LANDES): EXPANSION OF THE CENTER FOR RURAL VIRGINIA

This legislation amends section 2.2-2723 of the Code of Virginia, giving the Center for Rural Virginia the authority to facilitate the development of incentives and provide a forum for competing interests to allow for job creation and expanded economic opportunities for farm businesses and rural

enterprises while ensuring the rights of localities to develop reasonable regulations of such farm businesses and rural enterprises to protect the health, safety, and welfare of residents.

This bill is identical to Senate Bill 347 (Senator Hanger).

HOUSE BILL 585 (DELEGATE LANDES): PAROLE VIOLATION AND THE VCIN

This bill amends sections 19.2-390, 53.1-149, and 53.1-162 of the Code of Virginia, providing that once a parole officer authorizes the arrest of an individual for violating the terms of their post-release supervision or probation, their name shall appear in the Virginia Criminal Information Network. This entry is to appear within seventy-two hours of the parole officer's written notice. Such entry is to be deemed a warrant authorizing the individual's arrest anywhere in the Commonwealth.

HOUSE BILL 590 (DELEGATE LANDES): DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

This bill amends sections 54.1-403, 54.1-406, 54.1-603, 54.1-702, 54.1-2012, 54.1-2013, 54.1-2104, 54.1-2206, 54.1-2210, 54.1-2313, and 54.1-2344 of the Code of Virginia and repeals section 54.1-404.1 of the Code of Virginia, removing certain language found obsolete by the Virginia Code Commission.

HOUSE BILL 603 (DELEGATE LOUPASSI): EXPANSION OF ELECTRONIC NOTIFICATION BY THE WORKERS COMPENSATION COMMISSION

This legislation amends section 65.2-715 of the Code of Virginia, permitting the Virginia Workers' Compensation Commission to send necessary documents by electronic communication, as the Commission should prescribe.

House Bill 603 is identical to Senate Bill 611 (Senator Edwards).

HOUSE BILL 604 (DELEGATE MERRICKS): CENTER FOR RURAL VIRGINIA BOARD OF TRUSTEES MEMBERSHIP

This bill amends section 2.2-2721 of the Code of Virginia, adding the

Lieutenant Governor and the Secretary of Commerce and Trade or their designees to the membership of the Board of Trustees of the Center for Rural Virginia.

HOUSE BILL 605 (DELEGATE MERRICKS): POWERS OF BOARD FOR HOUSING AND COMMUNITY DEVELOPMENT

This bill amends section 36-137 of the Code of Virginia, broadening the levy of two percent of permit fees to support training programs of the Virginia Building Code Academy so as to not limit the levy to building permit fees.

HOUSE BILL 612 (DELEGATE PURKEY): PAYMENT OF ANNUAL CORPORATE REGISTRATION FEE

This legislation amends several sections under Title 13 of the Code of Virginia regarding the way that annual corporate registration fees are to be paid. The law mandates that the annual fees collected be applied to the longest outstanding annual registration fee or penalty assessed against the corporation. The legislation requires that the due date for annual registration fees fall within the month when the corporation was originally registered in the Commonwealth.

HOUSE BILL 618 (DELEGATE POGGE): LOCAL ORDINANCE CONSTITUTIONALITY

This bill amends section 16.1-131.1 of the Code of Virginia, permitting a locality to petition the circuit court for a determination as to the constitutionality of a local ordinance, if found unconstitutional in a court not of record. Currently, only the Commonwealth is able to obtain such a determination.

House Bill 618 is identical to Senate Bill 521 (Senator Norment).

HOUSE BILL 619 (DELEGATE ORROCK) POWER TO ASSESS CIVIL PENALTIES REGARDING EROSION AND SEDIMENT CONTROL

This legislation amends and reenacts section 10.1-562 of the Code of Virginia, preventing localities from imposing a civil penalty to people who engage in land disturbing activities without prior approval.

HOUSE BILL 620 (DELEGATE ORROCK): AGENTS OF ALCOHOLIC BEVERAGES CONTROL BOARD

This bill amends section 4.1-119 of the Code of Virginia, allowing the ABC board to appoint as agents any licensed distiller who blends alcoholic beverages on his licensed premises and operates a museum whose licensed premises is located on the grounds of a local historic building or site.

HOUSE BILL 624 (DELEGATE KILGORE): REDUCES THE NUMBER OF QUALIFIED FULL-TIME JOBS REQUIRED TO RECEIVE BUSINESS FACILITY JOB TAX CREDIT

This legislation amends section 58.1-439 of the Code of Virginia, reducing the number of jobs created to receive the tax credit from 100 to 50 in normal areas, and from 50 to 25 in areas that qualify as enterprise zones or as economically distressed areas.

House Bill 624 is identical to Senate Bill 472 (Senator Watkins).

HOUSE BILL 627 (DELEGATE KILGORE): ESTABLISHMENT OF DIRECTORY OF HISTORICAL FACILITIES AND SITES.

This legislation adds section 10.1-114.1 to the Code of Virginia, by giving the Director of Conservation and Recreation the authority to create a directory for cultural heritage facilities and sites regarding significant aspects of history.

HOUSE BILL 630 (DELEGATE SCOTT): THIRD PARTY SHIPMENT OF WINE AND BEER

This bill amends sections 4.1-209, 4.1-209.1, 4.1-231, and 13.1-313 of the Code of Virginia, creating a fulfillment warehouse license, which authorizes an agricultural cooperative association with a place of business in the Commonwealth to (i) receive deliveries and shipments of wine or beer owned by holders of wine or beer shipper's licenses, (ii) store such wine or beer on behalf of the owner, and (iii) pick, pack, and ship such wine or beer as directed by the owner, all in accordance with Board regulations. Licensed wholesalers or any person under common control of such licensee are prohibited from obtaining the fulfillment warehouse license. The legislation also creates a marketing portal license, which allows an

authorized agricultural cooperative association to solicit and receive orders for wine or beer through the use of the Internet from persons in Virginia on behalf of holders of wine or beer shipper's licenses.

HOUSE BILL 633 (DELEGATE SCOTT): STATE AND LOCAL CONFLICT OF INTERESTS ACT

This bill amends section 2.2-3110 of the Code of Virginia, providing that a conflict of interest exists where there is employment by the same governmental agency of an officer or employee and spouse or any other relative residing in the same household and one such person is employed in a direct supervisory or administrative position, or both, with respect to his spouse or other relative residing in his household and the annual salary of such subordinate is \$35,000 or more.

HOUSE BILL 634 (DELEGATE SCOTT): BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS LICENSURE EXCEPTIONS

This bill amends section 54.1-402 of the Code of Virginia, exempting from licensure the design of alternative onsite sewage systems receiving residential wastewater, which discharge to a pressurized dispersal network and which utilize packaged equipment of catalogued standard design that has been coordinated and tested by the manufacturer. A licensed onsite evaluator may design such alternative onsite sewage systems, so long as (i) the flow is less than 1,000 gallons per day, and (ii) the practitioner is not exceeding the authority granted to him by the Board.

This bill was left in the Senate Committee on General Laws and Technology and failed to pass

HOUSE BILL 641 (DELEGATE ARMSTRONG): FREEDOM OF INFORMATION ACT REQUESTS FOR RECORDS

This bill amends section 2.2-3704 of the Code of Virginia, allowing any citizen of the United States, and not only citizens of the Commonwealth, to request records under FOIA and extends the same privilege to representatives of newspapers and magazines. However, this privilege is limited to those states that extend reciprocal rights to make FOIA requests to citizens of the Commonwealth. This legislation also allows a public body

to require prepayment before providing requested records when the amount for so producing is likely to exceed \$100.

HOUSE BILL 651 (DELEGATE ARMSTRONG): JURY DECISION IN EMINENT DOMAIN CASES

This bill amends sections 8.01-187, 25.1-100, 25.1-209, 25.1-213, 25.1-214, 25.1-219, 25.1-220, 25.1-235, 25.1-318, and 62.1-98 and adds sections to the Code of Virginia, giving landowners the right, in eminent domain cases, to decide between a jury and bench trial. This right was eliminated in 2006. The law is not retroactive, only applying to actions filed before July 1, 2010.

HOUSE BILL 667 (DELEGATE MAY): RESIDENTIAL PROPERTY DISCLOSURE ACT

This bill amends section 55-519 of the Code of Virginia, adding the following representation of an owner of residential real property to a prospective purchaser: the owner makes no representations with respect to the presence of any wastewater system, including the type or size thereof or associated maintenance responsibilities related thereto, located on the property and purchasers are advised to exercise whatever due diligence they deem necessary to determine the presence of any wastewater system on the property, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to that contract.

HOUSE BILL 682 (DELEGATE MILLER): GANG-FREE ZONES

This bill amends section 18.2-463.3:3 of the Code of Virginia, adding community centers and community recreational facilities to the list of “Gang-Free Zones.” In these areas, participation in gang-related activity is a Class 5 or 6 felony, and may include a two-year minimum sentence.

HOUSE BILL 702 (DELEGATE BULOVA): PROPERTY OWNERS’ ASSOCIATION ACT FEES

This bill amends sections 55-509.4 and 55-509.7 of the Code of Virginia, requiring that all property owners’ association fees be collected at the time of delivery of the disclosure packet if a common interest community

manager does not manage the association. Unpaid fees will be assessed against the lot and collectible as any other assessment.

HOUSE BILL 713 (DELEGATE PEACE): PREREQUISITE FOR OBTAINING CONTRACTORS BUSINESS LICENSE

This legislation amends section 54.1-1111 of the Code of Virginia, requiring any contractor who is applying for a new business license or renewing an old one to provide proof of licensure or documentation that he is not subject to licensure for the business that he wishes to operate.

HOUSE BILL 715 (DELEGATE PEACE): TITLE INSURANCE COMPANIES AND DEEDS OF TRUST

This bill amends section 55-66.3 of the Code of Virginia, giving title insurance companies the right to release the lien of a deed of trust. Currently, only mortgage settlement agents have this right. Settlement agents may now, under this legislation, release a deed of trust lien upon written confirmation from the lien creditor that such obligation has a zero balance. Such releases are limited to transactions involving real estate unimproved with a lien of less than \$1 million, or containing one to four residences.

HOUSE BILL 717 (DELEGATE PEACE): ESTABLISHMENT OF CIVIL WAR SITE PRESERVATION FUND.

This legislation adds section 10.1-2202.4 to the Code of Virginia, creating the Civil War Site Preservation Fund for the purpose of preserving endangered Virginia Civil War historical sites.

This bill is identical to Senate Bill 614 (Senator Houck).

HOUSE BILL 719 (DELEGATE PEACE): UNIFORM POWER OF ATTORNEY ACT

This bill 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 and adds sections 26-71.01 through 26-74.03, codifying the Uniform Power of Attorney Act in Virginia. This Model Act provides for gap-filling power of attorney provisions, subject to revision as the principal so desires. Some covered materials include creation and use, good faith

reliance, limitations of agent's powers, refusal to recognize, judicial review, and notification of resignation. The legislation also contains an optional statutory form that may be used to certify facts concerning a power of attorney.

House Bill 719 is identical to Senate Bill 159 (Senator Edwards).

HOUSE BILL 723 (DELEGATE PEACE): PODIATRY AS AN EXPERT WITNESS

This bill adds section 8.01-401.2:2 to the Code of Virginia, specifying that a podiatrist may not testify as an expert witness against a doctor or an osteopath in a medical malpractice case or review hearing. This bill also clarifies the definition of podiatry to include "the prevention, diagnosis, treatment, and cure or alleviation of physical conditions, diseases, pain, or infirmities of the human foot and ankle." The legislation is effective immediately upon passage.

House Bill 723 is identical to Senate Bill 82 (Senator Howell).

HOUSE BILL 725 (DELEGATE PEACE): ADVISORY BOARD ON POLYSOMNOGRAPHIC TECHNOLOGY

This bill adds sections 54.1-2957.14 and 54.1-2957.15 to the Code of Virginia, establishing an Advisory Board on Polysomnographic Technology to assist the Board of Medicine in determining the licensure requirements for polysomnographic technologists. No person may practice as a polysomnographic technologist or assume the title "licensed polysomnographic technologist" or "licensed sleep tech" unless such person is licensed by the Board of Medicine.

HOUSE BILL 726 (DELEGATE PEACE): SPECIAL ADVISORY COMMISSION TO REVIEW THE MEDICAL EFFICACY OF MANDATED HEALTH INSURANCE BENEFITS

This legislation adds a subsection to section 2.2-2505 of the Code of Virginia, directing the Commission to assess the impact that mandated insurance benefits will have on society and the economy. The report should be submitted to the standing committees of the General Assembly with authority over health policy.

**HOUSE BILL 729 (DELEGATE ALBO): MANDATORY
OUTPATIENT TREATMENT**

This bill amends sections 37.2-815 and 37.2-817 through 37.2-817.4 of the Code of Virginia, allowing a court to enter an order for mandatory outpatient treatment following involuntary inpatient treatment, provided the person meets the criteria for involuntary inpatient treatment. Additionally, the following criteria should be demonstrated: a lack of compliance with treatment for mental illness, a need for outpatient treatment to prevent relapse, that outpatient treatment is unlikely without a court order, and that the person is likely to benefit from outpatient treatment. Outpatient services must actually be available in the community and providers of services must have actually agreed to deliver the services.

House Bill 729 is identical to Senate Bill 360 (Senator Barker).

**HOUSE BILL 735 (DELEGATE ALBO): FAIR HOUSING LAW
RECOVERY OF DAMAGES**

This bill amends section 36-96.18 of the Code of Virginia, providing that in a civil action for fair housing violations, no fair housing organization or civil rights organization may recover any damages or costs or seek any other relief against a private individual owner who is exempt from fair housing law and who is renting a room in a shared living space or a separate living unit within the single family house in which the owner resides for an alleged discriminatory notice, statement or advertisement.

HOUSE BILL 737 (DELEGATE ALBO): E-VERIFY PROGRAM

This bill adds section 40.1-11.2 to the Code of Virginia, requiring all agencies of the Commonwealth to enroll in the E-Verify program by December 1, 2012 and to use the E-Verify program for each newly hired employee who is to perform work within the Commonwealth.

**HOUSE BILL 741 (DELEGATE CLEVELAND):
ELECTRONICALLY-TRANSMITTED THREATS**

This bill amends section 18.2-427 of the Code of Virginia, expanding the definition of profane, threatening, or indecent language to include all electronic means of communication. Prior legislation only criminalized such threats via telephone or CB radio.

**HOUSE BILL 742 (DELEGATE CLEAVELAND): VEHICLE
IMPOUNDMENT FOR DUI**

This bill amends sections 46.2-301 and 46.2-301.1 of the Code of Virginia, allowing vehicle impoundment for driving on a suspended license when suspended for DUI or a DUI-related crime. Further, upon conviction, the vehicle may be impounded for an additional ninety days.

**HOUSE BILL 747 (DELEGATE TOSCANO): GUARDIAN AD
LITEM FOR ADOPTION OF CLOSE RELATIVE**

This bill amends sections 63.2-1241, 63.2-1242.2, and 63.2-1242.3 of the Code of Virginia, allowing a court to waive appointment of a guardian ad litem for a child in cases of stepparent or close relative adoption.

**HOUSE BILL 753 (DELEGATE GREASON): ALCOHOLIC
BEVERAGES POSSESSION**

This bill amends section 4.1-315 of the Code of Virginia, adding a license exemption for any dining areas or private rooms of residents in an assisted living facility, which allows the assisted living facility to provide alcoholic beverages to the residents at the facility.

**HOUSE BILL 756 (DELEGATE STOLLE): ROYALTIES FROM
OFFSHORE DRILLING**

This legislation creates section 67-301 of the Code of Virginia, which directs how revenues and royalties from offshore natural gas and oil drilling are appropriated and used. It provides that 70% of the royalties and revenues are to be deposited in the Transportation Trust Fund, 20% of royalties and revenues are to be given to the Virginia Coastal Energy Research Consortium, and 10% of the royalties and revenues shall be appropriated to localities for improvements to the infrastructure and transportation.

**HOUSE BILL 758 (DELEGATE STOLLE): WORKFORCES ON
PRIVATE PROPERTY**

This bill amends section 53.1-128 of the Code of Virginia, authorizing workforces to work on private property owned or occupied by an elderly or indigent person or persons where such property has been identified by a

citizens housing advisory committee as needing rehabilitation or repair and the property owner has consented to such work.

HOUSE BILL 760 (DELEGATE STOLLE): VETERANS SKILLS DATABASE

This bill adds section 60.2-113.1 to the Code of Virginia, directing the Virginia Employment Commission to establish a Veterans Skills Database, an internet-accessible database of veterans and their workforce skills, for the purpose of marketing and promoting the workforce skills of veterans to potential employers. The database will be free to access for both veterans and potential employers.

HOUSE BILL 761 (DELEGATE D. MARSHALL): EXPANSION OF ELECTRONIC FILING AT THE WORKERS COMPENSATION COMMISSION

This legislation amends section 65.2-101 of the Code of Virginia, allowing the Virginia Workers' Compensation Commission to approve electronic means by which Workers' Compensation documents may be submitted.

House Bill 761 is identical to Senate Bill 610 (Senator Edwards).

HOUSE BILL 764 (DELEGATE McCLELLAN): PROVIDES INCOME TAX CREDITS FOR LANDLORDS PARTICIPATING IN HOUSING CHOICE VOUCHER PROGRAMS

This legislation amends sections 36.55.63 and 58.1-435 of the Code of Virginia, providing a tax credit for landlords who participate in housing choice voucher programs in the Richmond Metropolitan Statistical Area. The tax credit amounts to 10% of the fair market rent that each landlord receives for each housing unit that qualifies for the a housing choice voucher program beginning in the 2010 tax year. The Department of Housing and Community Development will administer the program and will be limited to providing \$450,000 during any tax year.

House Bill 764 is identical to Senate Bill 458 (Senator McEachin).

HOUSE BILL 767 (DELEGATE JANIS): VIRGINIA WAR MEMORIAL CRITERIA

This bill would have codified the criteria for memorializing fallen Virginians at the Virginia War Memorial. The House of Delegates failed to agree with a Senate substitute and the bill failed to pass.

HOUSE BILL 769 (DELEGATE CLEVELAND): DUI PUNISHMENTS

This bill amends section 18.2-271 of the Code of Virginia, providing that any suspension of driving privilege for driving while intoxicated is to run consecutively with any other court-ordered period of suspension. Currently, these suspensions run consecutively with the DUI suspension.

HOUSE BILL 770 (DELEGATE CLEVELAND): DUI ARRESTS IN MEDICAL FACILITIES

This bill amends sections 19.2-73, 19.2-74, and 19.2-81 of the Code of Virginia, changing the way arrests are handled for driving under the influence when the suspect is in need of medical attention. Under this legislation, an arresting officer need not detain a suspect, but may instead issue a summons. If a summons is not issued to a person who has been taken to a medical facility, the bill requires that the suspect be brought before a judge for a bail hearing. In addition, any officer may make a DUI arrest or summons, whether or not the offense occurred in the officer's presence.

House Bill 770 incorporated House Bill 1254 (Delegate Iaquinto).

HOUSE BILL 787 (DELEGATE VILLANUEVA): AUTHORIZING THE PRODUCTION AND DEVELOPMENT OF OFFSHORE ENERGY RESOURCES

This legislation amends section 67-300 of the Code of Virginia, permitting the production and development of the oil and gas resources off the coast of Virginia, provided that exploration takes place 50 or more miles from shore and that it takes into consideration entities that may be affected, including the military, Virginia localities, and the mid-Atlantic regional

spaceport. The legislation amends the section, which previously only allowed the exploration of Virginia's offshore oil and wind resources.

House Bill 787 is identical to Senate Bill 394 (Senator Wagner).

HOUSE BILL 792 (DELEGATE LeMUNYON): ISSUANCE OF TEMPORARY PROFESSIONAL AND OCCUPATIONAL LICENSES

This legislation amends section 54.1-201.1 of the Code of Virginia, allowing the Department of Professional and Occupational Regulation to issue temporary licenses to applicants who hold similar licenses in other states as long as the license in the other state is proven valid, the applicant is a member of the profession in good standing, and the applicant applies for a Virginia license. The temporary license is not to be valid for longer than forty-five days and is not subject to renewal.

House Bill 792 is identical to Senate Bill 474 (Senator Watkins).

HOUSE BILL 797 (DELEGATE GRIFFITH): BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS CONTRACTS

This bill amends section 54.1-411 of the Code of Virginia, allowing entities consisting of design professionals to include limitation of liability clauses in their contracts to perform services. However, individual licensees are not relieved of any responsibility that may exist for services performed by reason of employment or other relationship with an entity.

HOUSE BILL 800 (DELEGATE PLUM): REMOVES CERTAIN REQUIREMENTS FOR NONRESIDENT INSURANCE AGENTS

This legislation amends sections 38.2-1815, 38.2-1825, and 38.2-1869 of the Code of Virginia, removing a requirement that nonresident insurance agents have life and annuities licenses issued by the State Corporation Commission in order to obtain a variable license. and requires that the individual seeking to be an insurance agent in Virginia has passed the Financial Industry Regulatory Authority Exam.

HOUSE BILL 803 (DELEGATE POINDEXTER): GREEN JOB TAX CREDIT FOR CORPORATIONS AND INDIVIDUALS

This legislation adds section 58.1-439.12:03 to the Code of Virginia,

allowing a \$500 tax credit for each green job created by businesses and individuals between January 1, 2010 and January 1, 2015, up to a maximum of 350 green jobs. The legislation defines “green job” as “employment in industries relating to the field of renewable, alternative energies....”

House Bill 803 is identical to Senate Bill 623 (Senator Hanger).

HOUSE BILL 807 (DELEGATE POINDEXTER): REQUIRES CARRIERS TO FILE PROOF OF COVERAGE BY WORKERS’ COMPENSATION INSURANCE WITHIN THIRTY DAYS

This legislation amends section 65.2-804 of the Code of Virginia, requiring insurance carriers to file proof of coverage with the Virginia Workers’ Compensation Commission within thirty days of the beginning date of a policy.

House Bill 807 is identical to Senate Bill 597 (Senator Wampler).

HOUSE BILL 820 (DELEGATE SUROVELL): IMPOSES ADDITIONAL FINES FOR UNSTAMPED CIGARETTES

This legislation amends sections 58.1-1013 and 58.1-1017 of the Code of Virginia, establishing higher fines for the sale, purchase, transportation, receipt, or possession of cigarettes that have not received the state’s tax stamp. For the first offense, violators will be charged \$2.50 per pack, up to a maximum of \$500. For the second offense, they will receive a fine of \$5 per pack, up to a maximum of \$1,000, and for the third offense they will receive a fine of \$10 per pack, up to a maximum of \$50,000. Violators who are found to have exhibited willful intent to violate the law will receive a penalty of \$25 per pack, up to a maximum fine of \$250,000.

House Bill 820 is identical to Senate Bill 476 (Senator Watkins).

HOUSE BILL 831 (DELEGATE SUROVELL): PUBLIC PROCUREMENT ACT

This bill adds section 2.2-4311.2 to the Code of Virginia, requiring all public bodies to include in every written contract a provision that the contractor is authorized to transact business in Virginia as a domestic or foreign business entity as required by the State Corporation Commission, or as otherwise required by law. Such status must be maintained during the term of a contract. A public body may void any contract with a business

entity if the business entity fails to remain in compliance with the requirements.

HOUSE BILL 837 (DELEGATE CARR): LIMITING CONTACT OF DEPARTMENT OF TAXATION WITH TAXPAYERS VIA EMAIL

This legislation amends section 58.1-9 of the Code of Virginia, directing the Tax Commissioner to devise a system for taxpayers to approve the electronic mailing of bulletins, publications, or other information. The legislation restricts the Department of Taxation from sending such communications without the permission of the taxpayer.

HOUSE BILL 857 (DELEGATE CARRICO): LINE OF DUTY ACT

This bill adds section 9.1-408 to the Code of Virginia, providing confidentiality of evidence and documents obtained by or created by, and the report of investigation prepared by, the Department of State Police in carrying out the provisions of the Line of Duty Act. Such evidence and documents will (i) be deemed confidential, (ii) be exempt from disclosure under the Freedom of Information Act, and (iii) not be released in whole or in part by any person to any person except as provided in the Line of Duty Act.

HOUSE BILL 861 (DELEGATE CLINE): INCOME TAX EXPENSES TO ANY COMPANY WITH QUALIFYING MOTION PICTURE FILM PRODUCTION EXPENSES

This legislation, which takes effect in the tax year beginning on January 1, 2011, adds section 58.1-439.12:03 to the Code of Virginia., allowing companies with expenses of at least \$250,000 related to the production of films within the Commonwealth of Virginia to claim a tax credit of 15%, or 20% if the production takes place in an area that the Virginia Economic Development Partnership Authority designates as “distressed.” The legislation limits credits to \$2.5 million for the biennium beginning in 2010, and limits credits to \$5 million in subsequent biennia.

House Bill 861 and is identical to Senate Bill 257 (Senator Lucas).

HOUSE BILL 862 (DELEGATE CLINE): UNDERAGE DRINKING PUNISHMENTS

This bill amends section 16.1-278.9 of the Code of Virginia, allowing a Juvenile and Domestic Relations court to find a minor delinquent when charged with underage consumption or possession when previously the judge was required to defer the disposition until such time as certain terms are fulfilled; at that time, the charge is dismissed. Under this legislation, the deferment is voluntary and at the discretion of the judge, thus allowing for immediate punishment.

HOUSE BILL 863 (DELEGATE CLINE): JUVENILE DRIVING PRIVILEGES

This bill amends section 16.1-278.9 of the Code of Virginia, eliminating the authority of the court to give a restricted driver's permit, for travel to and from home and school when school-provided transportation is available, to a child who has lost his driving privilege for alcohol, firearm, or truancy offenses.

HOUSE BILL 872 (DELEGATE CLINE): PROVIDES EXCEPTION FROM THE CREDIT SERVICES BUSINESSES ACT FOR BUSINESSES RECEIVING PAYMENT BEFORE THE COMPLETION OF SERVICES

This legislation amends 59.1-335.5 and 59.1-335.7 of the Code of Virginia, prohibiting credit services businesses from receiving payment before the completion of its services for a customer unless the customer has agreed to pay for the services in advance in the form of a written subscription agreement, by which the consumer will make periodic payments during the firm's ongoing performance pursuant to the contract.

HOUSE BILL 874 (DELEGATE CLINE): AMENDS THE TIME FOR AFFIXING TAX STAMPS TO CIGARETTE PACKS

This legislation amends section 58.1-1003 of the Code of Virginia, removing the old requirement that the Commonwealth's stamping agent affix the cigarette tax stamp to each package of cigarettes within one business day of receipt, and instead requires that the stamp be affixed prior to shipment to dealers.

HOUSE BILL 883 (DELEGATE ATHEY): JUDICIAL EMERGENCIES

This bill amends section 17.1-114 and adds sections 17.1-330 and 17.1-331 of the Code of Virginia, establishing a procedure by which the Virginia Supreme Court may enter an order declaring a judicial emergency when there is a disaster as defined in the Commonwealth's Emergency Services and Disaster Law. This order may suspend, toll, extend, or otherwise grant relief from time limits or filing requirements in any court affected by the order, and allows designation of a neighboring jurisdiction as proper venue for civil and criminal proceedings.

House Bill 883 is identical to Senate Bill 127 (Senator Marsh).

HOUSE BILL 892 (DELEGATE BARLOW) WITHDRAWAL OF MEMBER CONTRIBUTIONS UNDER THE VIRGINIA RETIREMENT SYSTEMS

This legislation amends section 51.1-161 of the Code of Virginia, requiring a member of the Virginia Retirement system to work five or more years before he can withdrawal contributions made by his employer to the Virginia Retirement system after July 1, 2010. Any reduction shall be returned to the retirement allowance account of the employer, who made the contributions.

HOUSE BILL 904 (DELEGATE BELL): ANIMAL CONTROL OFFICERS

This bill amends sections 3.2-6566, 19.2-71, and 19.2-72 of the Code of Virginia, clarifying the role of an animal control officer.. First, the penalty for obstructing an animal control officer in the performance of his duties is increased from a Class 4 misdemeanor to a Class 1 misdemeanor. Second, the Code now shows that animal control officers may obtain a felony warrant from a magistrate, although a law-enforcement officer must execute such warrant.

HOUSE BILL 908 (DELEGATE BELL): JUVENILE PUNISHMENTS FOR REPEAT OFFENSES

This bill amends section 16.1-278.9 of the Code of Virginia, providing that juveniles, upon a second offense of underage possession of alcohol, public intoxication, or possession of a weapon, are not eligible for dismissal

upon completion of certain terms, but instead must be subjected to one of the various dispositions enacted in section 16.1-278.8 of the Code of Virginia.

HOUSE BILL 918 (DELEGATE BELL): IDENTIFYING INFORMATION OF JUVENILE FUGITIVES

This bill amends section 16.1-309.1 of the Code of Virginia, allowing for the release of identifying information of a juvenile who is charged with or convicted of any misdemeanor or felony and is a fugitive from justice or an escapee. Currently, only juveniles charged with or convicted of certain serious offenses (e.g., murder, rape, robbery) may have identifying information released once they become a fugitive or escapee.

HOUSE BILL 927 (DELEGATE BELL): IMMEDIATE SANCTION PROBATION PROGRAM

This bill establishes an “immediate sanction probation” program. As a condition of suspension of sentence pursuant to section 19.2-303, a defendant who was not convicted of a violent crime may be ordered to participate in this program. An offender arrested for a violation of the conditions of his probation would receive an expedited hearing before the court, where an affidavit prepared by his probation and parole officer detailing the offense for which he was arrested may be received into evidence without the officer’s testimony. The immediate sanction hearing is not authorized for new criminal offenses, and an offender would serve no more than 30 days in jail for a probation offense. This program is subject to a two-year sunset provision.

HOUSE BILL 930 (DELEGATE BELL): PROTECTIVE ORDER EXTENSIONS

This bill amends sections 16.1-279.1 and 19.2-152.10 of the Code of Virginia, allowing a petitioner who has obtained a protective order for family abuse or stalking to obtain an extension for up to two years if the respondent continues to pose a threat to the health or safety of the petitioner and the petitioner’s family and household members. There is no limit on the number of extensions that may be requested.

House Bill 930 is identical to Senate Bill 468 (Senator Howell).

HOUSE BILL 931 (DELEGATE BELL): COORDINATING PROTECTIVE ORDERS

This bill directs the Executive Secretary of the Virginia Supreme Court to consult annually with the relevant judicial authorities of other states for the purpose of coordinating the contents of protective order forms in order to facilitate the enforcement of foreign protective orders in the Commonwealth, as well as the enforcement of Virginia protective orders in other states.

House Bill 931 is identical to Senate Bill 467 (Senator Howell).

HOUSE BILL 934 (DELEGATE BELL): CAPITAL MURDER, AUXILIARY POLICE OFFICERS AND SHERIFFS

This bill amends section 18.2-31 of the Code of Virginia, adding auxiliary police officers and auxiliary deputy sheriffs to the capital murder statute so that the death sentence can be imposed for their murder.

House Bill 934 is identical to Senate Bill 520 (Senator Norment).

HOUSE BILL 941 (DELEGATE ABBITT, JR.): CHARITABLE GAMING BOARD REGULATIONS

This bill amends section 18.2-340.19 of the Code of Virginia, clarifying that regulations of the Charitable Gaming Board defining electronic and mechanical equipment used in the conduct of charitable gaming shall not include (i) devices operated by dropping one or more coins or tokens into a slot and pulling a handle or pushing a button or touchpoint on a touchscreen to activate one to three or more reels marked into horizontal segments by varying symbols, where the predetermined prize amount depends on how and how many of the symbols line up when the rotating reels come to rest or (ii) other similar devices that have flashing lights, illuminations, or bells, whistles, or other sounds solely intended to entice players to play.

HOUSE BILL 942 (DELEGATE ABBITT, JR.): CHARITABLE GAMING PERMITS

This bill amends section 18.2-340.20 of the Code of Virginia, limiting the authority of the Department of Agriculture and Consumer Services to revoke, suspend, or deny a permit to conduct charitable gaming only after the proposed action by the Department has been reviewed and approved by the Charitable Gaming Board.

HOUSE BILL 944 (DELEGATE LANDES): REQUIRES THE GOVERNOR TO PROVIDE MONTHLY REPORTS ON REVENUE COLLECTIONS AND QUARTERLY ASSESMENTS

This bill amends sections 2.2-1503 and 2.2-1513 of the Code of Virginia by requiring the governor to provide written monthly reports on the status of revenue collections relative to the current fiscal year's estimates and written quarterly assessments of the current economic outlook relative to the current fiscal year. This legislation also changes the makeup of the Advisory Board of Economists and how the board is appointed.

HOUSE BILL 946 (DELEGATE LANDES): FINANCIAL INSTITUTION RECORDS

This bill amends section 19.2-10.1 of the Code of Virginia, requiring that electronic data and communications are included in the information that certain financial entities must provide pursuant to a subpoena.

HOUSE BILL 951 (DELEGATE JONES): DESIGNATES A PORTION OF THE BLACKWATER RIVER AS PART OF THE STATE SCENIC RIVER SYSTEM

This legislation adds section 10.1-4418.6 to the code of Virginia by adding a fifty-six mile portion of the Blackwater River to the Virginia Scenic River System.

This bill is identical to Senate Bill 17 (Senator Lucas).

HOUSE BILL 974 (DELEGATE KLIGORE): ELECTRONIC FILING IN CIRCUIT COURT CLERKS' OFFICES

This bill amends sections 8.01-449, 17.1-258.3, 17.1-258.3:1, 17.1-276, 17.1-279, and 17.1-293 and adds section 17.1-258.3:2 to the Code of Virginia, making various technical and non-substantive changes to the way circuit court clerks handle electronic or digital filings such as electronic certificates of filing and electronic access to land records.

House Bill 974 incorporated House Bill 90 (Delegate Kilgore) and House Bill 825 (Delegate Surovell).

HOUSE BILL 979 (DELEGATE ANDERSON): NOTICE OF DESTRUCTION OF TRIAL EXHIBITS

This bill amends section 19.2-270.4 of the Code of Virginia, relieving trial courts in criminal cases from notifying a defendant of the destruction or donation of certain exhibits used at trial such as drugs, weapons, or exhibits deemed contraband. Notice still must be given to the defendant's attorney.

House Bill 979 is identical to Senate Bill 153 (Senator Stuart).

HOUSE BILL 985 (DELEGATE JONES): GROSS RECEIPTS OF SECURITY BROKERS AND DEALERS

This legislation amends section 58.1-3700.1 of the Code of Virginia and adds 58.1-3732.5, relating to the local license tax on registered security brokers and security dealers. The definition excludes from the gross receipts of a security broker or security dealer for license tax purposes amounts received by the broker or dealer that arise from the sale or purchase of a security.

House Bill 985 is identical to Senate Bill 90 (Senator Quayle).

HOUSE BILL 999 (DELEGATE NUTTER): CREATES A SEPARATE CLASSIFICATION OF LOCAL PROPERTY TAX FOR CERTIFIED RENEWABLE ENERGY MANUFACTURING EQUIPMENT

This legislation amends section 58.1-3506 of the Code of Virginia and adds section 58.1-3221.4 to the Code, creating a special category for property tax purposes covering both tangible personal property and improvements that are designed to be used for manufacturing products with renewable energy.

House Bill 999 is identical to Senate Bill 656 (Senator Ruff).

HOUSE BILL 1018 (DELEGATE HUGO): REPEALS A PROVISION FOR COUNTERSIGNATURE REQUIREMENTS ON INSURANCE POLICIES

This legislation repeals section 38.2-323 of the Code of Virginia, which prohibited insurance policies from containing provisions that would make the policy invalid in the absence of a signature from a representative of the insurance company.

HOUSE BILL 1022: (DELEGATE HUGO): ELECTRIC UTILITY TO RECEIVE TRIP CREDIT WHEN IT USES ENERGY DERIVED FROM OFFSHORE WIND

This legislation amends section 56-585.2 of the Code of Virginia to promote Virginia's offshore wind energy resources. It provides for a double credit for utilities utilizing solar or onshore wind energy and a triple credit for companies that develop offshore wind energy.

HOUSE BILL 1033 (DELEGATE BYRON): HUMAN INFANTS, SEPARATE EXISTENCE

This bill adds a section to the Code of Virginia, 18.2-32.3, providing that for the purposes of homicide, the fact that the umbilical cord has not been cut or that the placenta remains attached is not a factor in determining whether a human infant has achieved an independent and separate existence.

House Bill 1033 identical to Senate Bill 602 (Senator Newman).

HOUSE BILL 1036 (DELEGATE BYRON): VARIOUS AMENDMENTS TO THE SECURITY FOR PUBLIC DEPOSITS ACT

This legislation amends sections 2.2-4400 through 2.2-4411 of the Code of Virginia, which constitute the Virginia Security for Public Deposits Act. It makes various amendments to the Act, such as requiring that public treasuries secure funds by the pooled or the dedicated method, setting requirements for private banks that hold state funds, and setting procedure for recovering public funds from banks that default.

House Bill is identical to Senate Bill 456 (Senator McEachin).

HOUSE BILL 1045 (DELEGATE KORY): REQUIREMENT OF ELECTRONIC FILING BY TAX PREPARERS

This legislation amends sections 58.1-9, 58.1-478, and 58.1-615 of the Code of Virginia, instructing employers who provide 150 or more tax statements to employees for the tax year 2010 to do so electronically, and it requires employers who provide 50 or more such documents for every subsequent year to do so electronically. The Act also requires merchants who file consolidated sales tax returns to pay the state through electronic

funds transfer. This requirement may be waived if the Tax Commissioner rules that it is an unreasonable burden on the merchant.

House Bill 1045 is identical to Senate Bill 357 (Senator Stosch).

HOUSE BILL 1065 (DELGATE ATHEY): ELECTRONIC FILING IN CIRCUIT COURTS

This bill amends 16.1-243, 17.1-124, 17.1-224, 17.1-258.3, and 17.1-258.4 and adds section 17.1-258.6 to the Code of Virginia, allowing for electronic filing of certain cases in the circuit courts. Each person filing electronically may be required by the clerk to enter into an agreement specifying the procedures for filing signed or notarized documents. Electronic filing is not allowed in certain cases where particular forms are specified by statute, such as the creation and execution of wills, codicils, testamentary trusts, premarital agreements, and negotiable instruments.

House Bill 1065 is identical to Senate Bill 220 (Senator Howell).

HOUSE BILL 1090 (DELEGATE CROCKETT-STARK): NET REVENUE OF COMMUNICATIONS SALES AND USE TAX SHALL BE DISTRIBUTED ACCORDING TO EACH LOCALITY'S PRO-RATA SHARE

This legislation amends section 58.1-662 of the Code of Virginia to amend the disposition of communications and sales tax revenues for Tazewell County. The Act amends the formula for determining the proportionate share of revenue for the tax years 2006–10, and provides Tazewell County with the share of revenue it would have received from telecommunications and television cable funds if the County had received \$650,507 in the fiscal year 2006.

House Bill 1090 is identical to Senate Bill 381 (Senator Puckett).

HOUSE BILL 1095 (DELEGATE SICKLES): SETS PARAMETERS FOR THE PERIOD IN WHICH AN INDIVIDUAL IS NOT COVERED BY INDIVIDUAL HEALTH INSURANCE

This legislation amends section 38.2-3430.2 of the Code of Virginia, defining that the sixty-three day period in which an individual is not covered by individual health insurance to determine aggregate periods of creditable coverage as beginning the day after the individual's coverage

terminates. The period continues until the individual has submitted an application for COBRA by mail. The date on which the individual has mailed the application, proven by the postmark, is the date on which the application is recognized to have been submitted.

HOUSE BILL 1100 (DELEGATE SICKLES) LIABILITY REGARDING STORMWATER MANAGEMENT FACILITIES

This legislation amends section 10.1-603.12:3 of the Code of Virginia by granting immunity to common interest communities in regards to stormwater management facilities. This legislation grants immunity to common interest communities when they cede responsibility for the maintenance, repair or replacement of a stormwater management facility to the Commonwealth or a political subdivision of the Commonwealth.

HOUSE BILL 1105 (DELEGATE JOANNOU): STATEMENT OF CHANGE OF BUSINESS'S REGISTERED AGENT MAY BE FILED ELECTRONICALLY

This legislation amends and reenacts numerous sections of Title 13 of the Code of Virginia. The legislation primarily allows a business to change its registered agent with the State Corporation Commission by filing electronically with the clerk of the Commission. It also amends the way in which a registered agent may notify the business of a change or of his resignation from the position.

HOUSE BILL 1106 (DELEGATE JOANNOU): INSURANCE POLICY LIMITS

This bill amends section 8.01-417 of the Code of Virginia, allowing the personal representative of the estate of a decedent who died as a result of a motor vehicle accident, or his attorney, to request the disclosure of the liability limits of an insurance policy before filing a wrongful death lawsuit. The legislation describes what information is to be in such a request, and that disclosure of a policy's limits does not constitute an admission that the alleged injury is subject to the policy.

House Bill 1106 is identical to Senate Bill 427 (Senator Herring).

HOUSE BILL 1113 (DELEGATE EBBIN): CHILD ABDUCTION AND VEHICLE FORFEITURE

This bill amends section 19.2-386.16 of the Code of Virginia, providing that any vehicle used for a felony child abduction or underage prostitution is to be forfeited and confiscated by the Commonwealth.

HOUSE BILL 1118 (DELEGATE STOLLE): EXCLUDES PAYMENTS BENEFITS PAID INTO THE VIRGINIA MILITARY FAMILY RELIEF FUND FROM STATE INCOME TAXATION

This legislation expresses the policy goal of the Commonwealth to allow those who receive benefits from the Virginia Military Family Relief Fund to exclude such benefits from their federal adjustable gross income for Virginia state income tax purposes from tax year 2010 onward.

House Bill 1118 is identical to Senate Bill 619 (Senator Herring).

HOUSE BILL 1121 (DELEGATE GILBERT): JUVENILE GANG INFORMATION SHARING

This bill amends sections 16.1-300, 16.1-309.1, and 52-8.6 of the Code of Virginia, requiring the Department of Juvenile Justice to provide information to law enforcement regarding gang activity. The Department is prohibited from releasing information on a juvenile who is not affiliated with a gang unless the information relates to a specific crime, and the information is to go to the Organized Criminal Gang File maintained by the State Police.

House Bill 1121 incorporated House Bill 254 (Delegate Miller) and House Bill 255 (Delegate Miller) and is identical to Senate Bill 486 (Senator Hurt).

HOUSE BILL 1135 (DELEGATE MORGAN): PERMIT REQUIREMENTS FOR WASTEWATER TREATMENT FACILITIES

This bill amends sections 62.1-44.19:14 and 62.1-44.19:15 of the Code of Virginia by requiring wastewater treatment facilities which discharge more than 1,000 gallons per day up to 39,999 gallons per day to secure a permit from the Department of Environmental Quality which demonstrates that he has sufficient waste load allocations to offset his discharge of nitrogen and phosphorus.

HOUSE BILL 1145 (DELEGATE SCOTT): IMMUNITY FOR VETERINARIANS TESTIFYING REGARDING SUSPECTED ANIMAL CRUELTY

This legislation adds section 54.1-3812.1 to the Code of Virginia by granting civil and criminal immunity to any veterinarian who reports or provides records relating to suspected animal cruelty or testifies in any judicial proceeding arising unless the veterinarian acted in bad faith or with a malicious purpose.

HOUSE BILL 1147 (DELEGATE SCOTT): KEYLOGGING AND COMPUTER TRESPASS

This bill amends section 18.2-152.12 of the Code of Virginia, incorporating the illicit use of key logging software to the list of offenses for which civil damages may be obtained.

HOUSE BILL 1166 (DELEGATE PHILLIPS): REPORTING UNLAWFUL PRESCRIPTION DRUG USE

This bill amends section 32.1-127.1:03 and adds section 54.1-3408.2 to the Code of Virginia, allowing for any person who prescribes, dispenses, or administers controlled substances to notify law enforcement personnel of suspected fraud or deceit in acquiring such substances. Any person who files a report is to be held harmless from civil liability.

HOUSE BILL 1179 (DELEGATE PHILLIPS): PRESUMPTION REGARDING ESTATE OF OWNER OF SURFACE RIGHTS FOR COALBED METHANE GAS

This legislation adds section 45.1-361.21:1 to the Code of Virginia. The legislation mandates that conveyances, reservations, or exceptions of coal do not include the coal bed methane gas. The operator of a coal mining operation may, however, still vent methane from the working site for safety purposes without violating the statute.

HOUSE BILL 1180 (DELEGATE PHILIPS) DESIGNATES A PORTION OF THE RUSSELL FORK RIVER AS PART OF THE STATE SCENIC RIVER SYSTEM

This legislation adds section 10.1-411.2 to the Code of Virginia by

designating a nine mile section of the Russell Fork River as part of the Virginia River Scenic System. However, this designation does not prevent the land along the river from being mined or to be a criterion for the purposes of imposing water quality standards under the Clean Water Act.

HOUSE BILL 1185 (DELEGATE PHILLIPS) COAL MINE SAFETY

This bill amends sections 45.1-161.39, 45.1-161.87, 45.1-161.276, and 45.1-161.284 of the Code of Virginia by requiring surface foreman to complete a 24-hour course in advance first aid and pass an examination approved by the Board of Coal Mining Examiners. Persons who hold a current higher level of emergency certification from the Virginia Department of Health are exempt.

This bill is identical to Senate Bill 561 (Senator Puckett).

HOUSE BILL 1189 (DELEGATE PUTNEY) MODIFIES ALL DEFINED RETIRMENT PLANS UNDER THE RETIRMENT SYSTEM FOR NEW EMPLOYEES

This legislation amends sections 51-124.3, 51.1-126, 51.1-142.2, 51.1-144, 51.1-153, 51.1-144, 51.1-153, 51.1-155, 51.1-166, 51.1-301, and 51.1-303 of the Code of Virginia, changing the definition of average final compensation after July, 1 2010 by changing the number of months used to calculate average final compensation from 36 to 60 months. The bill also defines normal retirement dates for anyone who becomes a member of the Retirement System after July 1, 2010 as retirement age as defined under the Social Security Act. The legislation also, defines “retirement plans administered by the Virginia Retirement System” as a retirement plan established under this title and administered by the Virginia Retirement System, or by an agency designated by the Virginia Retirement System. This legislation also changes the Commonwealth’s contribution to optional retirement plans of employees of institutions of higher education from 10.4% to 8.5%. However, institutions of higher learning may pay provide an additional contribution of up to 0.4% each at their own cost. Furthermore, new employees of institutions of higher educational are required to contribute 5% of their salary annually to the Retirement System. Furthermore, the legislation requires a member who enters into a contract for services under the Retirement System after one year of service to pay an amount equal to the actuarial equivalent cost.

In addition, this legislation changes the requirements for unreduced early retirement benefits for new state and local employees covered under the main defined benefit plan to the sum of the years of service and the employee's age. The bill allows reduced early retirement only for those persons who have reached the age of sixty and have at least five years of credible service. Lastly, the bill changes how judge's service is weighted.

HOUSE BILL 1192 (DELEGATE GRIFFITH): HOMESTEAD DEEDS

This bill amends section 34-14 of the Code of Virginia, adding how many homestead deeds the householder has filed previously, the amount of the exemption, and the jurisdiction of prior deeds to the homestead deed for personal property.

HOUSE BILL 1193 (DELEGATE GRIFFITH): LAWSUITS INVOLVING FIDUCIARIES

This bill adds section 8.01-6.3 to the Code of Virginia, requiring any lawsuit involving fiduciaries to include in the style the name of the fiduciary, the type of the fiduciary relationship, and the name of the subject of the relationship. Amendments to conform to this requirement are permitted, and the date relates back to the original pleading.

HOUSE BILL 1194 (DELEGATE GRIFFITH): BAIL TERMS TO BE HONORED

This bill adds section 19.2-130.1 to the Code of Virginia, requiring a magistrate who is to set the terms of bail of a person arrested and brought on an arrest warrant to do so in accordance with the order of the court that issued the warrant, if the order is affixed or made a part of the warrant.

House Bill 1194 is identical to Senate Bill 490 (Senator Hurt).

HOUSE BILL 1195 (DELEGATE GRIFFITH): MULTI-JURISDICTION GRAND JURIES

This bill amends section 19.2-215.3 of the Code of Virginia, changing the way multi-jurisdiction grand juries are impaneled. The impaneling order must list the jurisdiction in which the jury is to sit, and a judge of that

jurisdiction's circuit court is to be named the presiding judge. This final requirement is waived if all of the judges of that circuit have recused themselves.

HOUSE BILL 1198 (DELEGATE IAQUINTO): SEX OFFENDER REGISTRY

This bill amends sections 9.1-902, 9.1-907, 9.1-908, 53.1-116.1, and 53.1-160.1 and adds section 37.2-921 to the Code of Virginia, making various revisions to the Virginia sex offender registry. First, before entering a conviction that would require registration, the judge must determine by a preponderance of the evidence that the circumstances merit registration – such as that the victim was a minor or incapacitated. The suspect must then be given the chance to withdraw a plea of guilty or nolo contendere, and such a withdrawal will result in a hearing before another judge. The bill also requires the Department of Behavioral Health and Developmental Services to give notice to a committed sex offender, prior to his release, of his obligation to register as a sex offender. The custodian of a person required to register as a sex offender is required to notify the State Police immediately if the offender escapes from custody. Finally, offenders who have been committed to the Department of Behavioral Health and Developmental Services must have their residency verified.

HOUSE BILL 1216 (DELEGATE MCCLELLAN): PUBLIC DEFENDERS' COMPENSATION

This bill amends sections 19.2-163.01 and 19.2-163.01:1 of the Code of Virginia, providing that supplemental compensation for public defenders provided by a locality shall go directly to the employees, rather than being distributed through the Indigent Defense Commission.

HOUSE BILL 1220 (DELEGATE HUGO) EFFECTIVE DATE OF STORMWATER MANAGEMENT REGULATIONS

This bill amends Chapter 18 of the Acts of Assembly of 2009 by changing the effective date for the regulation, which established local program criteria and delegation procedure and water quantity criteria from July 1, 2010 to within 280 days of the establishment by the EPA of a

Chesapeake Bay wide Total Maximum Daily Load. However, the regulation will go into effect no later than December 1, 2011.

This bill is identical to Senate Bill 395 (Senator Wagner).

HOUSE BILL 1221 (DELEGATE BULOVA) VIRGINIA WATER FACILITIES REVOLVING FUND

This bill amends section 62.1-229.3 of the Code of Virginia and adds section 62.1-229.3 to the Code of Virginia by authorizing the State Water Control Board the discretion to give loans from the Virginia Water Facility Revolving Fund to a local government. These loans are to be used for the construction of facilities or structures or to implement best management practices that reduce pollution of state waters.

HOUSE BILL 1230 (DELEGATE WARE): ESTABLISHMENT OF REQUIREMENTS TO PROTECT SEWER SYSTEM LATERALS UNDER THE UNDERGROUND UTILITY DAMAGE PREVENTION ACT

This legislation amends sections 56-265.15 and 56-265.32 of the Code of Virginia, defining a sewer system lateral as a privately owned sewer line that connects private buildings to a public sewer system. The act then establishes guidelines for protecting sewer system laterals during excavation within a public right of way, and a system for recording the location of sewer system laterals.

HOUSE BILL 1246 (DELEGATE HUGO): LIMITS DISCLOSURE REQUIREMENTS FOR ANY OFFICER OR DIRECTOR OF PUBLIC UTILITIES

This legislation amends section 56.2-34.5 of the Code of Virginia, adding that the disclosure requirement previously provided for in the section is only applicable to elected officers and directors of public utilities for which the Commission determines rates, tolls, charges, or schedules with the Commission. Previously, the section applied to the officers and directors of all utilities.

HOUSE BILL 1252 (DELEGATE GREASON): ISP RECORD DISCLOSURE

This bill amends section 19.2-70.3 of the Code of Virginia, requiring electronic or remote communication services to disclose their records upon court order for an investigation of a missing child, senior adult or incapacitated person. Under current law the court may order disclosure only if the records are relevant and material to an ongoing criminal investigation; this legislation relaxes these standards.

House Bill 1252 and is identical to Senate Bill 493 (Senator Hurt).

HOUSE BILL 1255 (DELEGATE IAQUINTO): BAIL BONDSMEN, ACCESS TO RECORDS

This bill amends sections 19.2-120 and 19.2-389 of the Code of Virginia, allowing licensed bail bondsmen, if engaged by a judicial officer, to view the accused person's Virginia criminal history record in order to determine appropriate conditions to impose upon the accused upon his release. The record may only be viewed on the premises and must go back to the magistrate immediately, and the bondsman will be assessed a fee of fifteen dollars.

HOUSE BILL 1263 (DELEGATE WARE): ALLOWS FOR REIMBURSEMENT OF DENTISTS AND ORAL SURGEONS FOR CERTAIN SERVICES

This legislation amends sections 38.2-4214, 38.2-4319, and 38.2-4509 of the Code of Virginia, specifying that dentists and oral surgeons are not required to accept the contract price as part of any dental plan provided by a health care insurer which is contracted on or after July 1, 2010.

House Bill 1263 is identical to Senate Bill 622 (Senator Wampler).

HOUSE BILL 1265 (DELEGATE CARR): INCLUDES INTERIOR DESIGNERS IN THE TYPES OF PROFESSIONAL CORPORATIONS MANAGED BY A BOARD OF DIRECTORS

This legislation amends section 13.1-553 of the Code of Virginia, adding certified interior designers to the list of entities that may be managed by a board of directors. The bill requires that at least two-thirds of the board of

directors in the types of organizations specified be professionally licensed to provide services in the field in which the corporation operates.

HOUSE BILL 1290 (DELEGATE LEWIS) NUTRIENT TRADING

This bill amends section 62.1-44.19:18 of the Code of Virginia by allowing permitted facilities in the Eastern Shore basin to acquire nitrogen or phosphorus credits from facilities in the Potomac and Rappahannock tributaries.

HOUSE BILL 1298 (DELEGATE CROCKETT-STARK): LOWERING JOB THRESHOLD TO RECEIVE EXEMPTION FOR COMPUTER EQUIPMENT UNDER RETAIL SALES AND USE TAX

This legislation amends section 58.1-609.10 of the Code of Virginia, providing for an exemption to the Retail Sales and Use Tax for employers who purchase of equipment for processing, storage, retrieval, or communication of data if the effort has the effect of creating at least fifty new tech jobs in the Commonwealth of Virginia, and twenty-five jobs in areas in which the unemployment rate is 150% of the Commonwealth's average.

House Bill 1298 and is similar, but not identical, to Senate Bill 130 (Senator Stosch).

HOUSE BILL 1300 (DELEGATE KILGORE) REGULATIONS UNDER THE CLEAN AIR INTERSTATE RULE

This bill amends section 10.1-1328 of the Code of Virginia by prohibiting the Air Pollution Control Board from requiring electric generating facilities located in a nonattainment area meet NO_x and SO₂ compliance obligations without purchasing allowances from in-state or out-of-state facilities unless the area was designated as nonattainment area prior to January 1, 2010.

HOUSE BILL 1308 (DELEGATE CARRICO): STATE CORPORATION COMMISSION TO REGULATE RATE FOR SERVICES OF INVESTOR-OWNED ELECTRIC UTILITIES

This legislation amends section 56-238 of the Code of Virginia, requiring private utility companies to suspend rates while the State Corporation

Commission considers the reasonableness of the rates. The Act gives the Commission nine months to reach a reasonableness decision, at which point the suspension of the rates will expire if no decision has been issued.

House Bill 1308 is identical to Senate Bill 680 (Senator Puckett).

HOUSE BILL 1329 (DELEGATE LINGAMFELTER): DEFINES GROSS SALES AND SALES PRICE FOR PURPOSE OF MOTOR FUELS SALES TAX IN NORTHERN VIRGINIA

This legislation amends section 58.1-1718.1 of the Code of Virginia, aligning the definition of “gross sales” with that under section 58.1-602 of the Code of Virginia. It defines “sales price” under the same section, and notes that the price includes all transportation and delivery charges regardless of how the charges are listed on the invoice.

HOUSE BILL 1344 (DELEGATE KILGORE) COALBED METHANE GAS DISPUTES

This bill amends section 45.1-361.22 of the Code of Virginia and adds section 45.1-361.22:1 to the Code of Virginia, requiring Virginia Gas and Oil Board to order arbitration when there is a conflict over the ownership of coalbed methane when all of the parties request arbitration in writing. This legislation also designates how arbitrators are to be appointed to resolve these conflicts.

HOUSE BILL 1345 (DELEGATE BARLOW): PROBATE AND LISTS OF HEIRS

This bill amends section 64.1-134 of the Code of Virginia, requiring the list of heirs that must be filed with the clerk of court in probate to reflect the heirs in existence on the date of the decedent’s death. If there are any changes as to who should be included on the list of heirs, an additional list of heirs shall be filed that includes such changes.

HOUSE BILL 1349 (DELEGATE BYRON): TAX COMMISSIONER TO ESTABLISH VIRGINIA FREE FILE PROGRAM AND MODEL IT AFTER IRS FREE FILE PROGRAM

This legislation establishes a Virginia Free File tax program. It directs the Tax Commissioner to create the Virginia Free File program based on a

similar IRS program no later than December 31, 2010. The online tax filing system should be available to 70 percent of Virginia's lowest income earners and will provide web links through the Department of Taxation website to the Consortium for Virginia's service providers.

HOUSE BILL 1353 (DELEGATE CLINE): SCHOOL BUS DUI

This bill adds section 4.1-309.1 to the Code of Virginia, providing that any person who possesses or consumes an alcoholic beverage while operating a school bus transporting children is guilty of a Class 1 misdemeanor.

HOUSE BILL 1356 (DELEGATE LEWIS): CAMPGROUNDS AND BED AND BREAKFASTS LIABLE FOR LOCAL LICENSE FEES AND TAXES

This legislation amends section 58.1-3703 of the Code of Virginia, adding campgrounds and bed and breakfasts to the list of establishments that are not exempt from local fees and taxes that are applied to real property rental businesses.

HOUSE BILL 1375 (DELEGATE GARRETT): PROHIBITION OF DENIAL OF BENEFITS FOR CERTAIN PRESCRIPTION DRUGS

This legislation amends sections 2.2-2818 and 38.2-3407.5 of the Code of Virginia, replacing the publications listed as "standard reference compendia" under the two sections. In place of the previous list, it includes the *American Hospital Formulary Service – Drug Information*, *National Comprehensive Cancer Network's Drugs & Biologics Compendium*, and *Elsevier Gold Standard's Clinical Pharmacology* as acceptable reference sources under the meaning of the legislation.

HOUSE BILL 1377 (DELEGATE SICKLES): HEARINGS AND INVESTIGATIONS ON THE EFFECT OF OTHER STATE'S LAWS ON HEALTH SERVICES PLANS

This legislation adds section 38.2-4229.2 to the Code of Virginia, specifying that if another state requires a health insurer in Virginia to provide benefits to out of state residents, the State Corporation Commission may review the impact of the other state's law on the Virginia company.

The Commission may take action to protect Virginia residents if the review reveals that the effects on the Commonwealth will be negative.

**HOUSE BILL 1381 (DELEGATE ARMSTRONG):
ESTABLISHMENT OF MAJOR EMPLOYMENT AND INVESTMENT
PROJECT SITE PLANNING GRANT FUND**

This bill adds section 2.2-2240.2 of the Code of Virginia, creating the Major Employment and Investment Project Site Planning Grant Fund consisting of funds appropriated by the General Assembly and any gift, grant or donations from public or private sources. The fund shall be used to award grant to political subdivision in the performance of site and site development work for prospective MEI projects.

**HOUSE BILL 1382 (DELEGATE BELL): PUBLIC DISCLOSURE OF
LAW ENFORCEMENT OFFICERS' PERSONAL INFORMATION**

This bill amends section 18.2-186.4 of the Code of Virginia, prohibiting a state or local agency from publicly posting or displaying on the Internet the home address or personal telephone numbers of a law-enforcement officer if the officer has made a written demand, accompanied with a court order, that such information not be disclosed. The bill also clarifies that the publication of a person's primary residence address along with his name or photograph with the intent to coerce, intimidate, or harass is unlawful.

SENATE BILLS

SENATE BILL 15 (SENATOR COLGAN): COMMONWEALTH OF VIRGINIA HIGHER EDUCATIONAL INSTITUTIONS BOND ACT OF 2010

This legislation authorizes the Treasury Board to issue bonds up to \$206,870,000 plus financing costs, to finance revenue-producing capital projects at Virginia institutes of higher education.

SENATE BILL 17 (SENATOR LUCAS): DESIGNATES A PORTION OF THE BLACKWATER RIVER AS PART OF THE STATE SCENIC RIVER SYSTEM

This legislation adds section 10.1-4418.6 to the code of Virginia by adding a fifty-six mile portion of the Blackwater River to the Virginia Scenic River System.

SENATE BILL 26 (SENATOR PULLER): TASTING EVENTS AT ABC STORES

This bill amends section 4.1-119 of the Code of Virginia, authorizing distilled spirits and farm winery wine tasting events to be conducted at government stores under certain circumstances.

SENATE BILL 27 (SENATOR PULLER): PROHIBITS SELLER FROM CONDITIONING WARRANTY ON RETURN OF WARRANTY CARDS

This legislation amends section 59.1-200 of the Code of Virginia and adds section 8.2-317.1 to the Code, prohibiting merchants from making the coverage of a warranty conditional on the buyer's returning a warranty card, or from basing the duration of the warranty on the return of a warranty card. The seller may only condition a warranty on this requirement if the seller specifically notes this fact in his advertising of the product in question.

SENATE BILL 42 (SENATOR STUART): RETIRING LAW ENFORCEMENT OFFICER, SERVICE HANDGUN PURCHASE

This bill amends section 59.1-148.3 of the Code of Virginia, allowing a law-enforcement officer who retires at or after age seventy with at least ten years of service to purchase his service handgun for \$1. Prior law only granted purchase rights to disabled officers or those with twenty years of service.

SENATE BILL 46 (SENATOR STUART): ATTORNEYS' FEES, SPECIAL EDUCATION

This bill amends section 22.1-214 of the Code of Virginia, allowing for the awarding of attorney's fees and expenses to the prevailing party of either: (i) the parent of a child with a disability in a dispute as to program placements, individualized education programs, tuition eligibility and other matters; or (ii) to the Board of Education or a local school division against the attorney of a parent, or the parents themselves, who file a complaint or a subsequent cause of action that is frivolous.

SENATE BILL 47 (SENATOR STUART) EXTENSION OF THE SUNSET HARVEST PROVISION FOR MENHADEN FISHERIES

This legislation amends chapter 41 of the Acts of Assembly of 2007 by extending the quota for menhaden harvest until January 1, 2014. The quota is 109,020 metric tons for the Virginia portion of the Chesapeake Bay.

This bill is identical to House Bill 142 (Delegate Pollard).

SENATE BILL 68 (SENATOR MCEACHIN): FIREFIGHTERS AND EMT PROCEDURAL GUARANTEE ACT

This bill amends section 9.1-301 of the Code of Virginia, providing that firefighters or emergency medical technicians may have a witness of their choice present during an interrogation that could lead to dismissal, demotion, or suspension, as long as the interview is not unduly delayed. The witness cannot participate or represent the employee, and may not be involved in the investigation.

SENATE BILL 69 (SENATOR MCEACHIN): SURROGACY CONTRACTS

This bill amends sections 20-160, 20-161, 20-162, and 20-165 of the Code of Virginia, allowing a surrogate parent to relinquish their parental rights within three days of the birth of the child, provided at least one parent be biologically related to the child. Current law requires a twenty-five day wait. The bill also decriminalizes the practice of arranging surrogacy contracts, provided no compensation is involved.

SENATE BILL 72 (SENATOR REYNOLDS): UNEXECUTED WARRANT DISMISSAL

This bill amends section 19.2-76.1 of the Code of Virginia, allowing a Commonwealth's Attorney to move for the dismissal of any unexecuted warrant or summons. Such dismissal is to be without prejudice

SENATE BILL 81 (SENATOR HOWELL): AN ACT AMENDING THE VALUE ASSESSMENT FOR AGRICULTURAL FORESTAL, OR AGRICULTURAL AND FORESTAL LANDS

This legislation amends sections 15.2-4405 and 58.1-3233 of the Code of Virginia, relating to use value assessment for agricultural, forestal, or agricultural and forestal districts of local significance. It allows that noncontiguous property to be included in an agricultural, forestal, or agricultural and forestal district if the land would be considered contiguous if it is located adjacent to any other land that makes up part of such a district.

SENATE BILL 88 (SENATOR HOWELL): CRIMINAL INJURIES COMPENSATION FUND

This bill amends section 19.2-368.3 of the Code of Virginia, requiring health care providers who provide services under the Criminal Injuries Compensation Fund to negotiate with the Fund's administrator, the Virginia Worker's Compensation Commission, to establish agreements relating to rates for payment of claims. The rates will discharge the obligation to the provider in full except where the provider is an agency of the Commonwealth and the claimant receives a third party recovery in addition to the payment from the Fund.

SENATE BILL 89 (SENATOR STUART): FIREARM RESTORATION PERMIT

This bill amends sections 18.2-308.1:1, 18.2-308.1:3, and 18.2-308.2 of the Code of Virginia, requiring a copy of a petition to reestablish the right to carry a firearm to be served on the Commonwealth's Attorney so that the Commonwealth may respond to the petition. If either the petitioner or the Commonwealth's Attorney so desire, a hearing is to be held on the matter.

SENATE BILL 90 (SENATOR QUAYLE): GROSS RECEIPTS OF SECURITY BROKERS AND DEALERS

This legislation amends section 58.1-3700.1 of the Code of Virginia and adds 58.1-3732.5, relating to the local license tax on registered security brokers and security dealers. The definition excludes from the gross receipts of a security broker or security dealer for license tax purposes amounts received by the broker or dealer that arise from the sale or purchase of a security.

Senate Bill 90 is identical to House Bill 985 (Delegate Jones).

SENATE BILL 95 (SENATOR QUAYLE): LINE OF DUTY ACT

This legislation amends 51.1-1121 of the Code of Virginia and adds section 9.1-401.1, allowing state police officers who suffer work-related injuries to recover full pay from a short-term disability insurer for the first six months after the accident if they receive a certification from the Superintendent of State Police. After the one-year period has expired officers who qualify are eligible to receive 60% of their prior pay through a supplemental long-term disability policy.

SENATE BILL 96 (SENATOR QUAYLE): ELUDING POLICE

This bill amends section 46.2-817 of the Code of Virginia, expanding the definition of eluding police to include offenses on foot, in a vehicle, or by any other means. Current law does not specify.

SENATE BILL 100 (SENATOR STOSCH): CONFORMING VIRGINIA'S STOCK CORPORATION ACT TO THE MODEL BUSINESS CORPORATION ACT

This legislation amends and reenacts several sections of the Code of

Virginia to bring them into conformity with the Model Business Corporation Act. Specifically, the Act promotes the electronic filing of communications, authorizes officers to make equity compensation awards, allowing corporate boards of directors to set dates of record for determining voting eligibility at meetings, affirming that a board of directors may require a corporation to indemnify and reimburse its officers and employees, among other amendments to the Virginia Stock Corporation Act.

SENATE BILL 105 (SENATOR MCDUGLE): MECHANICS' LIEN AGENTS

This bill amends sections 43-1 and 43-4.01 of the Code of Virginia, removing the definitional requirement that one must give consent in writing in order to be a mechanics' lien agent. The bill also authorizes any person entitled to claim a lien to notify the mechanics' lien agent that he seeks payment for labor performed or material furnished if the building permit contains the name, mailing address, and telephone number of the mechanics' lien agent. Current law provides that any person entitled to claim a lien may notify the mechanics' lien agent that he seeks payment for labor performed or material furnished only if, at the time of issuance, the building permit contains the name, mailing address, and telephone number of the mechanics' lien agent.

SENATE BILL 106 (SENATOR MCDUGLE): CERTIFICATES OF ANALYSIS

This bill amends sections 18.2-472.1, 19.2-187, and 19.2-187.1 of the Code of Virginia, further attempting to comply with the U.S. Supreme Court's decision in *Melendez-Diaz v. Massachusetts* regarding the usage of certificates of analysis in court. It clarifies that provisions requiring notification of defendants by the Commonwealth must be followed only if the certificate or affidavit is to be used in lieu of testimony. The bill also specifies that the notice of defendant's right to object shall be provided simultaneously with the certificate or affidavit rather than attached to the certificate or affidavit. The definition of "certificates of analysis" is also clarified to include results of analysis or laboratory examination.

SENATE BILL 112 (SENATOR PETERSEN): STEPS TO ADVANCE VIRGINIA'S ENERGY PLAN (SAVE) ACT

This legislation adds sections 56-603 to 56-604 to the Code of Virginia, dealing with cost recovery for infrastructural improvement costs for natural gas utilities. Specifically, the legislation allows private natural gas utility companies to request that the State Corporation Commission implement a separate rider allowing them to recover costs involving infrastructural improvement. Additionally, the Act specifies that the measures apply to projects begun after January 2, 2010, which reduce greenhouse gasses, which do not involve the building of new lines to reach new customers, and that enhance safety and reliability of the natural gas delivery system.

Senate Bill 112 is identical to House Bill 533 (Delegate Nixon).

SENATE BILL 128 (SENATOR McDOUGLE) AUTHORITY OF THE AIR POLLUTION CONTROL BOARD UNDER THE CLEAN AIR INTERSTATE RULE.

This legislation amends section 10.1-1328 of the Code of Virginia by prohibiting the Air Pollution Control Board from requiring electric generating facilities located in nonattainment areas meet NO_x and SO₂ compliance obligation without purchasing allowance from in-state or out-of-state facilities unless such nonattainment was designated prior to January 1, 2010.

SENATE BILL 130 (SENATOR STOSCH): EXEMPTIONS FOR RETAIL SALES AND USE TAX

This legislation amends sections 58.1-609.3 and 58.1-609.10 of the Code of Virginia, providing for an exemption to the Retail Sales and Use Tax for employers who purchase of equipment for processing, storage, retrieval, or communication of data if the effort has the effect of creating at least fifty new tech jobs in the Commonwealth of Virginia.

Senate Bill 130 is identical to House Bill 302 (Delegate O'Bannon).

SENATE BILL 131 (SENATOR STOSCH): CONFORMING THE VIRGINIA NONSTOCK CORPORATION ACT TO THE MODEL BUSINESS CORPORATION ACT

This legislation amends numerous sections of the Code of Virginia,

conforming the Virginia Nonstock Corporation Act to the Model Business Corporation Act in that it promotes the electronic filing of communications, require that communications be in English, allows corporate boards of directors to set dates of record for determining voting eligibility at meetings, allows remote participation in members' meetings, affirms that a board of directors may require a corporation to indemnify and reimburse its officers and employees, among other amendments to the Virginia Nonstock Corporation Act.

SENATE BILL 154 (SENATOR EDWARD): INCREASING THE PERMITTED AMOUNT COLLECTED IN VARIOUS FEES AND COSTS TO ACCOUNT FOR INFLATIONARY EFFECT

This legislation amends numerous sections of the Code of Virginia, concerning the amount recoverable in several types of compensation actions including the recovery of costs in civil actions for bad checks, the recovery of damages for loss of the use of a vehicle, affidavits for damage to a motor vehicle, liens against persons whose negligence caused injury, attachments, civil action for unlawful interception or disclosure, and attorneys fees related to certain insurance claims.

SENATE BILL 162 (SENATOR EDWARDS): CAPITAL SENTENCING FORMS

This bill amends section 19.2-264.4 from the Code of Virginia, removing the statutory jury forms for capital cases.

SENATE BILL 163 (SENATOR EDWARDS): EXEMPTION FOR HEALTH SAVINGS ACCOUNTS FROM CREDITORS' CLAIMS

This legislation adds section 38.2-5604 to the Code of Virginia, exempting money paid into health savings accounts from being involved in creditors' process. It also prohibits attachment, garnishment, seizure, appropriation, or "any legal or equitable process" from gaining access to the contents of a health savings account for the purpose of settling a creditor's claim.

SENATE BILL 178 (SENATOR STOSCH): REVISING TAX PENALTIES FOR PASS-THROUGH ENTITIES

This legislation amends section 58.1-486.2 of the Code of Virginia and adds section 58.1-486.3, specifying that the penalty for any unpaid balance of taxes for a pass-through entity should be 6% of the amount of the entire tax amount due for the first month of delinquency. Every month thereafter should incur an additional 6% penalty, up to a maximum of 30%. No penalty should be added when tax returns were made in good faith but contained errors; however, the entity will remain liable for interest on the amount due.

SENATE BILL 183 (SENATOR WAMPLER): SEARCH AND RESCUE PERSONNEL, ENHANCED PENALTIES FOR MALICIOUS WOUNDING

This bill amends section 18.2-51.1 of the Code of Virginia, adding search and rescue personnel members of an organization that have a memorandum of understanding with the Virginia Department of Emergency Management to the list of statutory "search and rescue personnel." Malicious wounding of persons on this list triggers enhanced penalties.

SENATE BILL 191 (SENATOR NORTHAM): PRIVACY AND INFORMATION EXCHANGE

This bill amends section 8.01-581.17 of the Code of Virginia, ensuring that privileged information is maintained when health-care information is shared between health-care review boards. These boards are entities that function primarily to review, evaluate, or make recommendations regarding health care.

SENATE BILL 192 (SENATOR NORTHAM): PROHIBITION ON ISSUING COMMERCIAL FISHING LICENSE TO NONRESIDENTS.

This legislation amends section 28.2-227 of the Code of Virginia by prohibiting the Marine Resources Commission from selling commercial fishing licenses to a non-resident, unless that person's state offers for sale the same or a substantially similar license to a resident of Virginia.

SENATE BILL 220 (HOWELL): ELECTRONIC FILING OF CASES IN CIRCUIT COURTS

This legislation amends sections 16.1-243, 17.1-124, 17.1-224, 17.1-258.3, and 17.1-258.4 of the Code of Virginia and adds sections 8.01-271.01 and 17.1-258.6, requiring that circuit courts accept electronic copies of original documents as original documents for purposes of filing and recording. Further, the act permits the attachment of electronic stamps or seals in place of original signatures and notary certification. The legislation, however, excludes the electronic filing of documents when the use of a certain form is specified by Virginia statute.

Senate Bill 220 is identical to House Bill 1065 (Delegate Athey).

SENATE BILL 232 (SENATOR WATKINS): CHANGES EARLY AND NORMAL RETIREMENT AGES FOR THOSE EMPLOYED AFTER JULY 1, 2010

This legislation amends and reenacts several sections of the Code of Virginia related to the retirement system. The Act sets into effect new rules regarding the retirement age of state employees. Previously, one was eligible for early non-reduced pension if they had reached fifty years of age and thirty years of service to the Commonwealth. However, under the new rule the employee will be eligible for the pension if the sum of the two figures is at least ninety years. State employees may also take reduced early retirement benefits if they have reached sixty years of age and at least five years of service to the Commonwealth.

SENATE BILL 233 (SENATOR WATKINS): CORPORATE AND INDIVIDUAL TAX CREDITS FOR LAND CONSERVATION

This legislation amends section 58.1-512 of the Code of Virginia, reducing the amount that corporations and individuals may claim pursuant to the land conservation tax credit in 2011 from \$100,000 to \$50,000. Additionally, the legislation allows taxpayers claiming the credit an additional year in which they may claim the credit.

SENATE BILL 236 (SENATOR HOWELL): GOVERNOR TO APPOINT CHIEF INFORMATION OFFICER OF VITA

This legislation amends numerous sections of the Code of Virginia, giving the Governor the power to appoint a Chief Information Officer to the

Virginia Information Technologies Agency, which is responsible for planning, developing, and procuring technological infrastructure. This legislation also eliminates the Information Technology Investment Board and replaces it with the Information Technology Advisory Council.

Senate Bill 236 incorporated Senate Bill 390 (Senator McDougle) and Senate Bill 480 (Senator Howell), and is identical to House Bill 1034 (Delegate Byron).

SENATE BILL 237 (SENATOR WATKINS): PORTION OF WINE LITER TAX COLLECTED TO BE DEPOSITED IN WINE PROMOTION FUND

This legislation amends section 4.1-235 of the Code of Virginia to require that the wine liter tax that is collected pursuant to the previous section of the Code for wine that is made by farm wineries in Virginia should be deposited into the Virginia Wine Promotion Fund to advance viticulture in the Commonwealth of Virginia.

SENATE BILL 240 (SENATOR WATKINS): REQUIRING MORTGAGE LENDERS AND BROKERS TO REGISTER WITH THE NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY

This legislation amends sections 6.1-409 and 6.1-410 of the Code of Virginia, requiring mortgage lenders and brokers to be licensed under the national registry. Such individuals must submit to any renewal requirements established by the registry and must be responsible for any associated fees. Additionally, the Virginia Commission may collect any registration and renewal fees on behalf of the registry. The Act authorizes the Commission to establish contracts with the registry for the purpose of carrying out this relationship.

Senate Bill 240 is identical to House Bill 547 (Delegate D. Marshall).

SENATE BILL 244 (SENATOR WATKINS): DAM SAFETY ACT

This act requires the Virginia Soil and Water Conservation Board to adopt regulations that consider the impact of low traffic roadways on the determination of hazard potential classification of an impounding structure.

SENATE BILL 248 (SENATOR WATKINS): INDIGENT CAPITAL DEFENSE, EXPERT WITNESSES

This bill adds sections 19.2-264.3:1.3 and 19.2-264.3:4 to the Code of Virginia, providing that an indigent defendant who has been charged with a capital offense may make a motion in circuit court for the appointment of experts to assist in the preparation of his defense. The presiding judge shall designate another judge in the judicial circuit who may hold an ex parte hearing on such a motion and may order the appointment of an expert. Prior to an ex parte proceeding, communication, or request, a particularized need for confidentiality must be demonstrated in an adversarial proceeding. A motion for an ex parte hearing shall be in writing and filed under seal and any ex parte hearing conducted shall be on the record and kept under seal as part of the record of the case. The court may unseal the record after the trial is concluded for good cause shown.

SENATE BILL 257 (SENATOR LUCAS): INCOME TAX EXPENSES TO ANY COMPANY WITH QUALIFYING MOTION PICTURE FILM PRODUCTION EXPENSES

This legislation, which takes effect in the tax year beginning on January 1, 2011, adds section 58.1-439.12:03, allowing companies with expenses of at least \$250,000 related to the production of films within the Commonwealth of Virginia to claim a tax credit of 15%, or 20% if the production takes place in an area that the Virginia Economic Development Partnership Authority designates as “distressed.” The legislation limits credits to \$2.5 million for the biennium beginning in 2010, and limits credits to \$5 million in subsequent biennia.

Senate Bill 257 is identical to House Bill 861 (Delegate Cline).

SENATE BILL 259 (SENATOR LUCAS): DETENTION OF JUVENILES

This bill amends sections 16.1-249, 16.1-269.5, and 16.1-269.6 of the Code of Virginia, providing that a juvenile whose criminal case has been transferred or certified to circuit court to be placed in a juvenile secure facility, unless the court determines that he is a threat to the security or safety of others, in which case he may be moved to an adult facility.

SENATE BILL 264 (SENATOR WHIPPLE): REMAINDER OF STATE INCOME TAX REVENUES TRANSFERRED TO LAND CONSERVATION FUND FOR DISTRIBUTION

This legislation amends section 58.1-513 by modifying the fees on land transferred into land conservation funds in that, whereas the former law required that a two percent fee on the value of the transferred land up to a total of \$10,000, the fees collected will, by law, amount to a total of 2% of the total value of the land. Additionally, the legislation requires that these fees be used by the Department of Conservation and Recreation and the Department of Taxation for use by conservation groups.

Senate Bill 264 is identical to House Bill 447 (Delegate Ware).

SENATE BILL 272 (SENATOR WHIPPLE): MINIMUM CONTENT OF BIODIESEL OR GREEN FUEL IN STATE CONTRACTS FOR VEHICLE FUEL

This legislation amends section 2.2-1111 of the Code of Virginia to require the Department of General Services to obtain diesel fuel for the vehicles used by the Commonwealth that contains at least 2% biodiesel or other green diesel fuel additives. Any state entity may also establish pilot programs to encourage the use of biodiesel fuel.

SENATE BILL 273 (SENATOR WHIPPLE): ASSESSMENTS ON AFFORDABLE HOUSING UNITS

This legislation amends section 58.1-3295 of the Code of Virginia, requiring that the income generated by affordable housing be taxed based on the manner in which the property is presently being used, provisions of the arm's-length contract, and any income restrictions that might exist.

Senate Bill 273 is identical to House Bill 233 (Delegate Dance).

SENATE BILL 276 (SENATOR HOUCK) DAM SAFETY REGULATIONS

This legislation amends section 10.1-605 of the Code of Virginia by prohibiting the Virginia Soil and Water Conservation Board's Impounding Structure Regulations from requiring that any dam classified as high hazard in existence or under construction prior to July 1, 2010 from upgrading its

spillway to pass a rainfall event greater than the maximum recorded within the state.

Additionally, any high hazard dam shall be in compliance with the spillway requirements of the regulation if the impounding structure will pass two-thirds of the reduced probable maximum precipitation requirement describe in this section of the code and the dam owner certifies that such dam meets certain conditions every year.

SENATE BILL 277 (SENATOR QUAYLE): TEMPORARY ASSISTANCE TO NEEDY FAMILIES, PRE-EXISTING SUPPORT

This bill amends section 63.2-602 of the Code of Virginia, allowing TANF applicants to retain pre-existing support they may have received on their own behalf or on behalf of any other family member.

SENATE BILL 283 (SENATOR QUAYLE): RESIDENTS OF THE COMMONWEALTH SHALL NOT BE REQUIRED TO OBTAIN AN INDIVIDUAL HEALTH INSURANCE POLICY

This legislation adds section 38.2-3430.1:1 to the Code of Virginia, specifying that no resident of Virginia will be required to buy an individual health care insurance policy unless a court or the Department of Social Services requires them to do so. Additionally, the Act specifies that no Virginian shall be subjected to a fine or fee for failure to obtain a health insurance policy. The legislation, however, does not affect individuals who voluntarily apply for coverage or are required to have coverage as a condition for enrollment at an institution of higher education.

Senate Bill 283 is identical to Senate Bill 311 (Senator Martin) and Senate Bill 417 (Senator Holtzman Vogel).

SENATE BILL 284 (SENATOR QUAYLE): CHILD PROTECTION ACCOUNTABILITY SYSTEM

This bill amends section 63.2-1530 of the Code of Virginia, adding the Department of State Police and circuit courts to the list of entities required to report information for inclusion in the Virginia Child Protection Accountability System.

SENATE BILL 289 (SENATOR DEEDS): LIFETIME HUNTING AND FISHING LICENSES FOR INFANTS.

This legislation amends section 29.1-302.1 of the Code of Virginia by allowing lifetime hunting and fishing license to be purchased for children under two. Each license costs \$125.

SENATE BILL 294 (SENATOR McDOUGLE): DEFINING “ENTITY” AND “PRINCIPAL” UNDER THE MORTGAGE LENDER AND BROKER ACT

This legislation amends section 6.1-409 of the Code of Virginia, amending the definitions of “entity,” “person,” and “principal” under the Mortgage Lender and Broker Act. It defines “entity” as “any corporation, partnership, association, cooperative, limited liability company, trust, joint venture, or other legal or commercial entity.” It amends the definition of “principal” to include any individual who owns more than 10 percent of any entity defined above.

SENATE BILL 295 (SENATOR McDOUGLE): REVISION OF TITLE 6.1 REGARDING FINANCIAL INSTITUTIONS AND SERVICES

This legislation creates Proposed Title 6.2 of the Code of Virginia, which would supplant Title 6.1, dealing with Banking and Finance, in four Subtitles: General Provisions, Depository Institutions and Trust Organizations, Other regulated Providers of Financial Services, and Other Financial Activities.

SENATE BILL 315 (SENATOR LOCKE): FORT MONROE AUTHORITY ACT

This legislation amends section 15.2-6304 of the Code of Virginia and add sections 15.2-7200 through 15.2-7215, creating the Fort Monroe Authority, to be administered by an eleven member board, to govern the preservation, conservation, protection, and maintenance of the land contained within the army base there that is scheduled to close in 2011. The legislation envisions the planning and protection of the Commonwealth’s historic resources and provides public access to the land. The Act empowers the governing board to be responsible for all existing leases and contracts, as well as providing municipal services, including education, to residents and businesses that locate there.

SENATE BILL 329 (SENATOR HANGER): CONCEALED HANDGUNS IN RESTAURANTS

This bill amends section 18.2-308 of the Code of Virginia, allowing a person with a concealed handgun permit to carry a concealed handgun onto the premises of a restaurant or club, provided they do not consume alcoholic beverages while on the premises. A person who consumes alcohol in violation of the provisions of the bill is guilty of a Class 2 misdemeanor.

Senate Bill 329 is identical to House Bill 505 (Delegate Gilbert).

SENATE BILL 333 (SENATOR HANGER): AMENDING ELIGIBILITY FOR ACCESS TO SCHOOL FOR DEAF AND BLIND CHILDREN

This legislation amends section 22.1-348 of the Code of Virginia to expand access for deaf and blind children to the care provided by the school. Formerly, the section allowed those aged two to twenty-one access to the school, but the amendment allows access from birth up until age twenty-one.

SENATE BILL 339 (SENATOR HANGER): ADULT FACILITY INTERVIEWS

This bill amends sections 63.2-1706 and 63.2-1728 of the Code of Virginia, providing that interviews with residents or participants of facilities or programs licensed or seeking licensure by the Department of Social Services shall be scheduled in advance and authorized by the person to be interviewed or his legally authorized representative and limited to discussion of issues related to the applicant's or licensee's compliance with applicable laws and regulations. This bill also sets forth inspection requirements for assisted living facilities, and provides that an incident report filed by an assisted living facility, pursuant to regulations adopted by the Board, for any major incident that negatively affects or threatens the life, health, safety or welfare of any resident of the facility shall not be considered a complaint, but may trigger an investigation including an on-site visit if the Commissioner finds an investigation is necessary.

SENATE BILL 341 (SENATOR HANGER): ALLOWS THE DEPARTMENT OF CONSERVATION AND RECREATION TO ESTIMATE LAND USE FOR TAX CREDIT

This legislation amends section 58.1-512 of the Code of Virginia. The amended section directs that the Department of Conservation and Recreation coordinate with other departments to determine how much land is currently being used for agricultural production, which would qualify for the land preservation tax credit. The Department is instructed to issue a report on the onsite best practices used by landowners to prevent the runoff of excess nutrients into the Commonwealth's water resources.

SENATE BILL 345 (SENATOR HANGER): FINANCING OYSTER RESTORATION PROJECTS

This bill amends sections 62.1-198 and 62.1-199 of the Code of Virginia, granting the Virginia Resource Authority the ability to finance oyster restoration efforts undertaken by local government.

SENATE BILL 346 (SENATOR HANGER): LAND CONSERVATION PRACTICES

This bill adds section 2.2-220.3 to the Code of Virginia, requiring the Secretary of Natural Resources to establish a database of the critical data attributes for onsite best management practices implemented in the Commonwealth that limit the amount of nutrients and sediment entering state waters. The intent is to collect data regarding voluntary actions taken by the agricultural and silvicultural sectors. The bill is effective upon passage.

SENATE BILL 355 (SENATOR OBENSHAIN): SHORT-TERM RENTAL PROPERTY SHALL CONSTITUTE A SEPARATE CLASSIFICATION OF MERCHANT'S CAPITAL

This legislation, taking effect in tax year 2010, amends the Code of Virginia to allow local tax authorities to classify short-term rental property as part of a merchant's assets and allows them to tax it as capital or as short-term rental property. It does not, however, allow taxation under both categories. The legislation also specifies that these rental properties are not to be counted as tangible personal property for local taxation purposes.

SENATE BILL 357 (SENATOR STOSCH): REQUIREMENT OF ELECTRONIC FILING BY TAX PREPARERS

This legislation amends and reenacts sections 58.1-9, 58.1-478, and 58.1-615 of the Code of Virginia. It instructs employers who provide 150 or more tax statements to employees for the tax year 2010 to do so electronically, and it requires employers who provide 50 or more such documents for every subsequent year to do so electronically. The Act also requires merchants who file consolidated sales tax returns to pay the state through electronic funds transfer. This requirement may be waived if the Tax Commissioner rules that it is an unreasonable burden on the merchant.

SENATE BILL 360 (SENATOR BARKER): MANDATORY OUTPATIENT TREATMENT FOLLOWING INPATIENT TREATMENT

This legislation amends the Code of Virginia to allow a court to order mandatory outpatient treatment after an individual has been involuntarily provided inpatient treatment. A court may only issue such an order if the individual failed to comply with treatment for a mental illness, and the treatment is necessary to prevent further deterioration in the individual's condition. The court order is also justified if it does not appear that the individual will follow up under his own volition, and it is necessary in the court's view that he receive further treatment.

SENATE BILL 362 (SENATOR BARKER): PROVIDES FOR A CONSTITUTIONAL AMENDMENT REFERENDUM TO LIMIT TAXES OR REVENUES

This legislation adds the referendum question "Shall Section 8 of Article X of the Constitution of Virginia be amended to increase the permissible size of the Revenue Stabilization Fund (also known as the "rainy day fund") from 10 percent to 15 percent of the Commonwealth's average annual tax revenues derived from income and retail sales taxes for the preceding three fiscal years?" to the November 2010 ballot.

SENATE BILL 376 (SENATOR PUCKETT): OWNERSHIP OF COALBED METHANE GAS

This bill adds section 45.1-361.21:1 to the Code of Virginia, which declares that any conveyance, reservation, or exception of coal does not

include coalbed methane gas, which occurs after the adoption of this section.

This bill is identical to House Bill 1197.

SENATE BILL 381: (SENATOR PUCKETT): NET REVENUE OF COMMUNICATIONS SALES AND USE TAX SHALL BE DISTRIBUTED ACCORDING TO EACH LOCALITY'S PRO-RATA SHARE

This legislation amends and reenacts section 58.1-662 of the Code of Virginia to amend the disposition of communications and sales tax revenues for Tazewell County. The Act amends the formula for determining the proportionate share of revenue for the tax years 2006–10, and provides Tazewell County with the share of revenue it would have receive from telecommunications and television cable funds if the County had received \$650,507 in the fiscal year 2006.

SENATE BILL 382 (SENATOR OBENSHAIN): JURY PANEL DISCLOSURE

This bill increases the time period when a copy of the jury panel shall be made available to all counsel of record in the case from 48 hours to five full business days.

SENATE BILL 384 (SENATOR OBENSHAIN): ATTORNEY-CLIENT PRIVILEGE

This bill adds section 8.01-420.7 to the Code of Virginia, providing that when the disclosure of a communication or information covered by attorney-client privilege or work product protection made in a proceeding or to any public body operates as a waiver of the privilege or protection, such waiver only extends to undisclosed communications or information if (i) the waiver was intentional, and (ii) the disclosed and undisclosed communications or information concern the same subject matter and ought in fairness be considered together. Inadvertent disclosures do not operate as a waiver if reasonable steps were taken to prevent disclosure and to rectify the error. The bill also provides that an agreement between parties as to the effect of a disclosure is only binding upon the parties to the agreement unless it has been incorporated into a court order. The bill does not limit any otherwise applicable waiver of attorney-client privilege or work

product protection by an inmate who files an action challenging his conviction or sentence.

SENATE BILL 385 (SENATOR OBENSHAIN): NON-EXISTENT RECORDS

This bill provides that at a hearing or trial, an affidavit signed by a government official who is custodian of an official record, stating that after a diligent search, no record or entry of such record is found to exist among the records in his custody, is admissible as evidence that his office has no such record or entry. The provisions regarding sex-offender registration must still be complied with.

SENATE BILL 386 (SENATOR OBENSHAIN): PERMITTING ADMISSION INTO EVIDENCE OF CERTIFICATES OF ANALYSIS OF MOTOR FUELS OR LUBRICATING OILS

This legislation amends and reenacts section 59.1-165 of the Code of Virginia to allow the trial use of certificates of analysis if they meet other requirements under the Code of Virginia and have not been subject to objection from opposing counsel. This legislation satisfies the requirements of *Melendez-Diaz v. Massachusetts* for the admission of these documents into evidence for the purpose of proving misbranding of the applicable petroleum products.

SENATE BILL 387 (SENATOR OBENSHAIN): TWO-WAY VIDEOCONFERENCING

This bill amends sections 19.2-3.1 and 19.2-187.1 of the Code of Virginia, stating that if the Commonwealth intends to have testimony by two-way video conferencing that information must be provided to the defendant in the notice that the Commonwealth is otherwise required to provide and the defendant must specifically object or he waives his right to object. The bill sets out procedures for video testimony and also clarifies that provisions requiring a 28-day notification to the defendant must be followed only if the certificate or affidavit is to be used in lieu of testimony.

SENATE BILL 394 (SENATOR WAGNER): AUTHORIZING THE PRODUCTION AND DEVELOPMENT OF OFFSHORE ENERGY RESOURCES

This legislation amends and reenacts section 67-300 of the Code of Virginia, permitting the production and development of the oil and gas resources off the coast of Virginia, provided that exploration takes place 50 or more miles from shore and that it takes into consideration entities that may be affected, including the military, Virginia localities, and the mid-Atlantic regional spaceport. The legislation amends the section, which previously only allowed the exploration of Virginia's offshore oil and wind resources.

SENATE BILL 400 (SENATOR STOSCH): AUTHORIZING THE STATE CORPORATION COMMISSION TO ESTABLISH FEES FOR FURNISHING COPIES OF DOCUMENTS

This legislation, which amends and reenacts sections 12.1-20, 12.1-21.1, and 12.1-21.2, permits the State Corporation Commission to set and charge fees for the release of copies of the Commission's documents, including for certifying information and allowing access to the clerk's records. The section formerly set specific figures for the provision of certain documents; however, after this amendment the Commission will itself be responsible for setting appropriate fees.

SENATE BILL 408 (SENATOR HOLTZMAN VOGEL): HANDGUNS IN VEHICLES

This bill amends section 18.2-308 of the Code of Virginia, creating a new exemption to the general prohibition against carrying concealed weapons by allowing a person who may lawfully possess a firearm to carry a handgun in a private motor vehicle or vessel if the handgun is locked in a container or compartment.

SENATE BILL 413 (SENATOR HOLTZMAN VOGEL): ELIMINATES THE TRIENNIAL CENSUS FOR THE DISTRIBUTION OF SALES AND USE TAX

This legislation removes the requirement that a census of school-aged children in each school district be conducted. Further, the legislation changes the way the sales and use tax is calculated for each school district.

Instead of a triennial census, the UVA Weldon Cooper Center for Public Services will provide an annual estimate of children in each school district, and will receive \$115,000 in public money to enable it to produce the estimate.

SENATE BILL 415 (SENATOR HOLTZMAN VOGEL): FOSTER CARE, INDEPENDENT LIVING SERVICES

This bill amends section 63.2-905.1 of the Code of Virginia, requiring local departments that provide independent living services to persons between 18 and 21 years of age to provide any person who chooses to leave foster care or terminate independent living services before his twenty-first birthday written notice of his right to request restoration of independent living services. The written notice shall be included in the person's transition plan, which shall be created at least 90 days prior to the person's discharge from foster care.

SENATE BILL 422 (SENATOR WAMPLER): ESTABLISHMENT OF A DRUG TREATMENT COURT IN THE CITY OF BRISTOL

This legislation amends and reenacts section 18.2-254.1 of the Code of Virginia to allow for the establishment of a drug treatment court for the City of Bristol, if the court can be established with funding currently existing within state and local appropriations budgets.

SENATE BILL 423 (SENATOR HERRING): HEALTH CARE CLINIC LIABILITY

This bill amends section 54.1-106 of the Code of Virginia, ensuring that medical professionals providing care at a federally-qualified free clinic are not liable for any civil damages for any act or omission resulting from the rendering of such services unless the act or omission was the result of gross negligence or willful misconduct.

SENATE BILL 428 (SENATOR HERRING): PROVIDES EXEMPTIONS FOR ANY INCOME TAXED AS LONG-TERM CAPITAL GAIN FOR FEDERAL INCOME TAX

This legislation amends and reenacts sections 58.1-322 and 58.1-402 of the Code of Virginia and recognizes income from capital gains. This

legislation provides a state tax deduction for federal income taxes incurred from long-term capital gain from an investment in technology and science start-up businesses located within the Commonwealth between July 1, 2010 and June 30, 2013.

Senate Bill 428 is identical to House Bill 523 (Delegate Nixon).

SENATE BILL 440 (SENATOR SASLAW): CONVERSION OF CREDIT UNIONS TO A STATE MUTUAL SAVINGS INSTITUTION

This legislation adds section 6.1-225.30:1 to the Code of Virginia. It permits a credit union to convert itself to a state mutual savings institution and outlines the process for credit unions to accomplish this. The statute requires that two-thirds of the members eligible to vote approve the transition and that the Commission approve the decision and amendments of the articles of incorporation of the credit union that are required to bring about the transition.

SENATE BILL 441 (SENATOR SASLAW): ESTABLISHES RATES AND PROCEDURES FOR COLLECTION AND REMITTANCE OF WIRELESS E-911 CHARGES

This legislation amends and reenacts sections 56-484.12 and 56-484.17 of the Code of Virginia. The legislation creates a charge of \$0.50 per retail wireless plan purchased in the Commonwealth after January 1, 2011, applicable at all retailers who allow their customers to access the state's 911 network. The Act also creates procedures for collecting and remitting the money to the state authorities

SENATE BILL 445 (SENATOR QUAYLE): FINANCIAL INSTITUTION LIEN NOTIFICATION

This bill amends sections 8.01-502.1 and 8.01-512.4 of the Code of Virginia, providing that any creditor serving a notice of lien on a financial institution must, within five business days, mail to the debtor a copy of the notice of lien along with a notice of exemptions and claim for exemption form. The judgment creditor or attorney for the judgment creditor must also file a certification with the court affirming that he has mailed the judgment debtor these notices. In the event that the judgment creditor fails to comply,

he shall be liable to the judgment debtor for no more than \$100 in damages, unless he proves by a preponderance of the evidence that the failure was not willful.

SENATE BILL 455 (SENATORS HURT AND STOSCH): EXEMPTS VETERANS FROM PAYMENT OF HANDLING FEE FOR SMALL BUSINESS PERMITS

This legislation amends and reenacts section 2.2-904.1 of the Code of Virginia. It amends the applicable section of the Code of Virginia to exempt veterans from the payment of the handling fee that is to be assessed to cover the costs of administering the permit program for small businesses.

SENATE BILL 458 (SENATOR McEACHIN): PROVIDES INCOME TAX CREDITS FOR LANDLORDS PARTICIPATING IN HOUSING CHOICE VOUCHER PROGRAMS

This legislation provides a tax credit for landlords who participate in housing choice voucher programs in the Richmond Metropolitan Statistical Area. The tax credit amounts to 10 percent of the fair market rent that each landlord receives for each housing unit that qualifies for the a housing choice voucher program beginning in the 2010 tax year. The Department of Housing and Community Development will administer the program and will be limited to providing \$450,000 during any tax year.

SENATE BILL 465 (SENATOR HOWELL): EXTENDS GROUP LIFE INSURANCE COVERAGE TO PERSONS MUTALLY AGREED UPON BY INSURER AND POLICYHOLDER

This legislation amends and reenacts section 38.2-3323 of the Code of Virginia. The bill permits group life insurance policies to cover anyone in whom the insured group member has an insurable interest as defined by sections 38.2-301 and 38.2-302 of the Code of Virginia. It requires that the insurer and group policy holder mutually agree to extend coverage to the person.

SENATE BILL 472 (SENATOR WATKINS): REDUCES THE NUMBER OF QUALIFIED FULL-TIME JOBS REQUIRED TO RECEIVE BUSINESS FACILITY JOB TAX CREDIT

This legislation amends and reenacts section 58.1-439 of the Code of Virginia, reducing the number of jobs created to receive the tax credit from 100 to 50 in normal areas, and from 50 to 25 in areas that qualify as enterprise zones or as economically distressed areas.

Senate Bill 472 is identical to House Bill 624 (Delegate Kilgore).

SENATE BILL 474 (SENATOR WATKINS): ISSUANCE OF TEMPORARY PROFESSIONAL AND OCCUPATIONAL LICENSES

This legislation amends and reenacts section 54.1-201.1 of the Code of Virginia, allowing the Department of Professional and Occupational Regulation to issue temporary licenses to applicants who hold similar licenses in other states as long as the license in the other state is proven valid, the applicant is a member of the profession in good standing, and the applicant applies for a Virginia license. The temporary license is not to be valid for longer than 45 days and is not subject to renewal.

SENATE BILL 476 (SENATOR WATKINS): IMPOSES ADDITIONAL FINES FOR UNSTAMPED CIGARETTES

This legislation amends and reenacts sections 58.1-1013 and 58.1-1017 of the Code of Virginia, establishing higher fines for the sale, purchase, transportation, receipt, or possession of cigarettes that have not received the state's tax stamp. For the first offense, violators will be charged \$2.50 per pack, up to a maximum of \$500. For the second offense, they will receive a fine of \$5 per pack, up to a maximum of \$1,000, and for the third offense they will receive a fine of \$10 per pack, up to a maximum of \$50,000. Violators who are found to have exhibited willful intent to violate the law will receive a penalty of \$25 per pack, up to a maximum fine of \$250,000.

SENATE BILL 477 (SENATOR WATKINS): INCLUDES MAMMOGRAM COVERAGE IN GROUP HEALTH INSURANCE POLICIES SOLD TO SMALL EMPLOYERS

This legislation amends and reenacts section 38.2-3406.1 of the Code of Virginia. The Act makes clear that group health insurance policies sold to

small employers must cover procedures such as pap smears, PSA testing, mammograms, and colorectal cancer screenings.

SENATE BILL 478 (SENATOR WATKINS): TAX ON MOIST SNUFF SHALL BE COMPUTED BY NET WEIGHT RATHER THAN PERCENTAGE OF SALES PRICE

This legislation amends and reenacts sections 58.1-1021.01, 58.1-1021.02, and 58.1-1021.03 of the Code of Virginia, takes effect on January 1, 2011, and changes the method of charging tax from a percentage of the sale price of moist snuff to a flat fee of \$0.18 per ounce to be sold. The legislation also changes the pricing method for loose-leave tobacco to \$0.21 per single unit, \$0.40 per half-pound unit, and \$0.70 per pound unit of tobacco sold. The legislation left the taxing scheme for non-snuff and loose-leave tobacco unchanged at 10 percent of the final sale price.

SENATE BILL 483 (SENATOR HURT): ALCOHOL FULFILLMENT WAREHOUSE LICENSE

This bill amends sections 4.1-209, 4.1-209.1, 4.1-231, and 13.1-313 of the Code of Virginia, creating a fulfillment warehouse license, which authorizes an agricultural cooperative association with a place of business in the Commonwealth and under the direction and control of a Virginia wine or beer shipper's licensee to (i) solicit and receive orders for wine or beer, (ii) pack and ship wine or beer in accordance with a license or other approval by the Commonwealth or the state where located, and (iii) take other action as permitted by the Board. The bill creates a marketing portal license, which allows an authorized agricultural cooperative association to solicit and receive orders for wine or beer through the use of the Internet from persons in Virginia on behalf of holders of wine or beer shipper's licenses. The bill also prohibits licensed wholesalers or any person under common control of such licensee from obtaining the fulfillment warehouse license. The bill sets the annual license taxes for these two new licenses.

SENATE BILL 494 (SENATOR HURT): ISP RECORDS, ADMISSIBILITY

This bill amends section 19.2-70.3 of the Code of Virginia, providing that the provider of electronic communication service or remote computing service may verify the authenticity of the written reports or records that it discloses by providing an affidavit from the records' custodian, certifying

that they are true and complete and that they are prepared in the regular course of business. The bill also provides that when so authenticated, the written reports and records are admissible in evidence as a business records exception to the hearsay rule.

SENATE BILL 501 (SENATOR LUCAS): DUI AND HANDGUNS

This bill amends section 18.2-308 of the Code of Virginia, providing that a conviction from another state for driving while intoxicated or for drunkenness in public within the preceding three years disqualifies an individual from obtaining a concealed handgun permit.

SENATE BILL 502 (SENATOR SMITH): VIRGINIA RECREATIONAL FACILITIES AUTHORITY, REVERSION OF TITLE

This bill delays for one year any reversion of title in the case that the Virginia Recreational Facilities Authority disbands. Current law provides for reversion July 1, 2010, but this bill pushes the date back to July 1, 2011. The bill also provides that the Virginia Recreational Facilities Authority and Roanoke County shall work with other stakeholders to develop an alternate plan for the appropriate utilization and management of the property. The plan shall be consistent with the mission of the Explore Park and shall include conservation, outdoor recreation, environmental awareness, and public access and utilization of the property. The plan shall also provide ways for the park to become financially independent.

SENATE BILL 520 (SENATOR PULLER): SEXUALLY VIOLENT PREDATOR, PRELIMINARY EVALUATION

This bill amends section 37.2-903 to the Code of Virginia, allowing a board-licensed mental health professional, certified as a sex offender treatment provider, to undertake an initial screening of a prisoner to determine whether they meet the definition of a sexually violent predator. This screening is to occur when no specific scientifically validated instrument exists to measure the risk assessment of a prisoner. Current law only allows a licensed psychiatrist or clinical psychologist to perform a screening.

SENATE BILL 528 (SENATOR PULLER): SEX OFFENDER TREATMENT PROGRAMS, OVERSIGHT

This bill amends section 53.1-32 of the Code of Virginia, requiring a

licensed psychiatrist or licensed clinical psychologist who is experienced in the diagnosis, treatment, and risk assessment of sex offenders to oversee sex offender treatment programs in the Virginia Department of Corrections. The program shall be administered by a licensed psychiatrist, licensed clinical psychologist, or a licensed mental health professional who is a certified sex offender treatment provider.

SENATE BILL 538 (SENATOR NEWMAN): REQUIRING THE PRESENCE OF LICENSED PHYSICIANS IN ANY STATE TRAINING CENTER

This bill amends section 37.2-100 of the Code of Virginia, adding the requirement of the presence of a licensed physician to be on duty at all times at state training centers run by the Department of Behavior Health and Development Services.

SENATE BILL 546 (SENATOR EDWARDS) LANDOWNER LIABILITY ARISING FROM RECREATION ACTIVITIES; RAILROAD RIGHTS-OF-WAY

This bill amends section 29.1-509 of the Code of Virginia, clarifying that easement holders are exempt from civil liability when railroad rights-of-way are used for recreation purposes or when access to land is used for recreational purposes.

SENATE BILL 549 (SENATOR BARKER): CREATES THE VIRGINIA NETWORK FOR GEOSPATIAL HEALTH RESEARCH AUTHORITY

This legislation creates the Geospatial Health Research Authority under the Departments of Health and Human Resources and Technology, through which the departments will join with non-profit organizations and colleges and universities to create a network for geospatial health research. The Authority will report to the Governor and committees within the Virginia Senate and House of Delegates. The Authority will support, coordinate, and expand research efforts in this area.

SENATE BILL 561 (SENATOR PUCKETT) COAL MINE SAFETY

This bill amends sections 45.1-161.39, 45.1-161.87, 45.1-161.276, and

45.1-161.284 of the Code of Virginia by requiring surface foreman to complete a 24-hour course in advance first aid and pass an examination approved by the Board of Coal Mining Examiners. Persons who hold a current higher level of emergency certification from the Virginia Department of Health are exempt.

This bill is identical to House Bill 1185.

SENATE BILL 569 (SENATOR TICER) ESTABLISHMENT OF THE STATE WATER SUPPLY ADVISORY COMMITTEE

This bill adds section 62.1-44.38:2 to the Code of Virginia, which establishes the State Water Supply Plan Advisory Committee. The Committee is to assist the Department of Environmental Quality with the state water resources plan.

SENATE BILL 577 (SENATOR McEACHIN): CREATION OF THE VIRGINIA OFFSHORE WIND DEVELOPMENT AUTHORITY

This legislation adds sections 67-1200 to 67-1211 to the Code of Virginia, creating the Virginia Offshore Wind Development Authority. The purpose of the Authority is to facilitate and support the development of Virginia's offshore wind industry outside of Virginia's jurisdictional limit of three miles. The Act authorizes the Authority to collect data, upgrade port facilities, identify current barriers to the wind industry, and work with the U.S. Department of Energy to receive federal loan guarantees.

SENATE BILL 588 (SENATOR MCDOUGLE): HANDGUN PERMIT HEARING NOTICE

This bill clarifies that anyone who is denied a concealed handgun permit has the same right to a hearing as a person who has previously held a concealed handgun permit.

SENATE BILL 589 (SENATOR MARSDEN): CHILD SUPPORT NON-PAYMENT PUNISHMENTS

This bill amends sections 18.2-271.1, 46.2-320, and 53.1-131.2 of the Code of Virginia, providing that a person convicted of DUI or any offense for which a restricted license may be issued may be issued such a license for travel to and from appointments approved by the Division of Child

Support Enforcement of the Department of Social Services as a requirement of participation in a court-ordered intensive case monitoring program for child support. The participant must maintain written proof of the appointment, including written proof of the date and time of the appointment on his person. The bill also provides that the Department of Motor Vehicles shall not renew a driver's license or terminate a license suspension imposed for nonpayment of child support until it has received from the Department of Social Services a certification that a person ordered by a juvenile and domestic relations district court into an intensive case monitoring program for child support for noncustodial parents continues successful participation in the program or has completed the program. The bill also provides for the option of home/electronic incarceration of a person convicted of nonsupport.

SENATE BILL 591 (SENATOR MARSDEN): JUVENILE DETENTION FOR FIREARM OFFENSES

This bill amends section 16.1-248.1 of the Code of Virginia, clarifying that a juvenile may be detained prior to final disposition in a secure facility if the juvenile is alleged to have possessed or transported a handgun or assault weapon. Current law provides for such detention only when the juvenile is alleged to have committed an offense that would be a crime if he were an adult.

SENATE BILL 597 (SENATOR WAMPLER): REQUIRES CARRIERS TO FILE PROOF OF COVERAGE BY WORKERS' COMPENSATION INSURANCE WITHIN 30 DAYS

This legislation amends and reenacts section 65.2-804 of the Code of Virginia to require insurance carriers to file proof of coverage with the Virginia Workers' Compensation Commission within 30 days of the beginning date of a policy.

SENATE BILL 606 (SENATOR SASLAW): ESTABLISHMENT OF PENALTIES FOR MOTOR VEHICLE TITLE LOANS

This legislation sets limits on the interest received on motor vehicle title loans in the Commonwealth. The Act, which comes into effect on October 1, 2010, limits interest to 22 percent per month on the outstanding balance of the loan below \$700, 18 percent on the portion of the loan between \$700 and \$1,400, 15 percent on any balance exceeding \$1,400. Additionally, the

Act limits the amount of a motor vehicle title loan to 50 percent of the vehicle's value in widely accepted vehicle price guides. The Act also sets repayment time requirements, requires equal portions of payments to be applied to principal and interest, and requires advanced written notice prior to the repossession of the motor vehicle.

SENATE BILL 610 (SENATOR EDWARDS): EXPANSION OF ELECTRONIC FILING AT THE WORKERS COMPENSATION COMMISSION

This legislation amends and reenacts section 65.2-101 of the Code of Virginia, allowing the Virginia Workers' Compensation Commission to approve electronic means by which Workers' Compensation documents may be submitted.

SENATE BILL 611 (SENATOR EDWARDS): EXPANSION OF ELECTRONIC NOTIFICATION BY THE WORKERS COMPENSATION COMMISSION

This legislation amends and reenacts section 65.2-715 of the Code of Virginia, permitting the Virginia Workers' Compensation Commission to send necessary documents by electronic communication, as the Commission should prescribe.

SENATE BILL 612 (SENATOR WAGNER): REPEALS THE REQUIREMENT THAT THE WORKERS' COMPENSATION COMMISSION SEND COPIES OF AWARDS BY PRIORITY MAIL

This legislation amends and reenacts sections 65.2-704, 65.2-705, and 65.2-706 of the Code of Virginia, deleting the sections from the named sections that require the Commission to send notice of awards to claimants through priority mail. Instead, the amended Act leaves open the possibility that the Commission will send notice by electronic means as provided for by Senate Bill 611.

SENATE BILL 614 (SENATOR HOUCK) ESTABLISHMENT OF CIVIL WAR SITE PRESERVATION FUND.

This legislation adds section 10.1-2202.4 to the Code of Virginia. The

bill creates the Civil War Site Preservation Fund for the purpose of preserving endangered Virginia Civil War historical sites.

This bill is identical to House Bill 717.

SENATE BILL 619 (SENATOR HERRING): EXCLUDES PAYMENTS BENEFITS PAID INTO THE VIRGINIA MILITARY FAMILY RELIEF FUND FROM STATE INCOME TAXATION

This legislation allows those who receive benefits from the Virginia Military Family Relief Fund to exclude such benefits from their federal adjustable gross income for Virginia state income tax purposes from tax year 2010 onward.

SENATE BILL 620 (SENATOR DEEDS): CREATION OF THE INTERNET CRIMES AGAINST CHILDREN TASK FORCE

This legislation adds section 17.1-275.12 to the Code of Virginia. The section creates the Internet Crimes Against Children Fund and specifies that it will receive its funding through an additional fine of \$10 on all felony and misdemeanor convictions. The Act specifies that all fees are to be collected by the state treasury and will later be credited to the Fund. The Act also specifies which percentage of the funds will go to specific entities, including the Virginia State Police, the Northern Virginia Internet Crimes Against Children Program, the Department of Criminal Justice Services, and the Southern Virginia Internet Crimes Against Children Program.

SENATE BILL 622 (SENATOR WAMPLER): ALLOWS FOR REIMBURSEMENT OF DENTISTS AND ORAL SURGEONS FOR CERTAIN SERVICES

This legislation amends and reenacts sections 38.2-4214, 38.2-4319, and 38.2-4509 of the Code of Virginia. The legislation specifies that dentists and oral surgeons are not required to accept the contract price as part of any dental plan provided by a health care insurer which is contracted on or after July 1, 2010.

SENATE BILL 623 (SENATOR HANGER): GREEN JOB TAX CREDIT FOR CORPORATIONS AND INDIVIDUALS

This legislation adds section 58.1-439.12:03 to the Code of Virginia and

allows a \$500 tax credit for each green job created by businesses and individuals between January 1, 2010 and January 1, 2015, up to a maximum of 350 green jobs. The legislation defines “green job” as “employment in industries relating to the field of renewable, alternative energies....”

SENATE BILL 627 (SENATOR WAGNER) THE IMPACT OF STORMWATER NONPOINT NUTRIENT OFFSETS ON NUTRIENT ALLOCATIONS

Amends and reenacts section 10.1-603.8:1 of the Code of Virginia by allowing nutrient reductions obtained through nonpoint offsets to be credited toward compliance with any nutrient allocation assigned to a municipal separate sewer system in a Virginia Stormwater Management Program Permit or Total Maximum Daily Load. If the activity for which the nonpoint nutrient offsets are used does not discharge to a municipal separate sewer system, then the nutrient reductions are to be credited toward compliance with the applicable nutrient allocation.

SENATE BILL 628 (SENATOR WAGNER): MIXED AND FLAVORED SPIRITS

This bill amends sections 4.1-111 and 4.1-325 of the Code of Virginia, requiring the Alcoholic Beverage Control Board to adopt regulations prescribing the terms and conditions under which mixed beverage licensees may infuse, store, and sell flavored distilled spirits.

SENATE BILL 633 (SENATOR STOSCH): CHANGED DEFINITION OF “IMPOVERISHED PEOPLE” UNDER THE NEIGHBORHOOD ASSISTANCE TAX CREDIT

This legislation amends and reenacts section 58.1-439.18 of the Code of Virginia, thereby changing the definition of “impoverished people” who may claim the Neighborhood Assistance Act Tax Credit. The Act changes the definition of to include those who earn 200 percent of the current federal poverty guideline. The Act amends the previous rule of 180 percent.

SENATE BILL 642 (SENATOR REYNOLDS): HMOs MAY OFFER PLANS THAT DO NOT INCLUDE STATE-MANDATED BENEFITS

This legislation amends and reenacts sections 38.2-3406.1 and 38.2-4319

of the Code of Virginia. The legislation allows health maintenance organizations to sell group health insurance to small employers, which do not include the entire state-mandated health insurance benefits.

SENATE BILL 644 (SENATOR HOWELL): ESTABLISHES THE SPECIALIZED BIOTECHNOLOGY RESEARCH PERFORMANCE GRANT PROGRAM

This legislation, adding section 59.1-284.24 to the Code of Virginia, establishes the Specialized Biotechnology Research Performance Grant Program, which will enable non-profits to conduct research, development, and production in the area of molecular diagnostics. The grants offered by the state are limited to \$5.5 million in fiscal year 2011, \$11 million in fiscal year 2012, \$16.5 million in fiscal year 2013, and \$22 million in fiscal year 2014. The entities eligible for grants are those located in Fairfax County that commit to a capital investment of at least \$200 million and create at least 415 new full-time jobs.

SENATE BILL 656 (SENATOR RUFF): CREATES A SEPARATE CLASSIFICATION OF LOCAL PROPERTY TAX FOR CERTIFIED RENEWABLE ENERGY MANUFACTURING EQUIPMENT

This legislation amends and reenacts section 58.1-3506 of the Code of Virginia and adds section 58.1-3221.4 to the Code. The Act creates a special category for property tax purposes to cover tangible personal property and improvements that are designed to be used for manufacturing products with renewable energy.

SENATE BILL 659 (SENATOR WAGNER) CONTROL OF AIR POLLUTION FROM ACTIVITIES ON THE OUTER CONTINENTAL SHELF

This legislation adds section 10.1-1307.03 to the Code of Virginia, which requires the State Air Pollution Control Board to adopt regulations necessary to implement and enforce section 328 of the Clean Air Act, which relates to requirements to control air pollution from Outer Continental Shelf sources located offshore of the Commonwealth. The regulations must not be materially different from the EPA's regulations.

SENATE BILL 661 (SENATOR HANGER): VERIFICATION OF THE VALUE OF CERTAIN DONATIONS FOR THE LAND PRESERVATION TAX CREDIT

This legislation amends and reenacts section 58.1-512 of the Code of Virginia, requiring the director of the Department of Conservation and Recreation to assess the value of donations given under the Virginia Land Conservation Incentives Act of 1999, if the tax credit from the parcel of land would be greater than \$250,000.

SENATE BILL 669 (SENATOR COLGAN): VIRGINIA CAPITOL FOUNDATION MAY RECEIVE CONTRIBUTIONS OF TAXPAYER REFUNDS

This legislation amends and reenacts section 58.1-344.3 of the Code of Virginia to allow the Virginia Capitol Foundation to receive contributions from taxpayer refunds.

SENATE BILL 670 (SENATOR MCDUGLE): CORRECTIONAL WORK PROGRAM, PAYMENT OF FINES

This bill amends section 53.1-41 of the Code of Virginia, requiring a person committed to the Department of Corrections who owes court imposed fines, costs, forfeitures, restitution or penalties to contribute part of his pay to such obligations as a condition of participating in a correctional facility work program.

SENATE BILL 675 (SENATOR WAMPLER): COVERAGE MANDATED FOR TELEMEDICINE SERVICES

This legislation amends and reenacts section 38.2-4319 and adds section 38.2-3418.16 to the Code of Virginia. This Act requires that the cost of health care services provided by telemedicine be covered by health insurers, health care subscription plans, and health maintenance organizations. The legislation provides that insurers may use review to determine the necessity of using telemedicine.

SENATE BILL 680 (SENATOR PUCKETT): STATE CORPORATION COMMISSION TO REGULATE RATE FOR SERVICES OF INVESTOR-OWNED ELECTRIC UTILITIES

This legislation amends and reenacts section 56-238 of the Code of Virginia. It requires private utility companies to suspend rates while the State Corporation Commission considers the reasonableness of the rates.

The Act gives the Commission nine months to reach a reasonableness decision, at which point the suspension of the rates will expire if no decision has been issued.

SENATE BILL 686 (SENATOR REYNOLDS) UNIFORM ENVIRONMENTAL COVENANTS ACT

This legislation adds sections 10.1-1238 through 10.1-1250 to the Code of Virginia. These sections authorize the Department of Environmental Quality to enter into environmental covenants with interest holders in real property. These covenants may restrict the use of the property and are intended to survive transfers of ownership interest.

SENATE BILL 692 (SENATOR RUFF): ESTABLISHMENT OF A TAX ON RECORDATION OF LIST OF HEIRS TO TRANSFER CERTAIN REAL PROPERTY

This legislation amends and reenacts sections 58.1-1718 and 58.1-3805 of the Code of Virginia and adds section 58.1-1717.1 to the Code, imposing an additional fee of \$25 for the recordation of a list of heirs of a decedent who died intestate, unless a will has been probated for the decedent.

SENATE BILL 706 (SENATOR HOUCK): COVERAGE FOR MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES

This legislation amends and reenacts sections 38.2-3412.1 and 38.2-3412.1:01 of the Code of Virginia. This Act requires that large employers provide employees with mental health coverage and substance abuse disorder benefits that correspond to the requirements of the Mental Health Parity and Addition Equality Act of 2008.

SENATE BILL 728 (SENATOR QUAYLE): MEDICAL SUPPORT PAYMENTS

This bill eliminates the ability of the Department of Social Services to order 2.5 percent cash medical support payments from the noncustodial parent when the child is a recipient of Medicaid or the Family Access to Medical Insurance Security Plan. The bill also requires the Department to repay any 2.5 percent payments received since July 1, 2009.

SENATE BILL 730 (SENATOR REYNOLDS): ESTABLISHES THE MAJOR EMPLOYMENT AND INVESTMENT PROJECT SITE PLANNING GRANT FUND

This legislation adds section 2.2-2240.2 to the Code of Virginia. It creates an authority, the Major Employment and Investment Project Site Planning Grant Fund, which will give grants to Commonwealth localities that assist with site development for major investment and employment projects. The Authority must work to ensure that various geographical locations in Virginia are represented and will limit the amount of annual recipients of the awards. The Authority will also work to identify sites that are compatible with the state's strategic goals and will promote revenue sharing at the regional level.