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## Notable Bills of the 2011 General Assembly

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## **NOTABLE BILLS OF THE 2011 GENERAL ASSEMBLY**

### **HOUSE BILLS**

#### **HOUSE BILL 1407 (DELEGATE JANIS): UNDERAGE DRINKING AND DRIVING; PUNISHABLE AS CLASS 1 MISDEMEANOR**

This bill amends section 18.2-266.1 of the Code of Virginia. The bill provides that underage drinking is a Class 1 misdemeanor. The bill increases forfeiture of the under aged person's license from six months to one year, and includes either a mandatory minimum fine of \$500 or the performance of a mandatory minimum of 50 hours of community service.

House Bill 1407 is identical to Senate Bill 770 (Senator Marsden).

#### **HOUSE BILL 1411 (DELEGATE WILT): RECKLESS HANDLING OF FIREARMS; REVOCATION OF HUNTING LICENSE**

This bill amends Va. Code section 18.2-56.1. It changes the time limit for revoking a person's hunting or trapping license and privileges to hunt or trap with a firearm from one year to life to one to five years. It also changes this time limit when a person whose license has been revoked under this section is subsequently convicted of hunting and trapping in violation of this section, from a revocation of the license and privileges for "an additional period of one to five years" to "a period of one year to life."

**HOUSE BILL 1412 (DELEGATE HUGO): VEHICLES DAMAGED BY WATER; INCREASES THRESHOLD FOR REPORTING WATER DAMAGE, ETC**

Under this bill, which amends Va. Code section 46.2-624, it is no longer a misdemeanor to fail to disclose that a car has been damaged by water when selling, transferring, or disposing of the car. When insurance companies have paid a claim of water damage to the car in the amount of \$3,500 or more, the insurance company must report the claim to the Department of Motor Vehicles. When the Commissioner of the Department of Motor Vehicles receives such a claim report and subsequently issues a transfer of title, he will disclose this information on the new title.

**HOUSE BILL 1416 (DELEGATE LOUPASSI): INSTRUCTIONAL SPENDING; EXPENDITURES AND REPORTS**

This bill adds sections numbered 22.1-18.2 and 22.1-90.1 to the Code of Virginia, mandating that local school boards shall report to the Board of Education and the General Assembly on the percentage of their operating budgets allocated to instructional spending for each fiscal year. If a local school board fails to allocate at least 65 percent of its operating budget to instructional spending, it must present a plan to the Board to increase such expenditures in the following fiscal year, or shall be audited by the Auditor of Public Accounts. The Board shall report annually to the House Committee on Appropriations and the Senate Committee on Finance based on the reports submitted to the Board by local school boards.

**HOUSE BILL 1422 (DELEGATE ALBO): HOMESTEAD EXEMPTIONS; ADDS ONE FAMILY FIREARM, NOT TO EXCEED \$3,000 VALUE, TO LIST OF EXEMPTIONS**

This bill amends section 34-26 of the Code of Virginia, now entitling every householder to hold exempt one family firearm not exceeding \$3,000 in value from the creditor process. In addition, the maximum exemption for a motor vehicle increased from \$2,000 to \$6,000.

House Bill 1422 incorporates House Bill 1471 (Delegate Cole), House Bill 1494 (Delegate Ware), and House Bill 2428 (Delegate Abbott). This bill is identical to Senate Bill 839 (Senator Petersen).

**HOUSE BILL 1425 (DELEGATE ALBO): TAXES, LOCAL; COLLECTION**

Amends and reenacts section 58.1-3919.1 of the Code of Virginia to allow private collection agents to assist with the collection of any qualifying delinquent local taxes, now including real estate. The period of delinquency to allow such acts has been shortened from six months to three months.

**HOUSE BILL 1432 (DELEGATE GREASON): HOV LANES; USE BY VEHICLE WITH CLEAN SPECIAL FUEL LICENSE PLATES**

This bill amends Va. Code section 33.1-46.2 by giving drivers with cars with clean special fuel license plates the ability to use high occupancy vehicle (HOV) lanes until July 1, 2012.

**HOUSE BILL 1434 (DELEGATE GARRETT): CANNABINOIDS, SYNTHETIC; PENALTIES FOR TRANSPORT, POSSESSION, SALE, OR DISTRIBUTION, ETC.**

This bill amends sections 4.1-225, 9.1-176.1, 15.2-907, 16.1-260, 16.1-278.8:01, 18.2-251, 18.2-255, 18.2-255.1, 18.2-255.2, 18.2-258, 18.2-258.02, 18.2-258.1, 18.2-308, 18.2-308.1:5, 18.2-308.4, 18.2-474.1, 19.2-83.1, 19.2-187, 19.2-386.22 through 19.2-386.25, 22.1-277.08, 22.1-279.3:1, 24.2-233, 53.1-145, 53.1-203, and 54.1-3446 of the Code of Virginia and amends the Code of Virginia by adding a section numbered 18.2-248.1:1, which makes it unlawful to knowingly or intentionally possess synthetic cannabinoids and makes anyone in violation of this statute guilty of a Class 1 misdemeanor. Furthermore, anyone who sells, gives, distributes, or possesses with the intent to sell, give or distribute synthetic cannabinoids is guilty of a Class 6 felony. Most notably, this bill adds chemicals known as “bath salts” to Schedule 1 of the Drug Control Act.

House Bill 1434 incorporates House Bill 1473 (Delegate Bell), House Bill 1481 (Delegate Cleaveland), House Bill 1878 (Delegate Filler-Corn), House Bill 1778 (Delegate Gilbert), House Bill 1423 (Delegate P. Miller) and House Bill 1427 (Delegate Oder). This bill is identical to Senate Bill 745 (Senator M. Herring).

**HOUSE BILL 1435 (DELEGATE BELL): AMERICAN SIGN LANGUAGE; RECOGNITION FOR COMPLETED COURSEWORK**

This bill adds sections numbered 22.1-207.5 and 23-9.2:3.9 to the Code of Virginia, providing a statutory definition of American Sign Language, and mandating that if local boards offer courses in American Sign Language, that they also grant academic credit for them on the same basis as the successful completion of a foreign language course, and count completion of an American Sign Language course toward the fulfillment of any foreign language requirement for graduation. Furthermore, such credit shall be counted toward satisfaction of the foreign language entrance requirements of a public institution of higher education in the Commonwealth.

**HOUSE BILL 1437 (DELEGATE COLE): BPOL TAX; LOCALITIES TO DECIDE TO IMPOSE ON BUSINESS GROSS RECEIPTS OR STATE TAXABLE INCOME**

Amends and reenacts section 58.1-3702 of the Code of Virginia. This bill allows county, city, and town governments to levy licensing taxes either on the gross receipts or the Virginia taxable income of a business, and further allows “Virginia taxable income” to be substituted for “gross receipts” throughout the chapter of the Code, excluding section 58.1-3731.

**HOUSE BILL 1442 (DELEGATE MORGAN): HUNTING; PRACTICE OF FALCONRY, PENALTY**

This legislation amends sections 18.2-97.1, 18.2-136, and 29.1-419 of the Code of Virginia, to impose the same penalties for removing a tracking device from a falcon, hawk, or owl as is currently imposed on persons who remove tracking devices from dogs.

HOUSE BILL 1447 (DELEGATE CLINE): INCOME TAX,  
STATE; RESEARCH AND DEVELOPMENT EXPENSES TAX  
CREDIT

Adds section 58.1-439.12:06 to the Code of Virginia, to allow individuals and businesses to claim income tax credits for qualified research and development expenses in the taxable years between January 1, 2011 and January 1, 2016. Individuals and business may claim 15 percent of the first \$167,000 in qualified expenses, or 20 percent of the first \$175,000 of expenses provided that the relevant work was conducted in partnership with a Virginia public or private college or university for any amount over \$167,000. No more than \$5 million may be claimed in any fiscal year.

HOUSE BILL 1451 (DELEGATE SCOTT): TRANSIENT  
OCCUPANCY AND FOOD AND BEVERAGE TAX

Amends and reenacts section 58.1-3842, to permit Madison County to levy a transient occupancy and food and beverage tax on bed and breakfast charges, at a rate of 4% or below, and as approved by county referendum.

HOUSE BILL 1456 (DELEGATE KNIGHT): CERTIFICATE OF  
PUBLIC NEED; AUTHORIZATION OF CERTAIN  
AMENDMENT

This bill amends a certain certificate of public need, and outlines the ability of the Commissioner of Health to accept and approve a request, to amend the conditions of a certificate of need issued for an increase in beds in a facility to continue to admit persons, other than residents of the cooperative units, to its nursing facility beds when such facility is operated by an association, created in connection with a real estate cooperative or offers its residents a level of nursing services consistent with the definition of continuing care.

HOUSE BILL 1457 (DELEGATE MARSHALL): FREEDOM OF  
INFORMATION ACT; VIOLATIONS AND PENALTIES.

This bill amends section 2.2-3714 of the Code of Virginia by stating in a proceeding against any officer, employee, or member of a public body for violating the Freedom of Information Act, a civil penalty of not less than \$500 dollars and not more than \$2,000 dollars shall be imposed for a first violation and a civil penalty of not less than \$2,000 for a second violation.

**HOUSE BILL 1458 (DELEGATE MARSHALL): LIFE INSURANCE; RETAINED ASSET ACCOUNTS**

The legislation amends Chapter 31 of Title 38.2 of the Code of Virginia by adding an article numbered 1.1, consisting of sections numbered 38.2-3117.1 through 38.2-3117.4. It provides that an insurer shall provide the beneficiary at the time a claim is made, written information describing the settlement options available under the policy. Additionally, if the insurer settles benefits through a retained asset account, it shall provide the beneficiary with a supplemental contract that clearly discloses the rights of the beneficiary and the obligations of the insurer. In addition, the insurer shall provide certain written disclosures to the beneficiary of a policy before the retained asset account is selected or established.

House Bill 1458 is identical to Senate Bill 1388 (Senator Barking).

**HOUSE BILL 1459 (DELEGATE ALBO): MEDICAL MALPRACTICE; INCREASES CAP ON RECOVERY IN ACTIONS AGAINST HEALTH CARE PROVIDERS**

This bill amends section 8.01-581.15 of the Code of Virginia. This bill increases the cap on recovery in actions against health care providers for medical malpractice from \$2 million to \$2.05 million as of July 1, 2012. The cap will continue to increase by \$50,000 annually until July 1, 2031.

House Bill 1459 is identical to Senate Bill 771 (Senator Saslaw).

**HOUSE BILL 1461 (DELEGATE COX): NO TRESPASSING  
SIGNS AUTHORITY FOR POSTING ON PROPERTY**

This bill amends section 18.2-119 of the Code of Virginia. This bill gives the same authority to the agent of the owner, lessee, custodian, or other person lawfully in charge of a property, to prohibit and place a “no trespassing” sign on that property.

**HOUSE BILL 1464 (DELEGATE WRIGHT): BEHAVIORAL  
HEALTH AND DEVELOPMENTAL SERVICES, DEPARTMENT  
OF; DISPOSITION OF UNCLAIMED BODIES**

This act amends section 32.1-288 of the Code of Virginia, to assert the responsibility of the Department of Behavioral Health and Developmental Services to pay reasonable expenses for cremation or other disposition of an unclaimed body unfit for scientific research, or the body of a person committed to the custody of Department of Behavioral Health and Developmental Services who died prior to release, and without a claimant able to pay the necessary expenses.

**HOUSE BILL 1470 (DELEGATE GREASON): REAL PROPERTY  
TAX; MEMBERSHIP OF BOARDS OF EQUALIZATION**

Amends and reenacts sections 58.1-3371, 58.1-3373, and 58.1-3374 of the Code of Virginia, allowing circuit courts of any locality to appoint one alternate member to any three member board of equalization, and two alternate members to any five member board of equalization, to serve in the absence of a regular member.

**HOUSE BILL 1475 (DELEGATE WARE): WORKERS’  
COMPENSATION; PRESUMPTION THAT CERTAIN INJURIES  
ARE WORK RELATED**

The legislation amends section 65.2 of the Code of Virginia. It provides that in any claim for compensation, where the employee is physically or mentally unable to testify, and where there is un rebutted prima facie evidence that indicates the injury was work related, it



shall be presumed, in the absence of a preponderance of evidence to the contrary, that the injury was work related.

House Bill 1475 is identical to Senate Bill 823 (Senator Edwards).

**HOUSE BILL 1476 (DELEGATE ALBO): SEXUAL ABUSE;  
LIMITATIONS PERIOD**

This bill amends section 8.01-243 of the Code of Virginia. The bill extends the statute of limitations from two to twenty years for any action for injury to a person resulting from sexual abuse occurring during their infancy or incapacity.

House Bill 1476 is identical to Senate Bill 1145 (Senator Quayle).

**HOUSE BILL 1477 (DELEGATE COX): RISK MANAGEMENT  
PLAN; AMENDS TO INCLUDE PRISON CHAPLAINS**

This bill amends section 2.2-1837 of the Code of Virginia by adding that risk management plans will provide protection to prison chaplains from claims made against them by prisoners, regardless of whether the chaplain was serving on a purely volunteer basis or for financial compensation.

**HOUSE BILL 1483 (DELEGATE CLEAVELAND): SCHOOL  
CALENDAR; CERTAIN SCHOOL DIVISIONS GRANTED  
WAIVER FROM REGULAR OPENING SCHEDULE**

This bill amends section 22.1-79.1 of the Code of Virginia to extend the list of exemptions to the rule prohibiting schools from opening before Labor Day to include school divisions entirely surrounded by another school division that has an opening date prior to Labor Day in the school year for which the waiver is sought.

**HOUSE BILL 1487 (DELEGATE HOPE): CRIMINAL SEXUAL  
ASSAULT; VENUE FOR TRIAL**

This bill amends section 182.359 of the Code of Virginia. The bill provides that the venue for the trial of a person charged with committing or attempting to take indecent liberties with children, committing crimes against nature, or criminal sexual assault under Article 7 of Chapter 4, and any violent felony or act of violence arising out of the same incident, occurrence, or transaction may be had in the county or city in which any such crime is alleged to have occurred; or, with the concurrence of the attorney for the Commonwealth in which the crime is alleged to have occurred, in any county or city through which the victim was transported by the defendant in the commission of the offense.

**HOUSE BILL 1493 (DELEGATE GREASON): CAREER AND TECHNICAL EDUCATION; INDUSTRY CERTIFICATIONS**

This bill amends section section 22.1-227.1 of the Code of Virginia to mandate that where there is an accepted national industry certification for career and technical education instructional personnel and programs for automotive technology, such certification shall be mandatory.

**HOUSE BILL 1495 (DELEGATE WARE): EROSION AND SEDIMENT CONTROL; ALLOWS AUTHORITIES TO FILE SPECIFICATIONS**

This bill amends section 10.1-563 of the Code of Virginia to allow public utilities that oversee water and sewer lines to file erosion and sediment control specifications annually regarding the construction of those lines. The bill also authorizes the Board to charge a fee to cover the costs associated with specification review, approval, inspection and compliance.

This bill is identical to Senate Bill 1064 (Senator Edwards).

**HOUSE BILL 1496 (DELEGATE HERRING): PROVIDING ALCOHOL TO AN UNDERAGE PERSON; PERSON WHO PURCHASES IS GUILTY OF A CLASS 1 MISDEMEANOR**

This bill amends section 4.1-306 of the Code of Virginia. This bill provides that anyone who gives, provides, or assists in pro-

viding alcoholic beverages to another person when they know or have reason to know that the person is less than 21 years old, is guilty of a Class 1 misdemeanor. Previously the statute required actual knowledge that the person was underage.

HOUSE BILL 1504 (DELEGATE WARE): INSURANCE COMPANIES; INVESTMENTS IN DERIVATIVE TRANSACTIONS, ETC.

This legislation amends sections 38.2-1401, 38.2-1407, 38.2-1428, and 38.2-1501 of the Code of Virginia and amends Title 38.2 by adding a section numbered 38.2-1522, relating to derivative transactions and qualified financial contracts made by insurance companies. It establishes conditions under which domestic insurers may engage in transactions involving derivative instruments, including options, warrants, caps, floors, collars, swaps, forwards, and futures. Also, it provides that the prohibition on investments by domestic insurers in securities that will subject the insurer to any assessment does not include ordinary contractual payments or the transfer of collateral or margin made under derivative instruments; and includes an additional enactment clause that allows insurers in question to continue doing so after the effective date of this act, provided they submit guidelines to the State Corporation Commission for review by April 1, 2011.

HOUSE BILL 1505 (DELEGATE PUTNEY) HIGHER EDUCATIONAL INSTITUTIONS BOND ACT OF 2011

This bill authorizes the Treasury Board to issue bonds and bond anticipation notes (BAN) pursuant to Article X, Section 9(c) of the Constitution of Virginia. This bill gives the Board the power to issue such securities for the purpose of financing revenue producing projects, including the enlargement and/or improvement of institutions of higher learning in the Commonwealth of Virginia and restricts the amount of the bonds to an amount not exceeding \$64,579,000, plus an amount needed to fund certain costs listed in the bill. In addition, this bill lays out details about the sale and execution of the bonds.

**HOUSE BILL 1507 (DELEGATE COLE): PRIMARY SCHEDULE IN 2011; MOVES PRIMARY DATE TO AUGUST 23 2011, IN ANTICIPATION OF REDISTRICTING**

This legislation moves the 2011 primary elections for Virginia House of Delegate and Senate candidates from June 16 to August 23 to accommodate the redistricting process. The legislation correspondingly pushes back related deadlines in the election process such as filing dates for candidates and the date for distribution of absentee ballots.

**HOUSE BILL 1508 (DELEGATE COLE): ELECTIONS; CERTAIN PROHIBITIONS FOR LOCAL ELECTORAL BOARDS**

This bill amends section 24.2-106 of the Code of Virginia, prohibiting membership to local Virginia electoral boards to certain relatives of candidates or their relatives who are elected in whole or part by voters of the electoral board's jurisdiction.

**HOUSE BILL 1514 (DELEGATE ORROCK): CLARIFYING THE ROLE OF THE VIRGINIA DISABILITY COMMISSION**

This bill amends sections 30-232 and 30-236 of the Code of Virginia, clarifying that the Virginia Disability Commission is the primary forum in the Commonwealth for addressing the needs of citizens with physical and sensory disabilities. The Commission is further required to submit an annual recommendation to the Governor and the General Assembly on October 1 of each year. These recommendations are to include a review and response to proposals arising from other commissions and agencies.

**HOUSE BILL 1516 (DELEGATE ORROCK): ASSAULT AND BATTERY; IF PERSON COMMITS AGAINST ABC AGENT, GUILTY OF CLASS 6 FELONY**

This bill amends code section 18.2-57 of the Code of Virginia by amending the definition of the term "Law-enforcement officer"

within the code section to include any special agent of the Department of Alcoholic Beverage Control (ABC). This amendment thus includes assault and battery of an agent of ABC under this law, making it a class 6 felony.

HOUSE BILL 1524 (DELEGATE LANDES): RETAIL SALES AND USE TAX; COLLECTION BY CERTAIN CONTRACTORS

Amends and reenacts section 58.1-610, to provide that any entity which has the primary purpose of providing and installing tangible, physical personal property to provide either physical or electronic security to a financial institution, will be considered a retailer of that property. As a retailer, the sales and use tax for the provided equipment will be collected from the contractor's customer upon purchase, rather than from the contractor upon acquisition. This applies whether the contractor is installing the property in a financial institution, or another location.

HOUSE BILL 1526 (DELEGATE GREASON): REAL PROPERTY TAX APPEAL; INFORMATION REGARDING INCOME AND EXPENSES OF INCOME-PRODUCING PROPERTY

Amends and reenacts section 58.1-3294, to allow documents and information, including statements of income and expense for income producing property to be used in complaints to a board of equalization, as long as it is submitted to the board by the appeal filing date of that board.

HOUSE BILL 1532 (DELEGATE HOWELL): TAX ADMINISTRATION, LOCAL; SPECIAL COMMISSIONER TO EXECUTE TITLE TO REAL ESTATE IN CERTAIN CITIES

Amends and reenacts section 58.1-3970.1 to lower the threshold for title execution from 50% of the assessed value of the parcel of real estate in taxes and liens, to 35%, and from 25% of the assessed value of the property in taxes alone to 15% for the cities of Norfolk, Richmond, Hopewell, Newport News, and Petersburg.

HOUSE BILL 1534 (DELEGATE SHERWOOD): GENERAL DISTRICT COURT; CIVIL JURISDICTION IN ACTIONS OF UNLAWFUL ENTRY OR DETAINER

This bill amends sections 8.01-128 and 16.1-77 of the Code of Virginia, removing the maximum jurisdictional limit for claims, counter-claims, and cross claims filed in actions for unlawful entry or detainer in general district court. Previously, this provision only extended to occupants using the premises primarily for business, commercial or agricultural purposes.

HOUSE BILL 1535 (DELEGATE MERRICKS): LICENSURE OR CERTIFICATION BY BOARD OF MEDICINE, ETC.; CONSIDERATION OF MILITARY EXPERIENCE

This Bill amends sections 54.1-2951.1, 54.1-2954.1, 54.1-2956.1, 54.1-2956.8:2, 54.1-3017, 54.1-3020, and 54.1-3023 of the Virginia Code, by allowing the licensure requirements for respiratory care practitioners, occupational therapists, radiologist assistant, radiologic technologists, registered nurses, or practical nurses to be satisfied by experience and training gained while serving in any branch of the United States Military.

HOUSE BILL 1536 (DELEGATE MERRICKS): CHARTER; CITY OF MARTINSVILLE

This bill amends sections 2 and 5 of Chapter 2, and section 3 of Chapter 193 of the Acts of Assembly of 1950 by changing the dates the newly elected Council members begin performing their new duties from July 1<sup>st</sup> to January 1<sup>st</sup> following the election date. The bill also requires a meeting take place on January 1 when the Council members begin performing the duties of their office, and include at this meeting the election of several essential officers.

House Bill 1536 is identical to Senate Bill 880 (Senator Reynolds).

**HOUSE BILL 1538 (DELEGATE MERRICKS): HEALTH INSURANCE; MULTIPLE EMPLOYER WELFARE ARRANGEMENTS**

This legislation amends section 38.2-3420 of the Code of Virginia. The Act exempts multiple employer welfare arrangements (MEWA), comprised only of banks together with their plan-sponsoring organization, and their respective employees, from the provisions of the insurance laws of the Commonwealth.

**HOUSE BILL 1540 (DELEGATE ORROCK): CLARIFYING THE ROLE OF THE DIVISION OF LEGISLATIVE SERVICES**

This bill amends section 30-28.16 of the Code of Virginia, clarifying that the Virginia Division of Legislative Services is to issue its annual report as soon as possible after the first day of the next regular legislative session. The report may be submitted through the legislative electronic information session.

**HOUSE BILL 1541 (DELEGATE ORROCK): AGRICULTURAL ANIMALS; CARE BY OWNER, PENALTY**

This legislation amends sections 3.2-6500 and 3.2-6569 and adds section 3.2-6503.1 of the Code of Virginia to prescribe the proper care of agricultural animals and the penalty for failing to meet those standards.

This bill is identical to Senate Bill 1026 (Senator Puckett).

**HOUSE BILL 1548 (DELEGATE KORY): PARENTAL NOTIFICATION; SCHOOL BOARD POLICY VIOLATIONS.**

This bill would have amended section 22.1-279.3 of the Code of Virginia to provide that each parent of a student enrolled in a public school has a duty to assist the school in enforcing the standards of student conduct and compulsory school attendance, and to provide notification and consultation procedures to ensure parental involvement. The bill did not pass.

HOUSE BILL 1552 (DELEGATE COX): CONCEALED  
HANDGUN PERMITS; AMENDS LANGUAGE RELATING TO  
ISSUANCE OF DE FACTO PERMITS

This bill amends Va. Code section 18.2-308. The amended language provides that a court clerk can mail or send via electronic mail a copy of the certified application for a concealed handgun permit to the applicant within five business days of the expiration of 45 days from the date the application is received.

HOUSE BILL 1554 (DELEGATE WILT): ACCREDITATION OF  
SCHOOLS; DELAYED IMPLEMENTATION OF CERTAIN  
STATUTES AND REGULATIONS, ETC.

This bill amends Chapter 463 of the Acts of Assembly of 2009, as amended by Chapters 398 and 604 of the Acts of Assembly of 2010, to make that provision current for the 2011-2012 school year, and mandate that regulations prescribing economics and financial literacy as a graduation requirement shall become effective July 1, 2011.

This bill is identical to Senate Bill 810 (Senator Obenshain).

HOUSE BILL 1556 (DELEGATE WILT): BEAR HOUND  
TRAINING; ALLOWS TRAINING OF DOGS TO HUNT BEARS  
TO OCCUR AT NIGHT

This bill amends section 29.1-520 of the Code of Virginia to allow training of bear hounds by day or by night.

HOUSE BILL 1557 (DELEGATE COX): VETERANS SERVICES,  
DEPARTMENT OF; RATIO OF DEPARTMENT STAFF TO  
VETERANS RESIDING IN STATE

This bill amends section 2.2-2002.1 of the Code of Virginia by stating the number of employees assigned to the processing of benefit claims will be whatever number is sufficient to maintain a ratio of 1 staff member to every 26,212 veterans living within Virginia.



This bill is identical to Senate Bill 1399 (Senator Locke).

**HOUSE BILL 1558 (DELEGATE SCOTT): OVERWEIGHT FARM MACHINERY, ETC.; PROHIBITS OPERATION ON ANY INTERSTATE HIGHWAY SYSTEM COMPONENT**

This bill amends section 46.2-1102 of the Code of Virginia to restrict the operation of overweight farm machinery on any component of the Interstate Highways. Overweight farm machinery is defined in the bill as having: a single axle weight in excess of 20,000 pounds; a tandem axle weight in excess of 34,000 pounds; a gross weight, based on axle spacing, greater than that permitted in section 46.2-1126; or a gross weight, regardless of axle spacing, in excess of 80,000 pounds.

**HOUSE BILL 1565 (DELEGATE MILLER): COURT RECORDS; SECURE REMOTE ACCESS RESTRICTIONS DO NOT APPLY TO SECURE ACCESS BY ATTORNEYS, ETC.**

This bill amends section 17.1-293 of the Code of Virginia. This bill allows for attorneys in good standing with the Virginia State Bar, their agents, pro hac vice attorneys authorized by the court of purposes of the practice of law, and governmental agencies authorized by the clerk to have secure remote access to court records.

This bill is identical to Senate Bill 1274 (Obenshain).

**HOUSE BILL 1584 (DELEGATE ODER): ILLEGAL GAMBLING; AMENDS DEFINITION**

This bill amends section 18.2-325 of the Code of Virginia to add to the definition of illegal gambling the making of any wager of any money to include the purchase of a product, or Internet access, or other thing, the purchase of which gives to the purchaser points or identifiable units that can be wagered by the purchaser for an opportunity to earn more points or identifiable units that are redeemable by the purchaser for cash, so long as that except for the free points, the purchase of the product would have no value in and of itself to justify

the purchase of the product or if the purchase is merely incidental to the chance to win money.

This bill is identical to Senate Bill 1195 (Senator Obenshain).

**HOUSE BILL 1586 (DELEGATE KILGORE): PROFESSIONAL LIABILITY INSURANCE POLICIES; EXEMPTIONS FOR MOST LARGE COMMERCIAL RISKS POLICIES**

This bill amends section 38.2-1903.1 of the Code of Virginia, providing that professional liability insurance policies are eligible for the exemptions that currently exist for most types of policies written for large commercial risks. The Act also eliminates the requirement that insurers issuing policies under the exemption to provide the number of exempted policyholders annually to the Commission, along with the criteria establishing the exemption.

This bill is identical to Senate Bill 1015 (Senator Puckett).

**HOUSE BILL 1587 (DELEGATE IAQUINTO): BUSINESS LICENSE INCENTIVE PROGRAM; CITIES OF VIRGINIA BEACH & CHESAPEAKE MAY ESTABLISH FOR BUSINESSES**

This bill amends and reenacts section 58.1-3703, to allow cities and towns to set up business license incentive programs for qualifying businesses. In order to qualify, a business must be established for the first time in that locality. New businesses formed because of mergers, acquisitions, combinations, or name changes are not qualified. These incentive programs may extend two years from the establishment of the business and may provide an exemption, a refund, reduction or other form of relief from license taxes.

**HOUSE BILL 1588 (DELEGATE IAQUINTO): REAL PROPERTY TAX ASSESSMENTS; APPEALS**

Amends and reenacts sections 58.1-3331, 58.1-3379, and 58.1-3984 of the Code of Virginia, such that the assessing officer in any appeal of property tax assessments filed by a taxpayer as the owner of a residential property must post or mail notice to that taxpayer at their last known address, with the notice on the first page of

the document in font 14 point or larger. This notice must be sent 45 days before the appeal, and must advise the taxpayer of his or her relevant rights. In the appeal process it is the responsibility of the taxpayer to rebut the presumption that the assessor is correct regarding the value of the property by a preponderance of the evidence. The bill further requires assessors to provide additional notice and information to the property owner. Effective January 1, 2012.

**HOUSE BILL 1590 (DELEGATE IAUINTO): JURISDICTIONAL LIMITS OF COURTS; INCREASES MAXIMUM CIVIL LIMIT OF GENERAL DISTRICT COURTS**

This bill increases the maximum civil jurisdictional limit of general district courts from \$15,000 to \$25,000.

This bill is identical to Senate Bill 774 (Senator McEachin).

**HOUSE BILL 1591 (DELEGATE IAQUINTO): DUI BREATH TEST CERTIFICATES; NOTICE IS TO BE PROVIDED TO CLERK OF COURT UNDER CERTAIN TIME FRAME**

This bill amends section 19.2-187.1. This bill requires that in DUI cases where a breath test certificate will be offered as evidence in trial, notice must be provided to the clerk no later than three days after notice has been provided to the accused. Before this amendment, notice to the clerk and the defendant occurred on the same day.

**HOUSE BILL 1595 (DELEGATE IAQUINTO): PUBLIC PROCUREMENT ACT; PROCUREMENT OF PROFESSIONAL SERVICES BY LOCAL PUBLIC BODIES**

This bill amends section 2.2-4343 of the Code of Virginia by stating that under the Virginia Public Procurement Act's exemptions for the operations of certain transactions as they apply to procurements, where the cost of the professional service is not expected to exceed \$50,000 dollars per contract or project, subsection H of section 2.2-4303 shall apply which allows a public body to create their own purchase procedures, in writing, which do not require competitive negotiation while still encouraging competition wherever practicable.

**HOUSE BILL 1599 (DELEGATE BACOTE): ENTERPRISE ZONE INCENTIVE GRANTS; POLICIES AND PROCEDURES FOR ALLOCATION**

This bill amends section 59.1-549 of the Code of Virginia by exempting businesses that create, in a qualification year, 25 or fewer grant eligible positions seeking Job Creation Grants and that have a base year employment of 100 or fewer permanent full-time positions from the attestation requirement for that qualification year. This exemption will be subject to verification.

**HOUSE BILL 1608 (DELEGATE ORROCK): TEMPORARY ASSISTANCE FOR NEEDY FAMILIES; ESTABLISHES FUND WITHIN STATE TREASURY**

This Act amends section 63.2-600 of the Code of Virginia to add a section numbered 63.2-601.1, which creates a Virginia state fund to benefit low income state citizens, provides the stated goals of the fund, allots interest accrual, and limits the percentage of the funds that may be used for the administration of the funds. 63.2-601.1 creates in the state treasury a special non-reverting fund to be known as the Temporary Assistance for Needy Families Fund (TANF), with the stated goals of supplementing the assistance provided through the administration of the TANF, assist the state in maximizing the amount of funds available to serve the above stated purposes by leveraging individual, corporate, and charitable donations.

This bill is identical to Senate Bill 1224 (Barker).

**HOUSE BILL 1610 (SENATOR ODER): DEFECTIVE CHINESE DRYWALL; DISCLOSURE OF INFORMATION, REAL ESTATE TAX EXEMPTION**

This bill amends sections 54.1-2131 through 54.1-2135 of the Code of Virginia by adding sections 55-225.11, 55-248.12:2, 55-519.2, and 58.1-3284.2. The bill states a licensee engaged by a seller, buyer, landlord, tenant or real estate owner if the licensee has actual knowledge of the existence of defective drywall (as defined by section 36-156.1) in a specific property, the licensee must disclose this

fact to the seller, buyer, landlord, tenant, or real estate owner. The bill also states what a landlord or owner must disclose to a potential tenant or buyer and provides remedies if the mandatory disclosures do not occur. The bill also provides for a reassessment of property when defective drywall is detected.

This bill is identical to Senate Bill 942 (Senator Miller).

**HOUSE BILL 1611 (SENATOR ODER): LANDLORD AND TENANT LAWS; SERVICE OF PROCESS MAY BE ACCOMPLISHED BY A SHERIFF, ETC.**

This bill amends sections 8.01-286.1, 8.01-291, 8.01-293, 8.01-294, 8.01-296, 8.01-312, 8.01-315, 8.01-327, 15.2-922, 16.1-79.1, 36-99.5, 55-225.4, 55-248.6:1, 55-248.15:2, 55-248.16, 55-248.18, 55-248.24, 55-248.38:3, and 58.1-486.2 of the Code of Virginia. The bill states that the respondent may waive process in a landlord tenant legal action, acknowledged by electronic signature on a separate writing signed by the respondent. Any person can accept service of process electronically. The courts will accept electronic data for any civil case filed. However, if service is electronic, the plaintiff must still pay all necessary fees, retain proof of service, and file with the clerk of the court paper copies of the pleading. The bill also provides that a private process server may serve process. The bill allows a sheriff to receive process straight from a party in an electronic format for a civil action. The sheriff can electronically serve a registered agent or other person as allowed by law. Furthermore, the bill establishes that any locality with a local ordinance must follow the Uniform Statewide Building Code standards regarding maintenance of smoke detectors. The bill also requires tenants to refrain from painting or altering painted surfaces within a rental unit if the unit was built before 1978, as the landlord must provide tenant with notice of lead based paint problems.

**HOUSE BILL 1612 (DELEGATE ODER): PATRIOTS CROSSING PROJECT; REQUIRES VDOT TO ACCEPT FOR REVIEW UNSOLICITED PROPOSAL FOR CONSTRUCTION**

This bill directs the Virginia Department of Transportation (VDOT) to design a program to accept and review unsolicited bids

for construction of the Patriots Crossing (Third Crossing) Project in Hampton Roads. The Department must publish information about the Project on its website, available to the public, and accept bids until September 30, 2011. (The bill enumerates requirements for these bids.) The Department must publish the unsolicited proposals within 30 days of receipt and allow 120 days for others to file competing proposals. Then, by May 1, 2012, the Department shall make its recommendation on next steps to a steering committee (appointed by the Commonwealth Transportation Commissioner.) The steering committee shall make a recommendation of next steps to the Commissioner by September 1, 2012. Finally, the bill demands that VDOT issue a written update of its compliance with each requirement of the bill to the Joint Commission on Transportation Accountability.

**HOUSE BILL 1613 (DELEGATE WARD): PRISONER PROGRAMS, LOCAL; ALLOWS WORKFORCES TO ASSIST WITH MAINTAINING CERTAIN CEMETERIES**

This bill amends Va. Code section 53.1-128 by adding that locally established workforces may work in a property classified as or used as a cemetery, when the cemetery has been abandoned or where a municipal corporation has identified nuisances to be removed (under state or local law.)

**HOUSE BILL 1619 (DELEGATE COX) VIRGINIA COLLEGE SAVINGS PLAN; CLARIFIES ROLES OF TWO ADVISORY COMMITTEES TO BOARD, ANNUAL REPORT**

This bill amends section 23-38.79:1 to broaden the duties of the Investment Advisory and Audit and Actuarial Committees to include performing such other duties as the Board may delegate to the Committee. This bill amends section 23-38.84 to require the Board to compile a report to set forth a complete operating and financial statement covering the operation of the College Savings Plan during the financial year, and to post on its website and submit to the Governor, the Senate Committee on Finance, and the House Committees on Appropriations and Finance.

This bill is identical to Senate Bill 1362 (Senator Stosch).

HOUSE BILL 1621 (DELEGATE KNIGHT): OPEN-SPACE  
LAND; EXPANDS DEFINITION

This bill amends section 10.1-1700 of the Code of Virginia to redefine open-space land to include land that is preserved or provided for agricultural or forestall production.

This bill is identical to Senate Bill 1104 (Senator Hanger).

HOUSE BILL 1623 (DELEGATE KNIGHT): WETLANDS;  
REQUIREMENT OF INDIVIDUAL OR GENERAL VIRGINIA  
WATER PROTECTION PERMIT

This bill would have amended section 62.1-44.15:21 of the Code of Virginia to establish that no Water Protection Permit is required for impacts to wetlands covered by federal jurisdiction.

This bill never moved beyond the House Transportation Committee.

HOUSE BILL 1624 (DELEGATE KNIGHT): DEPARTMENT OF  
ENVIRONMENTAL QUALITY; POWERS OF EXECUTIVE  
DIRECTOR

This bill would have amended section 62.1-44.14 of the Code of Virginia to allow the Executive Director of the Department of Environmental Quality to be vested with the Board's authority to enter into special orders when the Board is not in session.

This bill never moved beyond the Senate Agriculture Committee.

HOUSE BILL 1625 (DELEGATE KNIGHT): FUMIGATION  
FACILITIES; EXEMPTED FROM VARIOUS STATE AND  
FEDERAL REGULATIONS

This legislation amends section 10.1-1308 of the Code of Virginia to define “fumigation facility” and prohibit certain types of regulation of fumigation facilities, and requires posting of notification that a facility is being fumigated.

**HOUSE BILL 1626 (DELEGATE KNIGHT): ONSITE SEWAGE SYSTEMS; VOLUNTARY UPGRADES**

This Act amended section 32.1-164.1:1 of the Code of Virginia by adding a section numbered 32.1-164.1:3 which allows for a property owner to voluntarily improve or upgrade a septic system so long as the owner acquires a permit.

**HOUSE BILL 1629 (DELEGATE WATTS): DEPARTMENT OF GAME AND INLAND FISHERIES; PARKING VIOLATIONS ON THEIR PROPERTIES**

This legislation amends section 29.1-113 of the Code of Virginia to codify parking regulations for cars parked on property owned or managed by the Department of Game and Inland Fisheries. This bill also authorizes a \$25 fee for violations of these regulations.

**HOUSE BILL 1635 (DELEGATE PURKEY): VIRGINIA PORTS; REQUIRES OF BOTH GOVERNOR & GENERAL ASSEMBLY BEFORE CHANGE IN OWNERSHIP**

This bill would have amended section 62.1-132.19 to require approval by the General Assembly and the Governor before the Commonwealth or the Authority may enter into any contract affecting a change in ownership of any Authority seaport.

This bill was left in the House Transportation Committee.

**HOUSE BILL 1643 (DELEGATE O'BANNON): CERTIFICATE OF PUBLIC NEED; COMMISSIONER OF HEALTH TO ISSUE FOR CERTAIN NURSING HOME BEDS**

This act requires the Commissioner of Health to accept and review applications and issue certificates of public need for the addition of up to 10 Medicaid-eligible nursing home beds for a



certified nursing home licensed for less than 60 beds, which is operated not for profit, is located in Planning District 15, but accepts patients from areas of the Commonwealth outside of the planning district, and provides care for patients regardless of ability to pay.

**HOUSE BILL 1644 (DELEGATE O'BANNON): PUBLIC SCHOOLS; PHYSICAL EDUCATION REQUIREMENT**

This bill would have amended section 22.1-253.13:1 of the Code of Virginia from its stated goal of a minimum average of 150 minutes of physical education per week during the regular school year to actually require that goal be met for kindergarteners through eighth grade. The amendment would have required a similar provision for high school students.

The bill did not pass.

**HOUSE BILL 1645 (DELEGATE O'BANNON): REAL PROPERTY TAX; EXEMPTION FOR DISABLED VETERANS**

Amends the Code by adding in Chapter 32 of Title 58.1 an article numbered 2.3, consisting of sections numbered 58.1-3219.5 and 58.1-3219.6, which exempts a veteran with a completely service related and totally disabling and permanent condition from property taxes on his or her primary place of residence. This right is extended to the non-remarried surviving spouse of such a veteran, provided the death of the spouse occurred on or after January 1, 2011, and the spouse continues to live principally in the property.

**HOUSE BILL 1647 (DELEGATE TATA): HIGHER EDUCATIONAL INSTITUTIONS; MILITARY REINSTATEMENT GUIDELINES**

This bill amends section 23-9.6:2 of the Code of Virginia to make guidelines for tuition relief, refunds, and reinstatement that previously applied only to active service members now applicable to all members of the uniformed services.

**HOUSE BILL 1648 (DELEGATE COSGROVE): RAIL ENHANCEMENT FUND; ALLOCATION AND USE OF FUNDS**

This bill amends Va. Code 33.1-221.1:1.1 concerning the Rail Enhancement Fund. First, the bill strikes the provision that the Director of the Department of Rail and Public Transportation shall consult with and obtain the advice of the Rail Advisory board before recommending allocating Rail Enhancement Fund money to the Commonwealth Transportation Board. Instead, the bill provides that funds provided in this section can be used to match federal grant funds to support passenger or freight rail projects. Next, the bill expressly repeals Va. Code section 33.1-391.3:1, which established a Rail Advisory Board for the Commonwealth.

**HOUSE BILL 1649 (DELEGATE COSGROVE): VIRGINIA WATER PROTECTION PERMIT; FEE EXEMPTION FOR U.S. NAVY DREDGING PROJECTS**

This bill amends section 62.1-44.15:6 of the Code of Virginia to make the Department of the Navy exempt from paying a fee for a permit for dredging projects; just as all federal navigation channels and Corps of Engineers projects currently are exempt.

This bill is identical to Senate Bill 961 (Senator Northam).

**HOUSE BILL 1650 (DELEGATE COSGROVE): MAGISTRATES; POWER TO ISSUE FELONY ARREST WARRANTS**

This bill amends sections 19.2-71 and 19.2-72 of the Code of Virginia. This bill forbids a magistrate to issue an arrest warrant for a felony offense upon the basis of a complaint by a person other than a law-enforcement officer or an animal control officer without prior authorization by the attorney for the Commonwealth or by a law-enforcement agency having jurisdiction over the alleged offense. Furthermore, this bill provides that a written complaint shall be required if the complainant is not a law-enforcement officer.

House Bill 1650 is identical to Senate Bill 782 (Senator Reynolds).

**HOUSE BILL 1651 (DELEGATE COSGROVE): DRIVER'S LICENSES, PERMITS, AND SPECIAL IDENTIFICATION CARDS; ISSUANCE ONLY TO U.S. CITIZENS**

This bill amends section 46.2-328.1 of the Code of Virginia. The code requires the Department of Motor Vehicles to cancel any license, permit, or special identification card that it has issued to an individual that a federal government agency has identified as neither a citizen of the United States nor legally present in the United States.

**HOUSE BILL 1659 (DELEGATE ALEXANDER): FUNERAL SERVICES; PREREQUISITES FOR CREMATION**

This act amends section 54.1-2818.1 of the Code of Virginia and allows a sheriff, upon court order to fulfill the identification requirement for cremation when no next of kin or designated individual or agent is available.

**HOUSE BILL 1660 (DELEGATE ALEXANDER): SPECIAL ELECTIONS; FILLING VACANCIES IN CERTAIN LOCAL OFFICES**

This bill amends section 24.2-226 of the Code of Virginia, clarifying vacancies in local elections can either be held during the general election in November, or in May if the vacancy is regularly scheduled to be filled by then.

**HOUSE BILL 1661 (DELEGATE ALEXANDER): DISPOSITION OF DEAD BODIES; PAYMENT OF EXPENSES**

This bill amends 32.1-288 of the Code of Virginia to clarify that when there is no claimant for the disposal of a dead body, the Commissioner may accept the body for scientific study. Furthermore, the amendment clarifies that when claimants of dead bodies cannot pay for their disposition, or when there is no claimant and the Commissioner declines to accept the body for study, the costs will be borne by the county or city in which the deceased person resided at the time of death if the deceased person was a resident of Virginia or by the county or city in which the death occurred if the deceased per-

son was not a resident of Virginia or the location of the deceased person's residence cannot reasonably be determined.

**HOUSE BILL 1668 (DELEGATE MCCLELLAN): COMMUNITY REVITALIZATION FUND; CITY OF RICHMOND TO ESTABLISH FUND FOR PREVENTING DETERIORATION**

This bill adds section 15.2-958.5 to the Code of Virginia, and allows the City of Richmond to, by passage of an ordinance, to create a fund in order to revitalize and protect buildings in the City. Additionally, the bill prescribes the purposes for which the fund may be used, as well as the criteria for the users and nonprofit builders and developers that may take advantage of the revitalized buildings.

House Bill 1668 is identical to Senate Bill 799 (Senator McEachin).

**HOUSE BILL 1672 (DELEGATE POGGE): REAL PROPERTY TAX**

Amends and reenacts section 58.1-3237.1, adding James City County to those localities able to exclude land in certain zoning districts, established after 1981, from assessment, and able to enact certain zoning classification provisions.

**HOUSE BILL 1675 (DELEGATE POGGE): EMERGENCY MEDICAL SERVICES; REQUIREMENTS FOR SUBMISSION OF APPLICATIONS FOR VARIANCES & EXEMPTIONS**

This Act amends section 32.1-111.9 of the Code of Virginia, and details requirements of provider application for exemption and certification by the Office of Emergency Medical services, as well as the specific circumstances in which they do not qualify.

**HOUSE BILL 1679 (DELEGATE BELL): COMPREHENSIVE SERVICES FOR AT-RISK YOUTH & FAMILIES, STATE EXECUTIVE COUNCIL FOR; POWERS AND DUTIES**

This act amends Virginia Code section 2.2-2648 and details the circumstances under which the state may deny state funding to a

locality, in accordance with subdivision 19, where the CPMT fails to provide services that comply with the Comprehensive Services Act (section 2.2-5200 et seq.), in accordance with subdivision 19, any other state law or policy, or any federal law pertaining to the provision of any service funded in accordance with section 2.2-5211.

**HOUSE BILL 1682 (DELEGATE COLE): SUBORDINATE MORTGAGE; INCREASES MAXIMUM AMOUNT UPON REFINANCING OF PRIMARY MORTGAGE**

This bill amends section 55-58.3 of the Code of Virginia by changing the definition of subordinate mortgage to mean a mortgage or deed of trust securing an original principal amount not to exceed \$150,000 dollars.

**HOUSE BILL 1686 (DELEGATE TOSCANO): DISTRIBUTED SOLAR GENERATION DEMONSTRATION PROGRAMS; SCC TO APPROVE**

This bill authorizes the State Corporation Commission to approve demonstration programs for solar generation as alternatives to net energy metering between July 1, 2011 and July 1, 2015. The bill authorizes the Commission to extend this period an additional year for good cause, and consider projects individually or as a package of two or more projects. The Commission shall approve such programs or distributed generation facilities if it determines that the programs or facilities, including those targeting constrained or high load growth areas, are reasonably designed to be in furtherance of the public interest. The bill requires that at least four of the distributed solar installation sites included in the demonstration projects be in a community setting.

**HOUSE BILL 1688 (DELEGATE DANCE): PRISONERS; MANDATORY TESTING FOR HUMAN IMMUNODEFICIENCY VIRUS**

This bill amends Va. Code section 53.1-33.1 by adding a section that mandates that the Department of Corrections shall offer to test every inmate in a state correctional facility for human immunodeficiency virus (HIV) within 60 days of his or her scheduled discharge. Inmates who have a positive previous record do not have to be tested. The Department must inform the inmate the purpose of the test and any inmate can refuse the test.

This bill is identical to Senate Bill 1258 (Senator Vogel).

**HOUSE BILL 1691 (DELEGATE STOLLE): VETERANS AND MILITARY SERVICEMEMBERS; SPECIALTY TREATMENT PROCEDURES IN CRIMINAL JUSTICE SYSTEM**

This bill amends sections 2.2-2001 and 2.2-2001.1 of the Code of Virginia. This bill provides that mental health and rehabilitative services programs to support Virginia veterans cooperate with localities that may establish special treatment procedures for veterans and active military service members in the criminal justice system. The bill provides a list of policies, procedures and treatments the services shall be designed to provide.

House Bill 1691 is identical to Senate Bill 1063 (Senator J. Miller).

**HOUSE BILL 1693 (DELEGATE ATHEY): EMINENT DOMAIN; CHANGES MAXIMUM LIMIT ON WAIVER OF APPRAISALS**

This bill amends section 25.1-417 of the Code of Virginia. This bill increases the maximum limit to waive an appraisal for real property acquired by a state agency from \$10,000 to \$25,000. When the value of the property being acquired is determined to be between \$10,000 and \$25,000, the state agency must disclose to the owner that the offer has been established based on assessment records or other objective evidence and not an appraisal, and that the owner may request that an appraisal be prepared and used as the basis for establishing just compensation.

**HOUSE BILL 1694 (DELEGATE ATHEY) DRIVER'S LICENSE; SUSPENSION FOR FAILURE TO PAY CHILD SUPPORT**

This bill expands the power of the Department of Motor Vehicles (DMV) to suspend or refuse to renew an individual's driver license if the individual is delinquent in child support payments by ninety days or \$5,000. Currently, the DMV may reinstate a license once it receives confirmation from the Department of Social Services (DSS) that the delinquent parent has made a payment toward the total amount owed; this bill raises that amount from \$500 to \$600. The bill also adds a new provision: if the delinquent parent enters into an agreement with DSS and then fails to comply, DSS shall notify the DMV, who will suspend or refuse to renew the driver's license until it receives notice from DSS that the parent has complied with the new agreement. This new agreement involves a promise to satisfy the delinquency within ten years or less and a payment of \$1,200 or five percent of the total delinquency (whichever is greater.) If a parent again fails to comply, he can enter into a new agreement with DSS to repay the delinquency within ten years and pay at least \$1,800 or five percent of the total. DSS shall notify the DMV that the parent is compliant on the same day of the agreement; the DMV shall then reinstate or issue a driver's license to the parent. This bill amends Va. Code section 46.2-320.

**HOUSE BILL 1695 (DELEGATE ATHEY): UNEXECUTED WARRANTS; STATE ATTORNEY MAY MOVE COURT FOR DISMISSAL IF ISSUED BY MAGISTRATE, EXCEPTION**

This bill amends section 19.2-76.1 of the Code of Virginia. The code clarifies that unexecuted warrants may be destroyed if dismissed, but unexecuted warrants that charge capital murder and those whose preservation is deemed justifiable by the court shall not be dismissed and destroyed.

House Bill 1695 is identical to Senate Bill 756 (Senator Reynolds).

**HOUSE BILL 1696 (DELEGATE ATHEY): MOTOR VEHICLE DEALERS; PROHIBITED COERCION, FAIR ALLOCATIONS OF VEHICLES BY FRANCHISER, ETC.**

This bill expands the definition of coercion within Va. Code section 46.2-1569, making a manufacturer or its affiliate guilty of coercion if it conditions a new franchise on either the dealer's consent to provide a site control agreement, a written agreement with an option to purchase the franchise, or on a termination agreement held by the manufacture for later use. It is also coercion for a manufacturer or affiliate to require a dealer to improve its facilities, install new signs, or construct other image improvements if the dealer has already done so in the previous ten years under mandates from the manufacturer. This bill also gives a dealer the right to petition the Commissioner of the Department of Motor Vehicles for an investigation into termination when a franchisor terminates a dealer's franchise by a written option obtained more than ninety days before the purported cancellation date. The termination is stayed during this investigation and if appealed, while the appeal is pending in the circuit court.

This bill gives the dealer some recourse for liability if the manufacturer terminates the line-make or fails to give the dealer notice that he must purchase goods and services from vendor selected by the dealer. This bill also gives the dealer some recourse for liability if the franchisor fails to give the dealer time to name a successor, if it fails to deliver new vehicles covered by the franchise agreement, and if it demands that the dealer purchase goods or services from a designated affiliate without the option of using other vendors.

House Bill 1696 is identical to Senate Bill 1191 (Senator Norment).

**HOUSE BILL 1697 (DELEGATE ATHEY): MEDICAL CARE FACILITY; EXEMPTS FACILITY OF DEPARTMENT OF VETERANS SERVICES**

This bill amends code section 32.1-102.1 of the Code of Virginia, including the Department of Veterans Services in the list of facilities that are NOT to be included in the definition of the term "medical care facility" for this code section.



**HOUSE BILL 1698 (DELEGATE ATHEY): SEXUALLY VIOLENT PREDATORS; PROCEDURE FOR RESCISSION OF RESPONDENT'S REFUSAL TO THE EXAMINATION**

This bill amends and reenacts sections 37.2-901, 37.2-906, 37.2-907, and 37.2-910 of the Code of Virginia. This bill details the procedure for respondent's who refuse to cooperate with required mental health examinations. The bill also allows for the use of a two-way electronic video and audio communications system while conducting a hearing for assessment of the respondent whenever practicable.

House Bill 1698 is identical to Senate Bill 1275 (Senator Obenshain).

**HOUSE BILL 1699 (DELEGATE ATHEY): RESTORATION OF FIREARMS RIGHTS; ANY PERSON MAY PETITION COURT TO RESTORE HIS RIGHT, ETC.**

This bill amends Va. Code sections 18.2-308.1:1, 18.2-308.1:2, 18.2-308.1:3, and 18.2-308.2:1. It provides that persons acquitted by reason of insanity, previously adjudged incompetent whose competency has been restored, or released from voluntary or involuntary treatment in an outpatient treatment center may petition the general district court in the city or county where he resides to restore his right to purchase, possess, or transport a firearm. A copy of the petition will be mailed to the Commonwealth's Attorney, who has the right to respond. In making its decision, the court shall receive and consider evidence on the petitioner's disability, criminal history, treatment record, and reputation, using statements of a character witness, testimony, and other character evidence.

**HOUSE BILL 1705 (DELEGATE LEWIS): WORKERS' COMPENSATION; MODIFICATIONS TO EMPLOYEE'S HOME OR AUTOMOBILE**

This legislation amends section 65.2-603 of the Code of Virginia. It authorizes the Commission to require an employer to furnish and maintain modifications to or equipment for the employee's au-

tomobile or home. The aggregate cost of all such items and modifications due to a single accident shall not exceed \$42,000.

**HOUSE BILL 1707 (DELEGATE MERRICKS): CRIMINAL HISTORY RECORD INFORMATION; DEPARTMENT OF REHABILITATIVE SERVICES TO OBTAIN FOR EMPLOYMENT**

This bill amends section 19.2-389 of the Code of Virginia. This bill allows for Department of Rehabilitative Services and the Department for the Blind and Vision Impaired to receive criminal history record information for purposes of evaluating the individual's fitness for various types of employment and to deliver comprehensive vocational rehabilitation services that will assist the individual in obtaining employment.

House Bill 1707 is identical to Senate Bill 956 (Senator Blevins).

**HOUSE BILL 1712 (DELEGATE WRIGHT): FISHING; IF PERSON IS IN INTERJURISDICTIONAL INLAND WATERS HE IS SUBJECT TO LAWS OF JURISDICTION**

This bill amends section 29.1-534 of the Code of Virginia to allow a Virginia resident or a resident of an adjoining jurisdiction which has inland water lying adjacent to Virginia land or water to take fish with hook and line after complying with the requirements of the laws of the jurisdiction where the fishing occurs.

House Bill 1712 is identical to Senate Bill 1299 (Senator Ruff).

**HOUSE BILL 1715 (DELEGATE WILT): CONSERVATION EASEMENTS; REMOVES REQUIREMENT THAT PERSON RECORDING EASEMENT MAIL CERTIFIED COPY**

This legislation amends section 10.1-1012 of the Code of Virginia to require the notification of certain organizations and departments upon the recordation of any conservation easement.

**HOUSE BILL 1717 (DELEGATE MERRICKS): INSURANCE FRAUD; CLARIFIES DEFINITION OF INSURER INCLUDES SELF-INSURED PRIVATE & PUBLIC EMPLOYERS**

This bill amends Va. Code section 52-36 to clarify that an insurer includes any self-insured private or public employer.

**HOUSE BILL 1719 (DELEGATE MASSIE): VITAL RECORDS; CERTIFIED COPIES FOR VETERANS OR HIS SURVIVOR, FREE OF CHARGE**

This bill amends 32.1-273 of the Code of Virginia to provide that veterans and their survivors may obtain one copy of any record necessary to procure service-connected benefits at no charge.

House Bill 1719 is identical to SB 959 (Senator Northam).

**HOUSE BILL 1723 (DELEGATE KNIGHT): VIRGINIA MARINE RESOURCES COMMISSION; PERMITS FOR ENCROACHMENT ON SUBAQUEOUS BEDS**

This bill amends section 28.2-1207 to increase to \$500,000 the value of a project that would preclude the granting of a permit to encroach on subaqueous beds that are part of the Commonwealth's property.

**HOUSE BILL 1725 (DELEGATE KNIGHT): VIRGINIA FARMLAND PRESERVATION FUND; CREATED**

This bill amends section 3.2-201 of the Code of Virginia to create a fund in the state treasury called the Virginia Farmland Preservation Fund. Moneys in the fund shall be used to carry out the provisions of Chapter 32 of the Code of Virginia.

House Bill 1725 is identical to Senate Bill 1105 (Senator Hanger).

**HOUSE BILL 1726 (DELEGATE CARRICO, SR.): BRIDGE VERTICAL CLEARANCE; RESPONSIBILITY OF SIGNAGE**

This bill separates maintenance duties of vertical clearance signs on bridges kept by the Virginia Department of Transportation from those kept by localities. When a bridge has a clearance height of fourteen feet or less, there must two signs stating the clearance height placed at least 1500 feet before the bridge. For bridges owned by the Virginia Department of Transportation, the Commissioner of the Department of Motor Vehicles of the Commonwealth shall be responsible for these signs. For bridges maintained by a locality, such as a town, city, or county, the local governing body will be responsible for placing the signs.

**HOUSE BILL 1729 (DELEGATE CARRICO): CRIMINAL BACKGROUND CHECKS; DBHDS TO USE FOR EMPLOYMENT OF CERTAIN PERSONS.**

This bill amends section 37.2-416 and section 37.2-506 of the Code of Virginia to provide that community services boards and providers licensed by the Department of Behavioral Health and Developmental Services may hire at adult substance abuse treatment facilities a person who has been convicted of not more than one offense of assault and battery of a law-enforcement officer, if the person has been granted a simple pardon, more than 10 years have elapsed since the conviction, and the hiring provider determines, based upon a screening assessment, that the criminal behavior was substantially related to the applicant's substance abuse and that the person has been successfully rehabilitated and is not a risk to consumers based on his criminal history background and his substance abuse history.

**HOUSE BILL 1734 (DELEGATE CARRICO): PROFESSIONAL SOIL SCIENTISTS AND WETLAND PROFESSIONALS, BOARD FOR; LICENSED SOIL SCIENTISTS**

This bill amends sections 54.1-2200 through 54.1-2203, and sections 54.1-2205, 54.1-2206, 54.1-2207, and 54.1-2208 of the Code of Virginia. The bill contains some technical changes such as replacing the word certified/certification with licensed/licensure. The bill also states that the certification for the wetland delineation set forth by the law is voluntary and does not prohibit the practice of another profession subject to regulation by another regulatory board within the Department. The bill also states the licensing program for profes-

sional soil scientists does not prohibit an employee or a subordinate of a licensed soil scientist to engage in work nor does it prohibit any professional engineer, landscape architect, or land surveyor in rendering any services that might involve soil evaluation. The bill further states that no person shall engage in soil evaluation in Virginia unless licensed under the provisions of this law.

#### HOUSE BILL 1737 (DELEGATE BULOVA): STORMWATER MANAGEMENT SYSTEMS; LOCAL REGULATION

This bill amends section 15.2-2114 of the Code of Virginia by adding and removing items from the list of operations of a locality's storm water management program to which the locality may apply income derived from providing utilities to its residents. Additionally, the bill changes the process for deciding how much to charge its customers for runoff by instituting, after opportunity for public hearing and notice, a "rational relationship" test. Additional statutory procedures must be followed for private dams before these changes can be made. Finally, the bill also amends the list for which charge waivers shall apply.

#### HOUSE BILL 1738 (DELEGATE BULOVA): REPORTING OF WATER WITHDRAWALS; STATE WATER CONTROL BOARD TO IMPOSE A CIVIL PENALTY

This legislation amends section 62.1-44.38 of the Code of Virginia to require any water user withdrawing surface or subsurface water to report water withdrawal, and authorizes the Board to penalize users who do not report withdrawal. The bill also authorizes the Board to create a process for public comment and establishes a special fund in the treasury called the Water Supply Plan Fund to be used for water supply planning.

#### HOUSE BILL 1739 (DELEGATE BULOVA): MUNICIPAL SEPARATE STORM SEWER FACILITIES; RIGHT OF ENTRY OF OPERATORS TO CERTAIN PROPERTIES

This bill amends section 10.1-603.12:1 of the Code of Virginia to authorize any locality that operates a municipal separate storm sewer system to enter any property for the purpose of obtaining in-

formation or conducting surveys or investigations necessary for the enforcement of provisions of this article.

**HOUSE BILL 1741 (DELEGATE BULOVA): COMMON INTEREST COMMUNITIES; CHARGES FOR ACCESS TO ASSOCIATION BOOKS AND RECORDS**

This bill amends sections 55-79.74:1 and 55-510 of the Code of Virginia by stating that while unit owners' associations or common interest communities must provide copies of any book or records, the association may charge a fee to cover the cost of materials and labor associated with copying so long as it does not exceed the actual cost. The fee must be assessed according to the associations' executive organ's adopted cost schedule which must identify the costs for materials and labor, apply to all unit owners in good standing and at the request of the unit owner, be provided.

**HOUSE BILL 1742 (DELEGATE BULOVA): CHARTER, CITY OF FAIRFAX**

This bill amends sections 5.5 and 8.8 of Chapter 319 of the Acts of Assembly of 1966, by changing the date of elections to either the second Tuesday of July or, if it happens prior to the second Tuesday, the first council meeting in July. The bill also provides that actions on revenue bonds are governed by applicable statutes under the Code of Virginia and states that revenue bonds do not fall under referendum criteria in the Charter of Fairfax.

This bill is identical Senate Bill 847 (Senator Petersen).

**HOUSE BILL 1743 (DELEGATE TYLER): NOTTOWAY RIVER; EXTENDS PORTION THAT IS DESIGNATED AS A COMPONENT OF VIRGINIA SCENIC RIVERS SYSTEM**

This Act amends section 10.1-414 of the Code of Virginia to extend the section of the Nottoway River that is currently part of the Virginia Scenic Rivers System 33 miles to the North Carolina line.

This bill is identical to Senate Bill 778 (Senator Lucas).

HOUSE BILL 1746 (DELEGATE INGRAM): BIENNIAL  
COUNTY SUPERVISOR ELECTIONS; STAGGERED TERMS

This bill amends section 24.2-219 of the Code of Virginia, waiving the requirement for the electoral board to assign elected supervisors to two and four-year terms if newly elected officials volunteer for the two-year terms matches exactly the number of two-year terms to be assigned.

HOUSE BILL 1747 (DELEGATE WATTS): CHILD  
PORNOGRAPHY; POSSESSION BY LAW-ENFORCEMENT  
AGENCY

This bill amends section 18.2-374.1:1 of the Code of Virginia. The bill permits employees of a law-enforcement agency to lawfully possess child pornography for bona fide law-enforcement purposes.

House Bill 1747 is identical to Senate Bill 1260 (Senator Vogel).

HOUSE BILL 1757 (DELEGATE WILT): VICTIMS OF  
DOMESTIC VIOLENCE; EXPANDS ADDRESS  
CONFIDENTIALITY PROGRAM TO ALL JURISDICTIONS IN  
STATE

This bill amends Va. Code section 2.2-515.2. First, it provides that an applicant to the Address Confidentiality Program will be certified from one year from the date of approval, instead of institution of the program. Secondly, it expands the program to all jurisdictions in the Commonwealth, not just those previously named in the section. Finally, it provides that the Office of the Attorney General shall conduct an evaluation of the program's statewide implementation and send the results to the Senate and House Committees on General Laws by December 31, 2012.

This bill is identical to Senate Bill 1199 (Senator Obenshain).

HOUSE BILL 1758 (DELEGATE WILT): LOCAL ROADS;  
CITIES AND TOWNS RESPONSIBLE FOR CONSTRUCTION  
PROGRAMS

This bill amends Va. Code sections 10.1-603.8, 33.1-23.3, 33.1-70.1, and 33.1-70.2. It adds "paving of an existing road with a compacted or impervious surface and reestablishment of existing associated ditches and shoulders" (deemed as routine maintenance if performed according to this section of the Code) as an exempt activity, so this paving and reestablishment does not require a permit from an issuing authority. The bill also changes the time in which cities and towns who decided to take over responsibility for their own construction programs need to notify the Commonwealth Transportation Board from July 1 to December 31 for implementation the following fiscal year. Also under this bill is a new provision that any road designated as a "Rural Rustic Road" is now subject to section 10.1-603.8 (the permitting statute.) Finally, this bill does away with the requirement that a local governing body hold a public hearing on emergency paving and instead provides that the Commonwealth Transportation Commissioner will give the governing body notice of his intent to pave and the governing body should respond with a concurrence or other within 72 hours.

**HOUSE BILL 1759 (DELEGATE WILT): BOARD OF AGRICULTURE AND CONSUMER SERVICES; PRESIDENTS OF VPISU & VSU MAY APPOINT DESIGNEES, ETC.**

This legislation amends section 3.2-109 of the Code of Virginia to allow the Presidents of Virginia Polytechnic Institute and State University and Virginia State University to appoint designees to the Board of Agriculture and Consumer Services. Such designees shall be ex-officio members with voting privileges.

This bill is identical to Senate Bill 1380 (Senator Stanley).

**HOUSE BILL 1761 (DELEGATE COX): HUMAN RESOURCE MANAGEMENT, DEPARTMENT OF; TRICARE SUPPLEMENTAL HEALTH COVERAGE TO MILITARY RETIREES**

This bill amends section 2.2-2818.1 of the Code of Virginia by adding to state employees who are eligible to participate in the state health care program military retirees who are also entitled to



benefits under the TRICARE Military Health System. The military retirees may choose to receive coverage under TRICARE as an option under the state's cafeteria program as established under section 125 of the Internal Revenue Code. Dependents of military retirees who are covered under the state health insurance plan and who are TRICARE eligible, may also receive coverage under the TRICARE supplemental health care plan. The cost of the TRICARE supplemental health care plan is to be paid in full by the member pursuant to the rules of section 125 Internal Revenue Code.

This bill is identical to Senate Bill 892 (Senator Wampler).

**HOUSE BILL 1767 (DELEGATE CROCKETT-STARK): FOSTER CARE; PLACEMENT OF CHILD THROUGH AN AGREEMENT BETWEEN PARENTS AND LOCAL BOARD**

This bill makes a minor change to Va. Code section 63.2-100, in the definition of "foster care placement." Under the bill, "foster care placement" now means placement of a child through either an agreement between the parents or guardians and the local State Board of Social Services (local as to where legal custody sits with the parents or guardians) or a commitment or entrustment of a child to the local State Board of Social Services or local licensed child-placing agency.

**HOUSE BILL 1768 (DELEGATE SHULER): MOLD REMEDIATION; TENANT SHALL BE RESPONSIBLE FOR PAYMENT OF RENT, ETC.**

This bill amends sections 55-225.9 and 55-248.18:2 of the Code of Virginia by stating that when mold is present in a rental unit and the landlord requires the tenant to relocate to another dwelling while the mold situation is resolved, the tenant must continue to pay rent during the relocation period and once the mold situation is resolved, for the remainder of the rental agreement. The bill makes clear nothing within this law is to be construed as allowing the tenant to terminate the agreement once the mold situation is resolved in accordance with professional standards.

**HOUSE BILL 1769 (DELEGATE SHULER): ANNEXATIONS;  
AMENDS LAW TO ALLOW TOWNSHIPS TO USE  
TRADITIONAL PROCESS TO SEEK TO EXPAND  
BOUNDARIES**

This bill amends section 15.2-3548 of the Code of Virginia to allow for certain townships to apply for annexation to the county or city created by a consolidation occurring after July 1, 2011 that excluded the township at the time. Such townships may only attempt to consolidate with the newly formed county or city if the consolidation agreement explicitly allows the township to pursue the action.

House Bill 1769 is identical to Senate Bill 900 (Senator Deeds).

**HOUSE BILL 1770 (DELEGATE SHULER): CHARTER; CITY OF  
ALLEGHENY HIGHLANDS**

This bill provides for the incorporation of the City of Allegheny Highlands, formed from the consolidation of Allegheny County and City of Covington. This bill also repeals Chapter 227 of the Acts of Assembly, which contained the charter to the City of Covington. The bill contains the charter for the City of Allegheny Highlands, which describes the power of the City, including the financial powers, as well as general powers typically given to cities in Virginia. Additionally, the charter contains provisions creating the City Council, including the positions of Mayor, Vice-Mayor and Clerk. Other provisions include a description of the City Manager position, Borrowing, Education, Law Enforcement, Utilities, Constitutional Officers, and Miscellaneous Provisions.

House Bill 1770 is identical to Senate Bill 899 (Senator Deeds).

**HOUSE BILL 1771 (DELEGATE SHULER): LAW  
ENFORCEMENT DEPUTIES; ALLOCATION TO CITY SHERIFF  
IN CERTAIN CITIES WITHOUT A POLICE FORCE**

This bill amends code section 15.2-1609.1 of the Code of Virginia, adding language to the law relating to having a fixed num-

ber of law-enforcement deputies in a county without a police force by now including any city created by the consolidation of a city and a county, and without a police force, after July 1, 2011. There is language that adds townships as well.

**HOUSE BILL 1773 (DELEGATE SHERWOOD): VETERANS AFFAIRS AND HOMELAND SECURITY, SECRETARY OF; ESTABLISHES POSITION**

This bill creates the position of Secretary of Veterans Affairs and Homeland Security as a Governor's Secretary. The Secretary is responsible for the Department of Veterans Services, Secure Commonwealth Panel, Veterans Services Foundation, Virginia Military Advisory Council, and Virginia War Memorial Foundation. This section outlines the required background of the individual appointed Secretary and the powers and duties of the Secretary. It also details the function of the Secure Commonwealth Panel, an advisory board in the executive branch of the state government. This section also re-directs some agency reporting from the Secretary of Public Safety or the Office of Commonwealth Preparedness to the Secretary of Veterans and Affairs and Homeland Security. It also strips the Governor's Assistant for Commonwealth Preparedness of his role as an ex officio, nonvoting member of the Trustees of the Fort Monroe Authority. Finally, it provides that voluntary contributions to the Secretary of Veterans Affairs and Homeland Security shall be paid to the Office of the Secretary of Veteran's Affairs and Homeland Security for related programs and services.

**HOUSE BILL 1774 (DELEGATE SHERWOOD): STATE OF EMERGENCY; PREPARATION FOR RESPONSE.**

This bill amends Va. Code section 44-146.28. It moves the language giving the Governor authority to give financial assistance to Commonwealth agencies responding to declared states of emergencies in other states from (a) to (c). It also provides that the Governor can deploy the Virginia National Guard and the Virginia State Defense Force to prepare to respond, whether or not a state of emergency has been declared in the Commonwealth, but if there is no declaration of a state of emergency, no more than 300 personnel can be deployed and for not more than 5 days.

HOUSE BILL 1776 (DELEGATE GILBERT): POLICE AND COURT RECORDS: EXPUNGEMENT

This bill amends section 19.2-392.2 of the Code of Virginia. The bill requires a person filing whose name or other identification has been used without their consent to include in their expungement petition one complete set of the petitioner's fingerprints obtained from a law-enforcement agency. Additionally if the petition is dismissed because the person arrested or charged is not the person named in the summons, the expungement order is required to include the petitioner's fingerprints.

HOUSE BILL 1777 (DELEGATE GILBERT) FAKE BIRTH CERTIFICATE; ONE WHO MANUFACTURES, ETC., FOR FALSE IDENTITY IS GUILTY OF MISDEMEANOR

This bill amends sections 18.2-204.1 and 18.2-204.2 of the Code of Virginia, making it a Class 1 misdemeanor for obtaining or possessing a fictitious birth certificate or the birth certificate of another for the purpose of establishing a false identity and making it a Class 6 felony for the manufacture, sale, or transfer of a fictitious birth certificate or the birth certificate of another for the purpose of establishing a false identity. It also makes using such a document to purchase firearms a Class 6 felony.

HOUSE BILL 1779 (DELEGATE GILBERT): PROTECTIVE ORDERS, PRELIMINARY; PROHIBITION ON PURCHASE & TRANSPORT OF FIREARMS FOR CERTAIN PERSONS

This bill amends section 18.2-308.1:4 of the Code of Virginia. This bill prohibits people subject to preliminary protective orders in which the petition alleges abuse or neglect, from purchasing or transporting a firearm. Previously, the prohibition applied to any person subject to a preliminary protective order.

House Bill 1779 is identical to Senate Bill 754 (Senator Reynolds).

HOUSE BILL 1780 (DELEGATE GILBERT):  
COMMUNICATIONS INTERCEPTS; BROADENS COURT  
JURISDICTION OF ORDER SOUGHT BY ATTORNEY  
GENERAL

This bill amends sections 19.2-66 and 19.2-70 of the Code of Virginia. This bill gives a judge of competent jurisdiction authority to issue an order for a wire or electronic interception if there is probable cause to believe that an offense was committed, is being committed, or will be committed, or if the physical location of where the oral communication is going to be intercepted is within the territorial jurisdiction of the court.

House Bill 1780 is identical to Senate Bill 1198 (Senator Obenshain).

HOUSE BILL 1782 (DELEGATE GILBERT): SPEED LIMIT;  
SHALL BE 35 MPH ON NONSURFACE TREATED HIGHWAYS  
FOR CERTAIN COUNTIES, WHERE UNPOSTED

This bill adds Page County to the list of localities where the maximum speed limit on nonsurface treated highways is 35 miles per hour.

HOUSE BILL 1783 (DELEGATE GILBERT): JUVENILE  
JUSTICE, DEPARTMENT OF; CONFIDENTIALITY OF  
RECORDS

This bill amends section 16.1-300 of the Code of Virginia. The bill permits the Department of Juvenile Justice to share confidential juvenile records with persons, agencies, and institutions having a legitimate interest. The Department may also share confidential information with a requesting party who has custody if the confidential information is in the interest of maintaining security in a secure facility in a state other than Virginia so long as it meets the state's definition of "secure facility."

House Bill 1783 is identical to Senate Bill 1166 (Senator Reynolds).

**HOUSE BILL 1789 (DELEGATE TATA): NORFOLK/VIRGINIA BEACH LIGHT RAIL PROJECT; CLARIFIES EXTENSION OF SYSTEM.**

This bill renames "expansion of the Norfolk Light Rail system" as "construction of a public transportation project extending from the terminus of the Norfolk Light Rail starter line at Newtown Road in the City of Norfolk to the oceanfront area in the City of Virginia Beach" as a project of public interest that should be funded by the Transportation Partnership Opportunity Fund and other Commonwealth funds. The bill also states that this language should not be interpreted to mean that only a light rail system will be built on this route.

**HOUSE BILL 1790 (DELEGATE TATA): DISCHARGE FROM A TRAINING CENTER; CONSENT OF LEGAL AUTHORIZED RESPONSIBLE PERSON REQUIRED**

This act amends section 37.2-837 of the Code of Virginia, and defines the requirements for a consumer to be discharged from a training center. A consumer may only be discharged from a training center upon consent of the consumer, or upon consent of his legally authorized representative if the consumer lacks capacity to consent, and following disclosure of information regarding the actual availability and accessibility of services sufficient to meet the needs of the consumer in the community.

**HOUSE BILL 1791 (DELEGATE TATA): DRIVER'S LICENSE REINSTATEMENT FEES; ADDITIONAL FEES FOR PERSONS WITH MULTIPLE SUSPENSIONS, ETC.**

This bill creates a new fee schedule for reinstatement fees for drivers' licenses for people with multiple, current license suspensions or revocations. The bill allows an additional \$5 fee for administrative costs associated with complying with each suspension or revocation. Fees collected under this section will be set aside as a special fund used to meet the expenses of the Department of Motor Vehicles.

**HOUSE BILL 1792 (DELEGATE TATA): STANDARDS OF QUALITY; FLEXIBILITY TO USE FUNDS FOR STAFFING RELATED TO MATH, READING, ETC.**

This bill amends section 22.1-253.13:2 of the Code of Virginia to permit schools to use subject related standards funding to employ mathematics teacher specialists, English language learner teachers, and reading specialists to provide the required intervention services. School divisions using funds in this manner shall employ only instructional personnel licensed by the Board of Education.

This bill is identical to Senate Bill 1270 (Senator Houck).

**HOUSE BILL 1794 (DELEGATE TATA): RETIREMENT SYSTEM; COLLECTION OF OVERPAYMENTS**

This bill amends section 51.1-124.9 of the Code of Virginia, authorizing the Virginia Retirement System Board to collect certain benefit overpayments from employers found to be responsible for such overpayments.

**HOUSE BILL 1795 (DELEGATE TATA) RETIREMENT SYSTEM; DIFFERENCE IN BENEFITS FOR EMPLOYEE WHO BECOMES MEMBER ON OR AFTER JULY 1, 2010**

This bill amends sections 2.2-3204, 51.1-142.2, 51.1-155.1, 51.1-155.2, 51.1-162, 51.1-512.1, 51.1-1112, 51.1-1123, and 51.1-1128 of the Code of Virginia, making changes to the eligibility requirements of employees for the retirement program provided by this section. Most of the changes relate to those who have become a member of the Virginia Retirement System on or after July 1, 2010.

**HOUSE BILL 1796 (DELEGATE TATA) RETIREMENT SYSTEM; TECHNICAL CHANGES**

This bill amends sections 51.1-142.2, 51.1-513.2, 51.1-513.3, 51.1-1116, 51.1-1117, 51.1-1128, 51.1-1134, 51.1-1401, and 51.1-1405 of the Code of Virginia, making changes to the plans and programs for the Virginia Retirement System by making requirement, coverage and other technical changes.

**HOUSE BILL 1797 (DELEGATE TATA): LONG TERM CARE INSURANCE; STATE EMPLOYEES IN SICKNESS AND DISABILITY PROGRAM ARE TO BENEFIT**

This bill amends code section 51.1-1135.2 of the Code of Virginia, changing the language so that implementation and administration of a long-term care insurance program is for state employees participating in the Virginia Sickness & Disability Program by changing the word “eligible” to the word “participating” and by making other changes in language.

**HOUSE BILL 1798 (DELEGATE BRINK): MOTOR VEHICLE RENTAL TAX; SHALL BE DETERMINED BY TAX COMMISSIONER, EXEMPTIONS**

Amends and reenacts sections 33.1-221.1:1.1, 46.2-711, 46.2-755, 58.1-604.1, 58.1-2401 through 58.1-2404, 58.1-2411, 12 58.1-2419, 58.1-2420, 58.1-2421, 58.1-2424, 58.1-2425, and 58.1-3510 of the Code of Virginia, by adding in Chapter 17 of Title 58.1 an article numbered 9, consisting of sections numbered 58.1-1734 through 58.1-174. Establishes a tax on the rental of a motor vehicle in Virginia, regardless of whether the vehicle is or should be licensed in the Commonwealth, and specifies categories and rates of taxation on vehicles. Exemptions and limitations on the tax are provided for vehicles rented by government agents and non-profit organizations. Repeals sections 58.1-2407 through 58.1-2410 and 58.1-2412 through 58.1-2417.

**HOUSE BILL 1809 (DELEGATE SOUROVELL): ATTORNEYS FOR STATE AND THEIR ASSISTANTS; DUTIES**

This bill amends section 15.2-1627 of the Code of Virginia. This bill gives the elected and assistant Commonwealth attorneys authority to suspend the defendant’s privilege to drive for a period of one year for the civil offense of refusal to submit to a DUI blood alcohol test. The bill also includes an emergency clause.



**HOUSE BILL 1812 (DELEGATE MILLER): WORKERS' COMPENSATION; OCCUPATIONAL DISEASE PRESUMPTION FOR CERTAIN POLICE OFFICERS**

This legislation amends section 65.2-402.1 of the Code of Virginia; providing for the addition of police officers of the Metropolitan Washington Airport Authority and the Norfolk Airport Authority to the list of public safety employees entitled to the presumption that certain infectious diseases are occupational diseases compensable under the Workers' Compensation Act. The presumption is limited to officers of the Metropolitan Washington Airport Authority only for such periods that the Authority voluntarily subjects itself to the provisions of the Workers' Compensation Act.

**HOUSE BILL 1818 (DELEGATE HOPE): NURSING HOMES; REQUIRED BY BOARD OF HEALTH TO SEND NOTICES AND INFORMATION ABOUT FAMILY COUNCIL**

This bill amends section 32.1-127 of the Code of Virginia to require that each nursing home and certified nursing facility shall, upon the request of the facility's family council, send notices and information about the family council mutually developed by the family council and the administration of the nursing home or certified nursing facility, and provided to the facility for such purpose, to the listed responsible party or a contact person of the resident's choice up to six times per year. The bill requires that such notices be included together with a monthly billing statement or other regular communication, and be posted in a designated location within the nursing home or certified nursing facility.

This bill is identical to Senate Bill 976 (Senator Whipple).

**HOUSE BILL 1819 (DELEGATE WARE): PROFESSIONAL AND OCCUPATIONAL REGULATION, DEPARTMENT OF; REGISTRATION OF ATHLETE AGENTS, PENALTY**

This bill amends the Code of Virginia by adding in Title 54.1, chapter 5.2, consisting of sections section 54.1-526 through section 54.1-537. This bill requires that athletic agents must register

within the Commonwealth as such before they can practice their profession with some exceptions as to when the agent can act as an agent without signing an agency contract. The bill sets forth what an agent must do in order to be properly registered and lays out specific conduct the agent cannot engage in as well as penalties and civil remedies for violations of the specified conduct. The bill states the Director of the Department of Professional and Occupational Regulation will oversee the registration process.

**HOUSE BILL 1820 (DELEGATE WARE): LAND PRESERVATION TAX CREDIT; LIMITS MAXIMUM AMOUNT THAT ANY TAXPAYER MAY RECEIVE**

This bill amends and reenacts section 58.1-512 of the Code of Virginia, relating to the land preservation tax credit, providing that the maximum allowable tax credits for a given calendar year is \$100 million, plus any additional credits which were previously issued, but later disallowed or invalidated. These additional credits will be reissued in a subsequent calendar year, in the order in which the applications are completed. An application will not be considered complete if the tax commissioner notifies the donor within 30 days of filing that a second appraisal is required. Once the fair market value is determined, the tax commissioner will make a final decision and notify the donor within 180 days.

**HOUSE BILL 1822 (DELEGATE PEACE): LOCAL DEFENSE PRODUCTION ZONE; CREATED AND CREATES A SEPARATE CLASSIFICATION OF MACHINERY AND TOOLS**

This bill amends the Code of Virginia by adding in Article 2 of Chapter 35 of Title 58.1 a section numbered 12 58.1-3508.4 and by adding in Chapter 38 of Title 58.1 an article numbered 12, consisting of a section numbered 58.1-3853. The bill creates a separate tax category and classification for tools and machinery used directly for the manufacture and production of goods for national defense, and allows these tools to be taxed at a lower rate. The bill permits localities to establish zones for defense production businesses, and to incentivize them with certain regulatory flexibility and reductions in fees and expenses.

**HOUSE BILL 1826 (DELEGATE ODER): VIRGINIA HOUSING DEVELOPMENT AUTHORITY; LOAN SERVICING AGREEMENTS**

This bill amends sections 36-55.25, 36-55.26, and 36-55.30 of the Code of Virginia by stating the Virginia Housing Authority may act as a loan servicer for a housing lender and may form and enter into contracts to act as the loan servicer for a housing lender with regard to properties within or outside of Virginia to persons and families of any income. The bill also redefines loan servicer, housing lender, and federally insured mortgage.

**HOUSE BILL 1828 (DELEGATE SCOTT): VIRGINIA POLLUTION ABATEMENT PERMIT; INSPECTION REQUIREMENTS**

This Act amends section 62.1-44.15 of the Code of Virginia to change the inspection requirements of facilities issued a Virginia Pollution Abatement permit. The bill removes the five-year inspection requirement for facilities and removes the annual inspection requirement for facilities that house animal feeding operations.

This bill is identical to Senate Bill 1298 (Senator Ruff).

**HOUSE BILL 1829 (DELEGATE SCOTT): VIRGINIA SOIL AND WATER CONSERVATION BOARD; INCREASES VOTING MEMBERSHIP**

This bill amends section 10.1-502 of the Code of Virginia to allow the Director of the Department of Conservation and Recreation, or the Director's appointed designee, to act as an ex-officio, nonvoting, member of the Virginia Soil and Water Conservation Board. The bill also increases the number of at-large Board members from three to six, and requires that at least three of the at-large Board members be knowledgeable of storm water management and representative of local business and government interests.

This bill is identical to Senate Bill 1412 (Senator Martin).

**HOUSE BILL 1830 (DELEGATE SCOTT): RESOURCE MANAGEMENT PLANS; EFFECT OF IMPLEMENTATION, EXCLUSIONS**

This bill amends Chapter 1 of Title 10.1 of the Code of Virginia to add an article which regulates landowners and operators who implement resource management plans, noting that such landowners and operators who comply with regulations may be eligible for grants and tax credits. The Act mandates that the Soil and Water Conservation Board, in consultation with other agencies, shall specify the criteria to be included in the resource management plans.

**HOUSE BILL 1831 (DELEGATE SCOTT): FERTILIZER; REGULATION OF APPLICATION AND LABELING**

This bill amends several sections of Title 10.1 of the Code of Virginia. The bill defines four new types of products to be regulated. The Act requires governmental entities or their contract-applicators who fertilize more than 100 acres a year to file an annual report with the Department of Conservation and Recreation. The bill prohibits, after December 31, 2013, the use, sale or distribution of fertilizer or deicing agents containing phosphorous, although some products are exempted. In addition, fertilizer sold after December 31, 2013 must contain a specific label instructing users how and where to apply the product. The legislation also requires golf courses to establish nutrient management plans.

House Bill is identical to Senate Bill 1055 (Senator Stuart).

**HOUSE BILL 1833 (DELEGATE SCOTT): ALCOHOLIC BEVERAGE CONTROL; ANNUAL FEE FOR BREWERY LICENSES**

This bill amends section 4.1-231 of the Code of Virginia by changing the annual fee for a state alcoholic beverage license for a retail off-premises brewery to \$120 dollars, including a delivery permit.

**HOUSE BILL 1835 (DELEGATE O'BANNON): SERVICE OF NOTICES FROM DMV; FEE FOR RENEWAL OF DRIVER'S LICENSE, EXCHANGE OF LICENSE PLATES**

This bill allows the Department of Motor Vehicles to send an electronic drivers license renewal notice to a licensee; the licensee must request such notice and supply the DMV with a valid email address. This bill also allows the DMV to levy fees on people who renew a driver's license in any Customer Service Center if the renewal could be accomplished by mail, telephone, or electronically. The DMV will waive this service charge if the licensee is also undertaking a transaction that can only be accomplished in person. The Commissioner of the DMV shall pay the service charge into the state treasury, to be set aside as a special fund used to meet the DMV's expenses. This bill also sets the fee for exchanging license plates as either the greater of the total of any statutory fees required for the requested license plates (calculated under Va. Code section 46.2-694) or \$10.

**HOUSE BILL 1836 (DELEGATE O'BANNON): INFANTS; BLOOD SAMPLE PROVIDED TO PARENTS**

This bill adds section 32.1-134.02 to the Code of Virginia, requiring that every hospital providing maternity care shall offer to obtain a sample of blood from an infant born at the hospital and provide that sample to the mother of the infant.

**HOUSE BILL 1837 (DELEGATE GARRETT): INCOME TAX, STATE; FARM WINERIES AND VINEYARDS TAX CREDIT**

Amends the Code by adding in Article 3 of Chapter 3 of Title 58.1 a section numbered 58.1-339.12, establishing a tax credit for farm wineries and vineyards equal to 25 percent of qualified capital expenditures, and not to exceed \$250,000 per calendar year, with additional credits issued on a pro rata basis. Should the credit exceed the establishment's tax liability, the credit may be carried over for the next 10 years, or until the credit is depleted.

**HOUSE BILL (DELEGATE GARRETT): 1838 MOTOR VEHICLE DEALERS; BONDING REQUIREMENTS, LIMITATIONS ON MOTOR VEHICLE TRANSACTION RECOVERY FUND**

This bill amends Va. Code sections 46.2-1527.1, 46.2-1527.2, and 46.2-1527.5, provisions related to the Motor Vehicle Transaction Recovery Fund. Under the bill, amending section 46.2-1527.1, the Board may now expend moneys from the whole of the Fund, up to the maximum amount authorized for consumer assistance by the general appropriations act, so long as this amount does not leave the Fund with a balance less than \$250,000. The bill also adds language to section 46.2-1527.5, the section concerning limitations on a monetary recovery from the fund; under the bill, the maximum claim of a judgment creditor against the Fund is now limited to \$20,000 inclusive of any amount the dealer has paid from his surety bond.

**HOUSE BILL 1839 (DELEGATE GARRETT): REHABILITATIVE SERVICES, DEPARTMENT OF; POWERS AND DUTIES**

This bill repeals Virginia Code section 51.5-12 and amends section 51.5-23 and 51.5-25.1 of the Code of Virginia. The bill eliminates the Statewide Independent Living Fund and removes obsolete language.

House Bill 1839 is identical to Senate Bill 1148 (Senator Quayle).

**HOUSE BILL 1840 (DELEGATE GARRETT): INCOME TAX, INDIVIDUAL; INCREASES LONG-TERM CARE INSURANCE TAX CREDIT**

This bill amends and reenacts section 58.1-339.11. Long-term care insurance tax credit, allowing tax credits on long-term insurance premiums from 15 percent to 30 percent beginning January 1, 2012.

**HOUSE BILL 1841 (DELEGATE HOWELL) OBSTETRICAL AND PEDIATRIC PILOT PROGRAMS; ANNUAL REPORT.**

This bill amends section 32.1-11.5 of the Code of Virginia to remove the requirement that the Department of Health annually report to the Joint Commission on Health Care regarding the impact and effectiveness of pilot programs to improve access to obstetrical care and pediatric care in areas of the Commonwealth where these services are severely limited.

**HOUSE BILL 1843 (DELEGATE COLE): PRESIDENTIAL PRIMARY; MOVES DATE TO FIRST TUESDAY IN MARCH**

This bill amends section 24.2-215, 24.2-544, and 24.2-245 of the Code of Virginia, moving the date of presidential primaries beginning with 2012 back from the second Tuesday in February to the first Tuesday in March, including primaries for general elections to be held in May. The bill also allows the state political parties to select a different method to allocate the candidates and alternates than by those who receive the most votes in the primary.

House Bill 1843 is identical to Senate Bill 1246 (Senator Vogel).

**HOUSE BILL 1844 (DELEGATE ATHEY): ZONING DETERMINATION; PROVIDING NOTICE TO LANDOWNERS WHEN THEIR REAL PROPERTY IS SUBJECT THEREOF**

This bill amends sections 15.2-2204, 15.2-2301 and 15.2-2311 of the Code of Virginia by creating new notice requirements, including a time window in which notice must be delivered and who may give notice for the notice to be valid. Notice is valid if mailed. The notice can be given by any one of a list of individuals working for the zoning board, or by the requester. These requirements do not apply where the requester is one of the locality's agencies.

This bill also requires written notice be given to an owner before the governing body renders an appeal decision. The owner cannot challenge the adequacy or existence of the notice where the owner received actual or written notice, or appeared before the board of zoning appeals' hearing about the owner's property.

**HOUSE BILL 1845 (DELEGATE ATHEY): APPEAL BOND;  
REQUIREMENT IF DEFENDANT'S LIABILITY INSURANCE  
DOES NOT CONFIRM COVERAGE**

This bill amends section 16.1-107 of the Code of Virginia. This bill removes the requirement of an appeal bond for defendants with indemnity coverage through a policy of liability that is sufficient to satisfy the judgment if the defendant's insurer provides a written irrevocable confirmation of coverage. If the insurer does not provide the written irrevocable confirmation, then the appeal bond will be required.

**HOUSE BILL 1847 (DELEGATE STOLLE): HEALTH  
WORKFORCE ACTIVITIES; REPEALS REQUIREMENT FOR  
COMMISSIONER OF HEALTH TO SUBMIT ANNUAL REPORT**

This bill amends section 32.1-122.20 of the Code of Virginia to remove the requirement that the Commissioner of Health submit annual reports on the activities, accomplishments, and future plans of the Department in recruiting and retaining providers for underserved populations, underserved areas and HPSAs throughout the Commonwealth.

**HOUSE BILL 1848 (DELEGATE STOLLE): TUITION, IN-  
STATE; ELIGIBILITY FOR SPOUSE OF AN ACTIVE DUTY  
MILITARY SERVICE MEMBER**

This bill amends section 23-7.4 of the Code of Virginia to clarify that continuous residence for at least one year prior to a request for in-state tuition will not be a factor in determining domiciliary intent in the event of the establishment and maintenance of a place of residence in another jurisdiction for the purpose of maintaining a joint household with an active duty United States military spouse. This bill also clarifies that domicile, once established, shall not be affected by the establishment and maintenance of a place of residence in another jurisdiction to maintain a joint household with an active duty United States military spouse.

House Bill 1848 is identical to Senate Bill 1279 (Senator McWaters).



**HOUSE BILL 1851 (DELEGATE STOLLE): REAL PROPERTY TAX; CLASSIFICATION OF CERTAIN HISTORICAL BUILDINGS**

Amends the Code of Virginia by adding section 58.1-3221.5, to allow buildings on the Virginia Landmarks Register, but not the property or real estate upon which they are built, to be taxed at a rate different from, but not to exceed, the tax on the general category of property, as long as the building is maintained in a manner consistent with its description in the Virginia Landmarks Register.

**HOUSE BILL 1852 (DELEGATE STOLLE): STATE MILITARY LAWS; SEVERAL TECHNICAL CHANGES AND AMENDMENTS**

This bill amends several sections of the code related to state military laws: Va. Code sections 2.2-2666.1, 9.1-400, 9.1-801, 23-7.4:1, 44-1-2, 44-6, 44-16, 44-19, 44-21, 44-27, 44-32.1, 44-36, 44-40.1, 44-42, 44-44-46.1, 44-47-48, 44-54.4, 44-54.6, 44-54.8-54.12, 44-75.2, 44-80-83, 44-88, 44-93.2-4, 44-96-100, 44-102, 44-102.1, 44-104, 44-110, 44-115, 44-120, 46.2-743, 65.2-101, and 65.2-103 of the Code of Virginia and to repeal sections 44-43, 44-52, and 44-116. The bill largely amends language, changing any references to the "Virginia State Defense Fund" and "Virginia National Guard" to the "Virginia Defense Fund" and corrects redundancies and superfluous language. The bill also clarifies the fines and penalties available in a special court-martial for members of the National Guard. Finally, and perhaps most importantly for its potential fiscal impact, the bill provides that members of the Virginia Defense Fund called to active state duty should receive the same pay, rations, and allowance as their counterparts in the United States Armed Forces.

**HOUSE BILL 1855 (DELEGATE DANCE): HARVELL DAM; DGIF SHALL SUBMIT A REPORT EVALUATING ALTERNATIVES PROPOSED BREACH THEREOF**

This bill adds a chapter to the Code of Virginia, requiring the Department of Game and Inland Fisheries to submit a report to the

House and Senate Agriculture Committees before undertaking any breach of the Harvell Dam.

**HOUSE BILL 1856 (DELEGATE ANDERSON): CONCEALED HANDGUN PERMITS; HOLDER MAY OBTAIN REPLACEMENT FOR LOST OR DESTROYED PERMITS.**

This bill adds a permit replacement provision to Va. Code section 18.2-308. Under this bill, if a concealed handgun permit holder submits a notarized statement that the permit was lost or destroyed to the clerk of the circuit court that issued that original, valid permit, the clerk can issue a replacement permit. A court may charge a fee for this service, not to exceed \$5, and has to issue the permit within 10 business days of receiving the notarized statement. The replacement permit has the same expiration date as the lost or destroyed permit.

**HOUSE BILL 1857 (DELEGATE ANDERSON): FIREARMS; DOCUMENTATION OF RESIDENCE FOR CERTAIN MILITARY MEMBERS.**

This bill amends Va. Code section 18.2-308.2:2, which states that a firearms dealer must verify photo identification when transferring a firearm to a Virginia resident. The bill specifies that “a Virginia duty post that can issue the only required from of photo identification” includes the Pentagon.

**HOUSE BILL 1858 (DELEGATE ANDERSON): ELECTIONS; CLARIFICATIONS RELATED TO ABSENTEE VOTING AND IDENTIFICATION REQUIRED**

This bill amends sections 24.2-442, 24.2-443.3, 24.2-612, 24.2-643, 24.2-701, 24.2-702.1, 24.2-703, and 24.2-706 of the Code of Virginia, allowing absentee voter registration to remain valid until the next November general or federal election, whichever is later. This bill also provides that subsequent Federal Post Card Applications submitted for the same election will supersede any previously submitted. Absentee ballots must also be made available either 45 days before the election or within three days of receipt of a properly filed absentee voter application, whichever is later.

This bill is identical to Senate Bill 886 (Senator Martin).

**HOUSE BILL 1859 (DELEGATE ANDERSON): PUBLIC  
PROCUREMENT ACT; STATE AGENCIES TO INCLUDE IN  
CONTRACT THAT CONTRACTOR USE E-VERIFY PROGRAM**

This bill amends section 2.2-4317 of the Code of Virginia. This bill requires employers with more than an average of 50 employees for the previous 12 months who enter into a contract for more than \$50,000 with any agency of the Commonwealth to register and participate in a federal E-Verify program. Employers who fail to comply with the requirement will be barred from contracting for up to one year. Debarment will cease once the employer registers and participates in the E-Verify program.

House Bill 1859 is identical to Senate Bill 1049 (Senator Barker).

**HOUSE BILL 1860 (DELEGATE ANDERSON): FREEDOM OF  
INFORMATION ACT; PROCEEDINGS FOR ENFORCEMENT**

This bill adds a provision to section 2.2-3713 of the Code of Virginia by requiring that when a petition for mandamus or injunction is sought against a party for denial of rights and privileges, a copy of the petition for mandamus or injunction must be received by the party against whom the writ is brought within three working days prior to filing, in order to be heard within seven days of when the writ or injunction is made.

House Bill 1860 is identical to Senate Bill 763 (Senator Puller).

**HOUSE BILL 1861 (DELEGATE ANDERSON): TUITION, IN  
STATE; AUTHORIZES CERTAIN VETERANS TO BE ELIGIBLE**

This bill amends section 23-7.4 of the Code of Virginia to define Veteran as “an individual who has served in the active military, naval or air service and who was discharged or released therefrom under conditions other than dishonorable.” It provides that active du-

ty military personnel residing in the Commonwealth, retired military personnel residing in the Commonwealth at the time of their retirement, or veterans, can voluntarily elect to establish Virginia as their permanent residence for domiciliary purposes. Pursuant to this exception, the requirement of one year shall be waived if all other conditions for establishing domicile are satisfied.

House Bill 1861 is identical to Senate Bill 824 (Senator Edwards).

**HOUSE BILL 1862 (DELEGATE COSGROVE): SPOUSE OF MEMBER OF ARMED FORCES; PROVIDES EXTENSION OF EXPIRATION OF CERTAIN LICENSES, ETC.**

This bill amends section 54.1-117 of the Code of Virginia by expanding the law regarding the expiration of documents issued to people serving in diplomatic positions and the armed services to include spouses of a member of the armed service if the spouse joins the military member during periods of service outside the United States.

House Bill 1862 is identical to Senate Bill 1361 (Senator Stosch).

**HOUSE BILL 1868 (DELEGATE TOSCANO): ADULT ADOPTED PERSON; ACCESS TO IDENTIFYING INFORMATION**

This bill amends Virginia Code section 32.1-261, and allows adult adopted individuals to gain access to information regarding birth parents, and to receive a copy of their original birth certificate. Additionally, foreign-born citizens whose birth date is adjusted, upon order of the circuit court, may receive a new birth certificate.

**HOUSE BILL 1872 (DELEGATE TOSCANO): PUBLIC INFRASTRUCTURE MAINTENANCE BONDS; CITY OF CHARLOTTESVILLE MAY REQUIRE FROM DEVELOPERS, ETC.**

This bill adds section 15.2-2209.2, and it allows the City of Charlottesville to require public infrastructure maintenance bonds

from developers and owners involved in certain residential building projects. The bill caps the value of the bonds to the lowest amount required to complete the project without damaging what previously existed, or at a \$5,000 maximum. Any ordinance passed in Charlottesville must provide for timely inspections.

House Bill 1872 is identical to Senate Bill 1231 (Senator Deeds).

**HOUSE BILL 1874 (DELEGATE PURKEY): STATE'S TAX CODE; ADVANCES CONFORMITY WITH FEDERAL LAW**

This bill amends and reenacts section 58.1-301 by adjusting and advancing conformity measures from January 22, 2010 to December 31, 2010, with certain exceptions, and exists as an emergency measure, in force from its passage.

**HOUSE BILL 1877 (DELEGATE FILLER-CORN): IMMUNITY OF OFFICERS, ETC., OF NONPROFIT ORGANIZATIONS; TERMINATION, ETC., OF CORPORATION**

This bill amends sections 8.01-220.1:1, 13.1-870.1, and 13.1-870.2 of the Code of Virginia providing immunity from civil liability for directors, partners, members, managers, trustees and officers of nonprofit organizations for acts taken in their official capacities. Under the revised statute, the immunity survives any termination, cancellation, or other discontinuance of the organization.

House Bill 1877 is identical to Senate Bill 841 (Senator Petersen).

**HOUSE BILL 1885 (DELEGATE BELL): UNFUNDED PROGRAMS; DELETES REFERENCES TO THOSE THAT DO NOT EXIST AND UPDATES LANGUAGE**

This bill amends sections 22.1-79.1, 22.1-92, 22.1-93, 22.1-199.1, 22.1-212.2, 22.1-212.2:2, and 22.1-217.01 of the Code of Virginia to remove references to technological education programs that

no longer exist and to add language regarding the Virtual Virginia Program where it is relevant, and to update the language regarding notice to parents of school division estimates of the amount of money deemed to be needed during the next fiscal year.

**HOUSE BILL 1886 (DELEGATE P. MILLER): CRABBING AREA; CLARIFIES BOUNDARIES WHERE TAKING OR CATCHING OF CRABS IS PROHIBITED**

This legislation amends section 28.2-709 of the Code of Virginia to clarify the boundaries within which it is lawful to catch crabs for resale. The bill specifically changes the boundary from Harrison's Fishing Pier to Ocean View Fishing Pier.

**HOUSE BILL 1889 (DELEGATE WILT): TRACKING DOGS; ALLOWS USE THEREOF TO FIND WOUNDED OR DEAD BEAR OR DEER, ETC.**

This legislation adds section 29.1-516.1 to the Code of Virginia, allowing tracking dogs to be used to find dead bears or deer during the hunting season or 24 hours immediately after the hunting season has ended, as long as the hunter has permission to enter the land being searched and is not carrying any weapons.

**HOUSE BILL 1898 (DELEGATE HUGO) ABDUCTION OF MINORS; FOR SEXUAL PURPOSES, PENALTY**

This bill amends sections 18.2-48, 18.2-67.7, & 18.2-356 of the Code of Virginia, adding "abduction ... of any minor for the purpose of manufacturing child pornography" to the law as a Class 2 Felony and adding "causing any person to engage in forced labor or services, concubinage, prostitution, or the manufacture of any obscene material or child pornography" to the law as a Class 4 Felony

**HOUSE BILL 1899 (DELEGATE HUGO): REAL PROPERTY TAX ASSESSMENT; PARTIAL EXEMPTION FOR CERTAIN IMPROVEMENTS**

Amends and reenacts section 58.1-3219.4 and section 58.1-3220 by requiring the local governing body to provide written notice

to the property owner of the amount of the property assessment to be exempted from real property taxes. The amount exempted shall run as a covenant with the property for the period of exemption, and may not be reduced unless the initial assessment notified the owner of the possibility of reduction in the future.

HOUSE BILL 1903 (DELEGATE HUGO): TEMPORARY  
TRANSPORT LICENSE PLATES; USE OF PRINT-ON-DEMAND  
PROGRAM FOR DELIVERY TO DEALERS, ETC.

This bill creates Va. Code section 46.2-1550.3, which allows the Department of Motor Vehicles to build and implement a system for print-on-demand temporary license plates to dealers and to dealers for vehicle owners. If the Department does create such a system, all dealers licensed on or after the program's effective date will have to purchase and exclusively use print-on-demand temporary license plates. There shall not be a minimum number of sets of temporary plates that a dealer must purchase under this system.

HOUSE BILL 1904 (DELEGATE HUGO): LICENSE PLATES;  
ISSUANCE TO PERSONS DELIVERING UNLADEN VEHICLES

This bill makes it illegal to use a special license plate for the delivery of unladen vehicles outside the Commonwealth (whether the point of origin or destination is outside the Commonwealth). This bill also allows auto auction business to use these plates. Finally, these plates can now be used to drive a vehicle on a highway, up to five miles away from the business, to test the installation, service, or repairs on a vehicle.

HOUSE BILL 1905 (DELEGATE HUGO): CHILD DAY  
PROGRAMS; EXEMPTION FROM LICENSURE  
REQUIREMENTS

This bill amends and reenacts section 63.2-1715 of the Code of Virginia, and defines exception to licensure for child day programs that, with written policy, allow students to enter and leave premises without specific supervision.

HOUSE BILL 1907 (DELEGATE MILLER): REAL ESTATE BOARD; REQUIREMENTS FOR LICENSURE AND PRACTICE OF REAL ESTATE

This bill amends sections 54.1-2105.01, 54.1-2105.03, 54.1-2105.1, 54.1-2130, 54.1-2131, 54.1-2133, 54.1-2135, 54.1-2137, 54.1-2139, and 55-519 of the Code of Virginia and adds sections 54.1-2139.1, 54.1-2139.2, 54.1-2139.3, 54.1-2142.1, and 54.1-2146. The bill requires that in order to create the real estate licensure educational curriculum, an industry advisory board must be created to advise the Real Estate Board. The bill gives the Board the authority to annually update the continuing education requirements courses and number of hours each licensee must take in order to renew his or her license. The law also states every licensee who seeks to renew his license as an active broker or salesperson must complete at a minimum one continuing education course of at least three hours on the changes to the residential standard agency unless the licensee submits a notarized affidavit that he will not be practicing residential real estate during his license term. The bill adds to the definition of agency any real estate licensee who acts for or represents a client in an agency relationship shall either represent such client as a standard agent or a limited service agent, redefines brokerage agreement, adds a definition for independent contractor and property management agreement. The bill sets forth what must be included in a property management agreement, brokerage agreement, dual standard agency disclosure, designated standard agency disclosure, dual representation disclosure, use of designated agency disclosure, and requires the Real Estate Board to post certain disclosures on their website.

HOUSE BILL 1910 (DELEGATE MILLER): CAMBRIDGE ADVANCED EXAMS; COURSE CREDIT

This bill amends section 23-9.2:3.8 of the Code of Virginia to require the governing boards of each public institution of higher education to grant undergraduate course credit to freshman who have successfully taken one or more Cambridge Advanced (A/AS) examinations.

House Bill 1910 is identical to Senate Bill 1448 (Senator Barker).



HOUSE BILL 1911 (DELEGATE MILLER): SCHOOL BUSES;  
INSTALLATION OF VIDEO-MONITORING SYSTEMS  
THEREON BY SCHOOL DIVISIONS

This bill amends section 46.2-844 of the Code of Virginia. This bill allows a locality to give authorization to the school division to install video-monitoring systems in or on their school buses in order to record drivers who pass by stopped buses.

This bill is identical to Senate Bill 946 (Senator Howell).

HOUSE BILL 1917 (DELEGATE MERRICKS): HEALTH  
PROFESSIONALS; ASSISTED LIVING FACILITY  
ADMINISTRATOR REPORT THOSE WITH MENTAL HEALTH  
ISSUES

This bill amends section 54.1-2400.6 of the Code of Virginia to require administrators of every licensed assisted living facility in the Commonwealth to report to the Director of the Department of Health Professions, any incidences of employee substance abuse or psychiatric illness; unethical, fraudulent or unprofessional employee conduct; disciplinary proceedings or action, or the voluntary resignation from the staff of the health care institution or assisted living facility, within 30 days.

HOUSE BILL 1928 (DELEGATE MARSHALL): HEALTH  
INSURANCE; INDEPENDENT EXTERNAL REVIEWS

This legislation amends sections 32.1-137.6 et. seq. of the Code of Virginia and adds a chapter numbered 35.1 to Title 38.2 of the Code of Virginia. In addition, it repeals sections 38.2-5901, 38.2-5902, 38.2-5903, and 38.2-5905 of the Code of Virginia. It revises the process for independent external reviews of a health carrier's adverse determinations regarding covered health care benefits. Additionally, the measure requires health carriers to establish an internal appeals process, including a process for urgent care appeals.

**HOUSE BILL 1929 (DELEGATE MARSHALL): PUBLIC  
PROCUREMENT ACT; PRICE MATCHING BY STATE'S  
BUSINESSES**

This bill amends section 2.2-4324 of the Code of Virginia, allowing responsive and responsible bidders who are residents of Virginia to use similar preference in price-matching if the lowest responsive and responsible bidder is a resident of any other state that allows a price-matching preference in relation to the Public Procurement Act. The amendment also deems a resident of Virginia to be a Virginia person, firm or corporation organized pursuant to Virginia law or maintains a principal place of business within Virginia.

**HOUSE BILL 1931 (DELEGATE MARSHALL): ZONING;  
CLUSTER DEVELOPMENT SUBJECT TO LAND USE  
ORDINANCE OF LOCALITY**

This bill amends section 15.2-2286.1 of the Code of Virginia by further defining the relationship between a neighborhood's cluster development and local law. The bill states that the cluster development is subject to the laws of the locality, but it also limits what the locality may prohibit the cluster development from doing. The locality may not limit the appropriation of utilities from neighboring properties, and the locality may not place certain limits on the "open space" within a neighborhood, including requiring a census of conservation areas within the land, prohibiting the construction of access roads, storm water control, and pathways, and excluding the communities from density calculation.

House Bill 1931 is identical to Senate Bill 783 (Senator Watkins).

**HOUSE BILL 1939 (DELEGATE POLLARD):  
ADMINISTRATIVE PROCESS ACT; TIMING FOR FILING  
CERTAIN REGULATIONS**

This bill amends sections 2.2-4006 and 2.2-4007.01 of the Code of Virginia by listing that among the agency actions exempt from the requirements of this same law, are regulations that are necessary to conform to changes in Virginia statutes or the appropria-

tion act where no agency discretion is involved but such regulations must be filed with the Registrar within 90 days of the said law's effective date. The bill also states that when a Virginia statutory change causes a change to all or part of a regulation, or the adoption of a new regulation, an agency must file a Notice of Intended Regulatory Action with the Registrar within 120 days of the effective date of each law.

**HOUSE BILL 1940 (DELEGATE POLLARD): RESTAURANT REGULATIONS; EXEMPTION FOR CERTAIN NONPROFIT FUND-RAISERS.**

This bill amends section 35.1-26 of the Code of Virginia by excluding city, local, or county ordinance organizations that do not have to pay taxes under section 501(c)(3) of the Internal Revenue Code that hold occasional fund-raisers, solely for the duration of the event, at which food is prepared by the same organization and is offered for sale to the public, from restaurant regulations.

**HOUSE BILL 1941 (DELEGATE POLLARD): RETAIL SALES & USE TAX; CHANGES DISTRIBUTION FORMULA FOR COMMUNICATIONS SALES TAX IN LANCASTER CO.**

This bill amends section 58.1-662 of the Code of Virginia, relating to the disposition of communications sales and use tax revenue, such that Lancaster County receives an increased amount, based upon the amount it would have received in fiscal year 2006, had the county enacted the local utility taxes on telephone service.

**HOUSE BILL 1942 (DELEGATE POLLARD): RETAIL SALES & USE TAX; EXEMPTS CERTAIN AGRICULTURAL PRODUCE WHEN SOLD IN FARMERS MARKETS**

This bill amends and reenacts sections 58.1-609.2 and 58.1-1707 of the Code of Virginia, relating to sales tax and litter tax with regard to certain agricultural produce sales. Exempts from the sales tax and litter tax cultivators and sellers of agricultural produce and eggs who sell their goods in roadside stands and local farmers markets so long as his or her annual income from such is under \$1,000 and all containers provided have been previously used.

**HOUSE BILL 1943 (DELEGATE POLLARD): NO DISCHARGE ZONES; CRITERIA SHALL BE PREMISED ON IMPROVEMENT OF IMPAIRED TIDAL CREEKS**

This bill amends section 62.1-44.33 of the Code of Virginia to clarify that any discharges incidental to the normal operation of a vessel will not constitute a violation of this section. In addition, the bill makes the criteria for establishing no discharge zones dependent on the improvement of impaired tidal creeks.

**HOUSE BILL 1944 (DELEGATE POLLARD): PUBLIC OYSTER GROUND; INCREASES AMOUNT OF TIME MRC IS REQUIRED TO POST PUBLIC NOTICE BEFORE CLOSING**

This Act amends section 28.2-507 of the Code of Virginia to require 30 days notice before closing any public oyster grounds. However, this notice requirement is not applicable to any closings performed by the Department of Health or state replenishment programs.

**HOUSE BILL 1944 (DELEGATE POLLARD): PUBLIC OYSTER GROUND; INCREASES AMOUNT OF TIME MRC IS REQUIRED TO POST PUBLIC NOTICE BEFORE CLOSING**

This bill amends Va. Code section 28.2-507, regarding public oyster grounds. Under this bill, the Marine Resources Commission must give 30 days' notice to the public before closing public oyster grounds. This notice does not apply to grounds closed by the Virginia Department of Health or state replenishment operations.

**HOUSE BILL 1945 (DELEGATE COX): MOTOR CARRIERS; REGULATION BY DMV**

This bill amends sections 33.1-46.2, 46.2-341.12, 46.2-341.20, 46.2-668, 46.2-711, 46.2-755, 46.2-2000, 46.2-2000.1, 46.2-2001.3, 46.2-2005, 46.2-2011.4, 46.2-2011.8, 46.2-2011.27, 46.2-2075, 46.2-2096, 46.2-2099.4, 46.2-2099.5, 46.2-2100, 46.2-2108.2, 46.2-2108.4, 46.2-2108.5, 46.2-2108.6, 46.2-2109, 46.2-2115, 46.2-2116, 46.2-2118, 46.2-2119, 46.2-2120, 46.2-2122, 46.2-2123, 46.2-

2124, 46.2-2132, 46.2-2133, 46.2-2135, 46.2-2136, 46.2-2137, 46.2-2143, 46.2-2144, 46.2-2146, 46.2-2147, 46.2-2150, 46.2-2151, 46.2-2155, 46.2-2156, 58.1-2259, 58.1-2402, 58.1-2426, and 58.1-2701, adds sections numbered 46.2-208.2, 46.2-2099.44; and repeals sections 46.2-696, 46.2-2084, 46.2-2097, 46.2-2097.1, and 46.2-2099.6 of the Code of Virginia, relating to regulation of passenger carriers by the Department of Motor Vehicles.

House Bill 1945 is identical to Senate Bill 1281 (McWaters).

**HOUSE BILL 1947 (DELEGATE COX): RIGHT TO ENTER ON LAND; REMOVES REQUIREMENT FOR NOTICE OF INTENT BE SENT BY CERTIFIED MAIL**

This bill eliminates the requirement that the Commonwealth Transportation Commissioner must send a notice of intent to enter on land (to ascertain usefulness for transportation) by certified mail or courier, and instead requires that a Commissioner only send notice by regular mail. The Commissioner should send notice at least 15 days before the intended entrance date and notice is deemed given on the mailing date. The Commissioner can enter the land earlier if landowner requests or agrees to an earlier date.

**HOUSE BILL 1948 (DELEGATE VILLANUEVA): VIRGINIA FUSION INTELLIGENCE CENTER; CHANGES REQUIREMENT THAT DATA BE REVIEWED EVERY THREE YEARS.**

This bill amends Va. Code section 52-48 by requiring that the Department of State Police review all data in any database maintained by the Virginia Fusion Intelligence Center; previously, the Department had to conduct an annual review.

**HOUSE BILL 1950 (DELEGATE VILLANUEVA): LIVABLE HOME TAX CREDIT; INCREASES MAXIMUM AMOUNT, REAL ESTATE DEVELOPERS ELIGIBLE TO RECEIVE**

This bill amends and reenacts section 58.1-339.7, the Livable Home Tax Credit, advancing that credit to taxable years beginning on or after January 1, 2012. Applicable to portions of the purchase price of a new residence, cost of construction of a new residence, or the re-

novation or retrofitting of a residence, in an amount up to \$5,000 or 50% of the cost of renovation, not to exceed \$5,000. Annually, the Department of Housing and Community Development will set aside \$500,000 in credits for new construction, and \$500,000 in credits for renovation.

#### HOUSE BILL 1957 (DELEGATE RUST): TRANSPORTATION BOARD; POWERS AND DUTIES

This bill amends sections 33.1-12, 33.1-23, and 33.1-23.03 of the Code of Virginia to specify that local roads in counties outside the state secondary highway system are not part of the state system, but are local roads. It increases the limitation on contract values that the Commonwealth Transportation Commissioner and the Director of the Virginia Department of Rail and Public Transportation may let. Furthermore, the bill abolishes CTB's requirement to regulate outdoor theaters. It changes the timetable for the updating of the Statewide Transportation Plan every from five years to four. Finally, it eliminates the CTB's ability to designate its employees as special police officers.

House Bill 1957 is identical to Senate Bill 1135 (Senator Wagner).

#### HOUSE BILL 1958 (DELEGATE RUST): HEALTH INSURANCE; FEDERAL MARKET REFORMS

This legislation amends and reenacts sections 38.2-508.5, 38.2-3406.1, 38.2-3406.2, 38.2-3407.11, 38.2-3411.1, 38.2-3418.5, 38.2-3432.3, 38.2-3500, 38.2-3525, 38.2-4214, 38.2-4216.1, 38.2-4312.3, and 38.2-4319 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 34 of Title 38.2 an article numbered 6, consisting of sections numbered 38.2-3438 through 38.2-3446 of the Code of Virginia and amends Title 38.2 of the Code of Virginia by adding an article numbered 6 to Chapter 34, consisting of sections 38.2-3438 through 38.2-3446. The act conforms inconsistent and conflicting requirements of the health insurance laws of Virginia to corresponding provisions of the federal Patient Protection and Affordable Care Act that became effective on September 23, 2010. The provisions of the act shall expire July 1, 2014.

HOUSE BILL 1960 (DELEGATE RUST) TUITION ASSISTANCE GRANT PROGRAM; AMENDS CRITERIA TO BE ELIGIBLE TO RECEIVE TUITION ASSISTANCE

This bill amends section 23-38.12 of the Code of Virginia to clarify that for the purposes of this section, the "principal place of business" of a nonprofit institution of collegiate education means the single state in which the natural persons who establish policy for the direction, control, and coordination of the operations of the institution as a whole primarily exercise that function.

House Bill 1960 is identical to Senate Bill 1439 (Senator Herring).

HOUSE BILL 1962 (DELEGATE RUST): TOLL VIOLATIONS; SETS OUT PROCEDURES FOR ISSUANCE OF NOTICES

This bill amends Va. Code sections 46.2-819.1, 46.2-819.3, and 46.2-819.3:1, related to toll violations. This bill authorizes toll facility operators to impose administrative fees on unpaid tolls on the first unpaid toll, changed from the second toll in the current code. The bill also provides that a county attorney can represent the Commonwealth's interests in a civil trial for a toll infraction. Finally, under the bill, a toll facility operator can offer a driver an option to settle before trial and pay fines articulated in the statute. If the driver pays the fines, the court shall dismiss the motion.

HOUSE BILL 1963 (DELEGATE RUST): RESIDENT CURATOR PROGRAMS; LOCALITY MAY DEVELOP FOR MANAGING, ETC. HISTORIC AREAS OWNED OR LEASED

This bill amends sections 15.2-2201 and 15.2-2306 of the Code of Virginia by first defining a resident curator, and then describing how a locality may implement a resident curator program for their historic areas. A resident curator is an entity that is involved with the maintenance, etc. of these areas, particularly to support efforts of preservation. If localities decide to create these resident curator programs, they are entitled to enter into contracts to hire resident curators to perform services for the historic areas as befits the pur-

poses supported by the localities' citizens. The Department of Historic Resources may aid in these programs' development.

**HOUSE BILL 1968 (DELEGATE TOSCANO): PHYSICIAN ASSISTANTS; SIGNATURE TO BE INCLUDED WHEN LAW REQUIRES SIGNATURE, ETC., OF A PHYSICIAN**

This bill amends section 32.1-261 of the Code of Virginia. It provides that upon receipt of notice of a decision granting an adult adopted person access to identifying information regarding his birth parents from the Commissioner of Social Services or a circuit court, and proof of identification and payment, the State Registrar shall mail an adult adopted person a copy of the original, sealed certificate of birth. The bill also establishes that when a circuit court of the Commonwealth corrects or establishes a date of birth for a person born in a foreign country during the adoption proceedings or upon a petition to amend a certificate of foreign birth pursuant to subsection C of section 63.2-1220, the State Registrar shall issue a certificate showing the date of birth established by the court.

**HOUSE BILL 1971 (DELEGATE ROBINSON): ACQUISITION OF TITLE TO AN ABANDONED VESSEL; CHANGES NOTIFICATION PROCEDURES**

This bill amends section 29.1-733.1 of the Code of Virginia to change the notice requirement to claim an abandoned vessel from posting in a newspaper for three consecutive days to posting notice in three consecutive issues.

House Bill 1971 is identical to Senate Bill 991 (Senator Stuart).

**HB 1972 (DELEGATE ROBINSON): GOLF CARTS AND UTILITY VEHICLES; AUTHORIZES LIMITED OVER-THE-ROAD OPERATION BY DCR EMPLOYEES**

This bill allows employees of the Department of Conservation and Recreation to use golf carts and utility vehicles on public highways with maximum speed limits of 35 mph that are located within or adjacent to Department property.



**HOUSE BILL 1973 (DELEGATE ROBINSON): COURT CLERKS' OFFICE; MAY TRANSMIT COPIES OF ORDER FOR TRANSFER OF PRISONERS, ETC.**

This bill amends sections 8.01-353.1, 19.2-310, and 38.2-2419 of the Code of Virginia by shifting the responsibility of verifying the identities of potential jury members during jury selection from the clerk of the court to the person responsible for taking attendance. The bill also allows for the clerk of the court to transmit or make electronically available to the Director of the Department of Corrections copies of the order of trial and final orders for persons sentenced to the Department of Corrections. Finally, this bill provides that if a power of attorney has been recorded and revoked, a clerk may require that the revocation of a power of attorney be prepared as a separate instrument that the clerk shall record and index.

**HOUSE BILL 1974 (DELEGATE ROBINSON): PROFESSIONAL & OCCUPATIONAL REGULATION, DEPARTMENT OF; PREREQUISITES FOR OBTAINING BUSINESS LICENSE**

This bill amends the Code of Virginia by adding section 54.1-410.1 which lists the prerequisites for a professional engineer or architect to obtain a business license or renew a license. The professional engineer or architect must show sufficient proof that he or she is in fact licensed according to this law or otherwise written statement, including an affidavit that he or she is not subject to licensure as an architect or professional engineer according to this law. The bill also requires that no locality shall issue or renew a license for an architect or professional engineer without proof of their license number or proof that they are exempt from this chapter.

**HOUSE BILL 1975 (DELEGATE ROBINSON): ALCOHOLIC BEVERAGE CONTROL; NO BANQUET LICENSES REQUIRED FOR PRIVATE MEETINGS OR PARTIES**

This bill amends section 4.1-200 of the Code of Virginia by stating private meetings or private parties that are limited to members of a common interest community as stated in section 54.1-2345 and their guests are not required to have a banquet license. The alcoholic

drinks cannot be sold or charged a fee for, the meeting or party must be confined to the area where the group usually holds said parties or events, and the parties and events must not be open to the public.

**HOUSE BILL 1976 (DELEGATE GREASON): VIRGINIA COUNCIL ON INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN; MEMBERSHIP**

This bill amends section 22.1-361 of the Code of Virginia, adding a fifth non-legislative citizen member of the Virginia Council on the Interstate Compact on Educational Opportunity for Military Children. The Governor shall appoint the member, and shall only consider servicemen and women from military installations in Virginia.

**HOUSE BILL 1979 (DELEGATE GREASON): ABC; EXEMPTION FROM PAYMENT OF TAX ON WINE AND ALCOHOLIC BEVERAGES SHIPPED OUT OF STATE**

This bill amends section 4.1-234 of the Code of Virginia by increasing additional tax on each liter of wine sold in Virginia to 40 cents and additionally the Alcoholic Beverage Control Board shall impose a tax of 20 percent of the price charged for other alcoholic beverages sold by the Board. The bill also states that alcoholic beverages shipped from Virginia to persons outside of Virginia for their own individual use and not for resale shall be exempt from the taxes of this law.

House Bill 1979 is identical to Senate Bill 1083 (Senator Hanger).

**HOUSE BILL 1981 (DELEGATE GREASON): TRAFFIC LIGHTS; MOTORCYCLE DRIVERS, ETC., IN CERTAIN SITUATIONS, TO PROCEED THROUGH INTERSECTIONS**

This bill gives motorcycle and moped drivers the right to proceed through a red light at an intersection only if the driver waits, in a full stop, through two complete light cycles or two minutes, exercises due care (as provided by law), treats the traffic light as a stop sign,

makes sure that it is safe to proceed, and yields the right of way to any other driver approaching the intersection (from either direction.)

#### HOUSE BILL 1982 (DELEGATE KILGORE): GOVERNOR'S DEVELOPMENT OPPORTUNITY FUND; CRITERIA FOR GRANTS OR LOANS FROM FUND

This bill amends section 2.2-115 of the Code of Virginia by providing that no grant or loan shall be given from the Governor's Development Opportunity Fund unless the project involves a minimum private investment of \$5 million dollars and creates at least 50 new jobs for which the average wage, excluding fringe benefits is no less than the current average wage. Governor's Development Opportunity Fund may give a grant or loan if the project involves a minimum private investment of \$100 million dollars and creates at least 25 new jobs for which the average wage, excluding fringe benefits is no less than the current average wage. In localities with a depressed financial situation and high level of poverty as set forth within this section of the law, the Governor's Development Opportunity Fund may give a grant or loan at the Governor's discretion with lower private investment levels, lower minimums for new job creation, and lower average wage levels.

House Bill 1982 is identical to Senate Bill 1379 (Senator Stanley).

#### HOUSE BILL 1983 (DELEGATE KILGORE): NET ENERGY METERING PROGRAM

This legislation amends section 56-594 of the Code of Virginia, providing an increase in the maximum capacity of an electrical generation facility of a residential customer qualifying for participation in a net energy metering program from ten to twenty kilowatts. Additionally, it provides that any residential eligible customer generator whose electrical generating facility exceeds ten kilowatts shall pay to its supplier a monthly surcharge. The surcharge is required to allow the supplier to recover only the portions of the supplier's infrastructure costs that are properly associated with serving such customers and is subject to approval by the Commission.

**HOUSE BILL 1984 (DELEGATE KILGORE): CHILD WELFARE;  
PLACEMENT OF CHILDREN**

This bill amends Virginia Code section 63.2-900 and requires that the Department of Social Services consider alternative placements for children when kinship care is not in the best interest of the child.

House Bill 1984 is identical to Senate Bill 1178 (Senator Marsden).

**HOUSE BILL 1985 (DELEGATE KILGORE): UNDERINSURED  
MOTORIST INSURANCE COVERAGE**

This legislation amends section 38.2-2206 of the Code of Virginia, providing that a written offer by a liability insurer to pay the limits of its policy may be contingent upon waiver of subrogation. In the event of a jury verdict returned in an amount either equal to or less than the total liability coverage available for payment, the liability insurer's irrevocable offer and the underinsured insurer's liability for defense costs shall not apply. The same is true in the event of a dispositive ruling dismissing the plaintiff's complaint, including but not limited to the plaintiff taking a voluntary nonsuit.

**HOUSE BILL 1992 (DELEGATE JANIS): BANKS; CAPITAL  
STOCK**

This legislation amends section 6.2-817 of the Code of Virginia; providing an exemption for restricted stock award plans from the requirement that the capital stock of a bank be paid in money. In addition, the measure provides that in no event shall a stock option be granted at a price that is less than one hundred percent of the fair market value per share of the stock.

**HOUSE BILL 1995 (DELEGATE JANIS): CHILD  
PORNOGRAPHY; RESTITUTION FOR VICTIMS**

This bill amends section 19.2-305.1 of the Code of Virginia. This bill provides that the court shall order a defendant convicted of an offense relating to child pornography to pay mandatory restitution

to the victim of the offense in an amount determined by the court. Additionally, the Commonwealth shall make reasonable efforts to notify victims of these offenses.

House Bill 1995 is identical to Senate Bill 1426 (Senator Deeds).

**HOUSE BILL 2001 (LEMUNYON): QUIET PAVEMENT TECHNOLOGY; REQUIRES VDOT TO EXPEDITE DEVELOPMENT**

This bill requires the Virginia Department of Transportation to expedite the development of quiet paving technology (paving that mitigates sound). The Department must study the function and safety of this technology in Virginia over two winters. The Department must also issue an interim report to the Governor and General Assembly by June 30, 2012 and a final report by June 30, 2013. This report should include the results of the use of quiet pavement in other states, a plan for implementing the technology in Virginia, and any issues of cost, performance or safety found in the study.

**HOUSE BILL 2003 (DELEGATE LEMUNYON) REAL PROPERTY; DGS TO INVENTORY ALL PROPERTY OWNED AND UPDATE AT LEAST ANNUALLY**

This bill amends code sections 2.2-1136, 2.2-1153, and 2.2-1156 of the Code of Virginia, requiring that the Department develop the criteria for and conduct an inventory of all real property owned by state departments, agencies and institutions by January 1, 2012. It also requires that the Department update the inventory at least annually thereafter, and that such inventory is reviewed by the Department. It also requires that all state departments, agencies and institutions cooperate with the Department and provide any data and documents needed to develop and maintain the records and inventory required by this section. The amendment also requires the Department to provide a listing of surplus properties on their website.

**HOUSE BILL 2004 (DELEGATE LEMUNYON): BONDS; PUBLIC NOTICE ISSUED PRIOR TO PUBLIC HEARING SHALL STATE USE OF PROCEEDS**

This bill amends sections 15.2-2606 and 24.2-687 of the Code of Virginia by requiring localities to give notice of the related hearing when it is considering issuing bonds. The bill requires that the notice contain predicted maximum amount and use or uses, when a particular use might receive more than ten percent of the bond money. Additionally, the locality must provide that same information to the public when the bond is a question at issue in a referendum election.

**HOUSE BILL 2006 (DELEGATE LEMUNYON): SMALL BUSINESSES; CLARIFIES PROCESS REVIEW OF EXISTING REGULATIONS**

This bill amends sections 2.2-4001 and 2.2-4007.1 of the Code of Virginia by adding definitions for Registrar, Virginia Register of Regulations, and Virginia Regulatory Town Hall. The law also requires if an agency or small business, when performing its regular review of existing regulations, discovers such a review cannot be done by a certain date, to publish a statement to that effect in the Virginia Register of Regulations and post a statement to that effect at the Virginia Regulatory Town Hall, which can extend the review deadline by one year, not exceeding five years. Any agency or small business regulations adopted after July 1, 2005 must be reviewed at least every four years and if the agency does not think the review can be done at that time, the agency has one year to complete the review. Before the review of agency or small business regulations, the agency or small business must publish a note of review in the Virginia Register of Regulations and post a note of review on the Virginia Regulatory Town Hall, and allow for 21 days of public comment, followed by a report of the regulations review no less than 120 days after the review is completed in both Virginia Register of Regulations and Virginia Regulatory Town Hall.

House Bill 2006 is identical to Senate Bill 1070 (Senator Edwards).

**HOUSE BILL 2009 (DELEGATE LEMUNYON): OPEN ENROLLMENT POLICY; ANY PUPIL RESIDING IN SCHOOL DIVISION MAY ATTEND SCHOOL OF CHOICE**

This bill would have added a section numbered 22.1-7.1 to the Code of Virginia permitting any local school board to establish and implement policies to provide for the open enrollment to any school of any student residing within the school division upon the request of a parent or guardian. The bill did not pass.

**HOUSE BILL 2010 (DELEGATE CARRICO): SOUTHWEST VIRGINIA CULTURAL HERITAGE FOUNDATION; CREATED**

This bill amends section 2.2-2101 of the Code of Virginia and adds sections 2.2-2734 through 2.2-2737. The bill establishes the Southwest Virginia Cultural Heritage Foundation and in doing so replaces the Southwest Virginia Cultural Heritage Commission. The bill sets forth requirements for how the Foundation is to be run and who shall be a member of the Foundation as well as sets forth the powers and duties of the Foundation, chiefly to encourage the economic development of Southwest Virginia by expanding cultural and natural heritage ventures and initiatives in order to increase tourism. The bill also states the Foundation shall receive further staff support from the Department of Housing and Community Development. The bill contains technical amendments such as replacing the word commission with foundation.

**HOUSE BILL 2011 (DELEGATE CARRICO): MOTOR VEHICLE DEALER BOARD; MOTOR VEHICLE DEALERS TO HAVE INTERNET CONNECTIONS, ETC.**

This bill requires all motor vehicle dealers (including motor vehicles, trailer and motorcycles) have an internet connection and an email address on and after July 1, 2013. The bill also provides that license fees for such business will include a ten-dollar fee for each reprint of a license, certificate, and registration and a fifty-dollar fee for each reinstatement of a suspended license, certificate, or registration.

**HOUSE BILL 2012 (DELEGATE CARRICO): LAW-ENFORCEMENT EMPLOYMENT; DISCLOSURE OF JUVENILE RECORDS**

This bill amends sections 16.1-308 and 19.2-389.1 of the Code of Virginia. This bill permits the State Police, the local police department and the local sheriff's office to deny employment to people adjudicated delinquent where the denial is based on the nature and gravity of the offense, the time since adjudication, the time since completion of any sentence, and the nature of the job sought.

**HOUSE BILL 2013 (DELEGATE POGGE): COMMUNITY SERVICES BOARDS; COMMISSIONER TO ESTABLISH WORKGROUP TO DEVELOP A DRUG FORMULARY FOR USE**

This bill amends and reenacts Virginia Code section 37.2-304, and requires that the commissioner of the Department of Behavioral Health and Developmental Services shall develop a committee by July 11, 2011 with the purpose of creating a drug formula for use at all community service boards, state facilities and providers licensed by the department.

**HOUSE BILL 2017 (DELEGATE ALEXANDER): DEATH CERTIFICATES; ORGAN PROCUREMENT ORGANIZATIONS TO DETERMINE SUITABILITY OF ORGANS FOR DONATION.**

This bill amends 32.1-271 of the Code of Virginia to require the State Registrar or the city or county registrar to disclose data about or issue a certified copy of a death certificate to a nonprofit organ, eye or tissue procurement organization that is a member of the Virginia Transplant Council for the purpose of determining the suitability of organs, eyes and tissues for donation, as prescribed by the Board in regulations. Such regulations shall ensure that the information disclosed includes the cause of death and any other medical information necessary to determine the suitability of the organs, eyes and tissues for donation.

**HOUSE BILL 2018 (DELEGATE ALEXANDER): CEMETERY BOARD; ESTABLISH REQUIREMENTS FOR RESALE OF INTERMENT RIGHTS IN CEMETERY, EXEMPTIONS**

This act amends and reenacts sections 54.1-2310 and 54.1-2312 of the Code of Virginia by adding a section numbered 54.1-



2312.1. This bill regulates the resale of internment rights in Virginia Cemeteries.

HOUSE BILL 2019 (DELEGATE MAY): TOWN AND COUNTY TREASURERS; RECIPROCAL AGREEMENTS

This bill amends and reenacts section 58.1-3910 of the Code of Virginia, relating to treasurers and reciprocal agreements. Allows the treasurer of a town located entirely or partially within a county, and the treasurer of that county, to enter into a reciprocal agreement whereby the town treasurer may collect taxes due to the county and the county treasurer may collect taxes due to the town, with the monies to be exchanged as locally provided by law.

HOUSE BILL 2020 (DELEGATE MAY): FREEDOM OF INFORMATION ACT; DEFINITION OF PRIVATE RECORDS

This bill amends section 2.2-3701 of the Code of Virginia by changing the definition of a public record under the Freedom of Information Act to exclude records that are not prepared for or used in the transaction of public business.

HOUSE BILL 2022 (DELEGATE MAY): OVERWEIGHT VEHICLES; COMMISSIONER OF DMV TO DEVELOP COMPREHENSIVE, TIERED SCHEDULE FOR FEES, ETC.

This bill allows the Commissioner of the Department of Motor Vehicles to develop a uniform system of permits and fees for overweight and oversize vehicles. In developing the permit system and fee schedule, the Commissioner should consider the cost impact from such vehicles, how feasible the fee structure would be to administer, and how the fee structure would impact on the Commonwealth's economic competitiveness. The Commissioner must present the proposed fee structure to the Joint Commission on Transportation Accountability by December 15, 2011.

**HOUSE BILL 2024 (DELEGATE MAY): ELECTRICAL TRANSMISSION LINES; IMPACT MINIMIZATIONS PLANS**

This legislation amends section 56.46.1 of the Code of Virginia; providing that applications to the State Corporation Commission for approval of an electrical transmission line of one hundred thirty-eight kilovolts or more include a summary of the applicant's efforts to reasonably minimize adverse impact on the scenic assets, historic districts, and environment of the area concerned.

**HOUSE BILL 2025 (DELEGATE MAY): NOISE ABATEMENT PRACTICES; USE OF NOISE REDUCING DESIGN AND PAVEMENT MATERIALS FOR HIGHWAY PROJECTS.**

This bill amends Va. Code section 33.1-223.2:21; it demands that noise reducing design and pavement materials should be considered first, before noise walls and sound barriers. The bill also states that landscaping, such as planting trees, can act as a visual screen when a visual screen is required on highway projects.

**HOUSE BILL 2026 (DELEGATE MAY): COMMERCIAL VEHICLES; PERSON REQUIRED TO REGISTER WITH SEX OFFENDER & CRIMES AGAINST MINORS REGISTRY.**

This bill amends Va. Code sections 46.2-339, 46.2-341.9, and 46.2-341.10. First, it states that no one who is required to register with the Sex Offender and Crimes Against Minors Registry (Va. Code 9.1-900 et seq.) can drive a school bus on a state highway or hold a commercial driver's instruction permit to drive school buses. Similarly, no one who is required to register with the Offender Registry can hold a state commercial driver's license to drive a Type S vehicle (heavy straight vehicle). Finally, the bill allows the Commissioner of Department of Motor Vehicles to cancel a Type S school bus endorsement for any person holding a commercial driver's license or instruction permit and convicted of an offense that results in his registry with the Offender Registry.

**HOUSE BILL 2027 (DELEGATE MAY): UNDERGROUND TRANSMISSION LINES; EXTENDS SCHEDULED EXPIRATION DATE OF THE PILOT PROGRAM**

This legislation amends sections 3 and 6 of the first enactment of Chapter 799 of the Acts of Assembly of 2008; extending the expiration date of the pilot program for the underground placement of certain electric transmission lines from July 1, 2012 to July 1, 2014. Correspondingly, the bill postpones the due date for the final report of the State Corporation Commission on the pilot program until December 1, 2014.

**HOUSE BILL 2028 (DELEGATE MAY): MOTOR VEHICLE REGISTRATION; FEDERAL AND STATE SAFETY REQUIREMENTS.**

This bill expands the power of the Department of Motor Vehicles to reject an application for registration or certificate of title for a motor vehicle, trailer, or semitrailer. Under this bill, the Department can reject an application for a commercial motor vehicle when: (i) the vehicle is operated by a carrier that has been prohibited to operate by a federal agency; (ii) the vehicle is assigned for safety to a motor carrier that has been prohibited from operating by a federal agency; (iii) the vehicle is assigned for safety to a motor carrier whose business is operated, managed, or otherwise controlled or affiliated with a person who is ineligible for registration (including the owner or a relative, corporate officer, or shareholder); (iv) the applicant has applied on behalf of another party who has been issued a federal out of service order; (v) the applicant's business is operated or otherwise affiliated with a person who is ineligible for registration (including an entity, relative, corporate officer, or shareholder.) The Department can also suspend or revoke the registration card, license plates, or decals issued to a commercial motor vehicle if a federal agency has prohibited the vehicle's carrier from operating.

**HOUSE BILL 2034 (DELEGATE PEACE): ATTORNEY GENERAL; INVESTIGATION OF COMPLAINTS**

This bill amends sections 2.2-3705.5, 32.1-310, and 32.1-320 of the Code of Virginia. It adds to the list of records that a custodian may disclose in his discretion. It requires the Attorney General or his authorized representatives to review complaints alleging abuse or neglect of persons in the care or custody of others who receive pay-

ments for providing health care services under the state plan for medical assistance. It provides the Attorney General the authority to conduct audits and investigations of providers of medical and other services furnished under medical assistance. Such investigations shall include investigation of complaints alleging abuse or neglect of persons in the care or custody of others who receive payments for providing health care services under the state plan for medical assistance, regardless of whether the patient who is the subject of the complaint is a recipient of medical assistance.

House Bill 2034 is identical to Senate Bill 1214 (Senator Smith).

**HOUSE BILL 2035 (DELEGATE PEACE): MEDICAID FRAUD; RESTITUTION**

This bill amends section 32.1-314 of the Code of Virginia. This bill provides that the court order restitution to be made to the Department of Medical Assistance Services for any loss caused by Medicaid fraud.

House Bill 2035 is identical to Senate Bill 1215 (Senator R. Smith).

**HOUSE BILL 2036 (DELEGATE PEACE): COMMITMENT ON PAROLE SUPERVISION; COURT SERVICES UNIT TO CONSULT WITH LOCAL SOCIAL SERVICES**

This bill amends section 16.1-293 of the Code of Virginia. This bill increases the amount of time before a person's release from commitment on parole supervision from four weeks to 90 days. During those 90 days, the court services unit will consult with the local department of social services concerning the persons return to the community. The court and the local department will also collaborate and develop a plan that prepares the person for a successful transition. This plan will identify the necessary services needed for the transition and describe how the services will be provided.

House Bill 2036 is identical to Senate Bill 1170 (Senator Marsden).

HOUSE BILL 2037 (DELEGATE PEACE): SOCIAL WORK;  
UNLAWFUL FOR PERSON NOT LICENSED BY BOARD OF  
SOCIAL WORK TO USE TITLE SOCIAL WORKER

This bill amends the Code of Virginia by adding section 54.1-3709, which makes it unlawful for a non-licensed social worker to use the term social worker without clarifying their qualifications to do so.

HOUSE BILL 2038 (DELEGATE CHRISTOPHER K. PEACE):  
CIGARETTE TAX; TAX COMMISSIONER SHALL CONVENE A  
WORKING GROUP TO REVIEW CURRENT POLICIES,  
REPORT.

An Act of the Assembly requiring the Department of Taxation to form a working group consisting of representatives selected by the Virginia Wholesalers and Distributors Association; the Virginia Retail Merchants Association; the Retail Alliance; the Virginia Petroleum, Convenience and Grocery Association; the Northern Virginia Cigarette Tax Board; the Virginia Municipal League; and those counties that levy a local cigarette tax, to evaluate the pros and cons of a statewide cigarette stamp tax, and other issues involved in taxing cigarettes. The group is to prepare and submit a report to the chairmen of the House Committee on Finance and the Senate Committee on Finance by December 1, 2011.

HOUSE BILL 2040 (DELEGATE ANDERSON): INMATE  
LABOR; AUTHORIZES USE THEREOF AT REST AREAS  
ALONG INTERSTATE HIGHWAY SYSTEM

Virginia law already allows inmates of the Department of Corrections to work in the construction and maintenance of state highways. This bill amends Va. Code section 53.1-56 to include interstate highways, so that inmates can work on maintenance of interstate highways, with the joint approval of the Department of Corrections and the Virginia Department of Transportation.

**HOUSE BILL 2041 (DELEGATE ANDERSON): FREEDOM OF INFORMATION ACT; RECORD AND MEETING EXEMPTION FOR CERTAIN COMMISSIONS**

This bill amends sections 2.2-3705.2 and 2.2-3711 of the Code of Virginia by excluding from disclosure records of any commission created through an executive order, for the purpose of examining and making recommendations relating to the preventing closure or realignment of federal military and national security installations and facilities located within Virginia and relocation of military and national security facilities to Virginia.

House Bill 2041 is identical to Senate Bill 1296 (Senator Ruff).

**HOUSE BILL 2042 (DELEGATE ANDERSON): VETERANS SERVICES FOUNDATION; ANNUAL REPORT TO SECRETARY OF PUBLIC SAFETY BY NOVEMBER 30.**

This bill amends sections 2.2-2715 and 2.2-2716, related to the Veteran Services Foundation. The bill clarifies that the Foundation is an independent body politic and corporate agency. It also requires the Foundation to submit an annual report to the Secretary of Public Safety on or before November 30 of each year. Finally, the bill provides operational guidelines for members of the Foundation: Ex officio members are not eligible to serve as chair; the trustees shall meet four times a year (either as they deem appropriate or on call of the chair); and that a majority of the voting members of the board of trustees shall constitute a quorum.

**HOUSE BILL 2043 (DELEGATE ANDERSON): RECKLESS DRIVING; FAILING TO STOP AT A SCHOOL BUS.**

This bill makes it a reckless driving offense to fail to stop for a school bus, bus transporting elderly adults, or disabled persons that is loading or unloading passengers.

**HOUSE BILL 2050 (DELEGATE CARRICO, SR.): SECONDHAND METAL ARTICLES; SALES PROCEDURES**

This legislation amends section 59.1-126 of the Code of Virginia; providing that any person buying any such secondhand metal articles as are mentioned in section 59.1-125 shall make any payment for such articles purchased of \$1000 or more in the form of a check.

HOUSE BILL 2051 (DELEGATE CARRICO, SR.): SIZE AND WEIGHT COMPLIANCE AGENTS; CITATIONS FOR OVERWEIGHT VEHICLES

This bill gives the Commissioner of the Department of Motor Vehicles the power to name staff as "size and weight compliance agents" to enforce certain vehicle size limits (articulated in the statute). The bill describes the role of these agents and procedures for enforcing the size limits and issuing citations. This bill amends Va. Code sections 46.2-217, 46.2-388, 46.2-703, 46.2-1133, 46.2-1134, 46.2-1136, 46.2-1137, and 46.2-1139.

HOUSE BILL 2055 (DELEGATE POINDEXTER): STATUTORY RULES OF EVIDENCE IN CIVIL ACTIONS; DEFINES TERMS OFFICIAL PUBLICATION AND PUBLISH

This bill amends section 8.01-385 of the Code of Virginia. The bill defines the terms "official publication", "publish" and "required to be published pursuant to the laws thereof" as they are used in Title 8.01 (Civil Remedies and Procedure) Chapter 14 (Evidence).

HOUSE BILL 2057 (DELEGATE POINDEXTER): VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES; REGULATION OF FERTILIZER, PENALTIES

This legislation amends and reenacts sections 3.2-3600, 3.2-3601, 3.2-3602.1, 3.2-3605 through 3.2-3613, 3.2-3615, 3.2-3619, 3.2-3620, and 3.2-3621 of the Code of Virginia, and amends the Code of Virginia by adding in Chapter 36 of Title 3.2 sections 3.2-3624 and 3.2-3625; and repeals section 3.2-3623 the Code of Virginia to add and clarify definitions relating to fertilizer procedures and products. The bill also allows the Commissioner to adopt as a regulation the Official Fertilizer Standards adopted by the AAPFCO, and those methods used by the AAPFCO. This bill adds a requirement to adopt regulations concerning the certification of employees and rep-

representatives of state agencies that apply regulated fertilizer products. The bill also lays out the fee for failure to comply with the regulations.

House Bill 2057 is identical to Senate Bill 990 (Senator Stuart).

**HOUSE BILL 2058 (DELEGATE POINDEXTER): WATER QUALITY REPORTS; CONSOLIDATES SEVERAL REPORTS ON PROGRESS IN CLEANING STATE'S IMPAIRED WATERS**

This bill amends sections 10.1-2128.1 and 62.1-44.118 of the Code of Virginia to require reports on water quality be made to the House and Senate Agriculture Committees on May 1 and November 1 of each year.

**HOUSE BILL 2059 (DELEGATE BELL): TELECOMMUNICATIONS DEVICES; PROHIBITING USE OF OBSCENE LANGUAGE INCLUDING ELECTRONIC MESSAGES**

This bill amends section 18.2-427 of the Code of Virginia, defining "over any telephone" to include, for purposes of this section, any electronically transmitted communication producing a visual or electronic message that is received or transmitted by cellular telephone or other wireless telecommunications device.

**HOUSE BILL 2060 (DELEGATE BELL): BAIL; MAGISTRATE SHALL SET IN ACCORDANCE WITH ORDER OF COURT THAT ISSUED CAPIAS**

This bill amends section 19.2-130.1 of the Code of Virginia. The bill requires the magistrate who sets the terms of bail for a person arrested, do so in accordance with the order of the court that issued the capias, unless circumstances exist that require them to set more restrictive terms.

**HOUSE BILL 2063 (DELEGATE BELL): PROTECTIVE ORDERS; EXPANDS CLASS OF PERSONS ELIGIBLE TO OBTAIN**



This bill amends and reenacts sections 16.1-69.55, 16.1-228, 16.1-253.1, 16.1-253.4, 16.1-279.1, 17.1-213, 17.1-272, 18.2-60.4, 19.2-81.3, 19.2-120, 19.2-152.8, 19.2-152.9, and 19.2-152.10 of the Code of Virginia and amends the Code of Virginia by adding in Chapter 9.1 of Title 19.2 a section numbered 19.2-152.7:1. This bill renames “protective orders for stalking” as “protective orders” and expands and details the class of people eligible to obtain a protective order. These protective orders are available based on conduct, regardless of the relationship of the involved parties. The bill redefines “family abuse” to make it more consistent with the new definition of “protective order.” Finally, the bill details the penalties for violating a protective order.

House Bill 2063 is identical to Senate Bill 1222 (Senator Barker).

**HOUSE BILL 2065 (DELEGATE BELL): DNA SAMPLES;  
TAKEN OF THOSE CONVICTED OF SEXUAL BATTERY  
WHEN VICTIM IS A MINOR**

This bill amends section 19.2-310.2 of the Code of Virginia. The bill adds people who have been convicted of sexual battery, sexual abuse of a child under 15 years of age, attempted rape, forcible sodomy, object sexual penetration, aggravated sexual battery, sexual battery, peeping or spying into a dwelling or enclosure, or penetrating the mouth of a child with lascivious intent to the list of people the Department of Forensic Science may include the identifying characteristics of the individual’s DNA profile in the DNA bank as ordered by a circuit court pursuant to a lawful plea agreement.

**HOUSE BILL 2066 (DELEGATE BELL): SEX OFFENSES  
PROHIBITING ENTRY ONTO SCHOOL OR OTHER  
PROPERTY; PENALTY.**

This bill amends section 18.2-370.5 of the Code of Virginia to prohibit registered sex offenders from entering school buses or any property, public or private, during hours when such property is solely being used by a public or private elementary or secondary school for a school-related or school-sponsored activity, subject to the excep-

tions already in existence for the other places previously forbidden to such offenders. It also makes a violation of this section punishable as a Class 6 felony.

**HOUSE BILL 2072 (DELEGATE INGRAM): CHARTER; CITY OF HOPEWELL.**

This bill amends sections 1 and 2 of Chapter III, section 4 of Chapter IV, and section 1 of Chapter VII of Chapter 431 of the Acts of Assembly of 1950. For Wards 4 and 5, the bill changes the election date for council members from July to the first Tuesday of November 2012, while Wards 1, 2, 3, and 7 now will vote for their respective council members on the First Tuesday of November 2014. Ward 6 now votes for one councilmember on the same schedule as Wards 4 and 5. The length of a council member's term remains at four years, but the bill now requires the newly elected council members to take over their seats on the first of January following the election. Appropriately, the bill changes the date where the council meets after the new members take their seats and choose their leadership. The bill eliminates the provision regarding the regional free library system. The bill also outlines the role, duties, and powers of the city attorney in more detail.

House Bill 2072 is identical to Senate Bill 1159 (Senator Quayle).

**HOUSE BILL 2073 (DELEGATE INGRAM): REDISTRICTING LOCAL DISTRICTS; LOCAL GOVERNMENT MAY EXCLUDE FROM ITS CALCULATIONS**

This bill amends section 24.2-304.1 of the Code of Virginia, permits localities to exclude the inmates of federal, regional and state correctional facilities from the decennial census for the purpose of redistricting.

House Bill 2073 is identical to Senate Bill 1340 (Senator Puller).

**HOUSE BILL 2075 (DELEGATE INGRAM): LOCAL GOVERNMENTS; PRIVATE CAPITAL LENDING**

This bill adds Chapter 18.1, containing sections 15.2-1815, 15.2-1816, and 15.2-1817 to the Code of Virginia. This bill first defines several terms regarding “private capital lending,” and then it describes the powers of the locality to enter into a financing agreement that conveys title or liens on a property with a “conduit entity,” which is a term defined in the Chapter. Additionally, the bill describes specific powers of both the conduit and locality. Finally, the bill states that the property or liens that are the subject of the agreements are subject to real estate taxes.

House Bill 2075 is identical to Senate Bill 1352 (Senator Norment, Jr.).

#### HOUSE BILL 2076 (DELEGATE LANDES): INSPECTOR GENERAL, OFFICE OF; ESTABLISHED

This bill amends sections 2.2-211, 2.2-3010, 2.2-3014, 2.2-3705.3, 2.2-3705.6, 2.2-3706, 2.2-3802, 2.2-4344, 30-138, 32.1-127.1:03, 32.1-283, and 58.1-202.2 of the Code of Virginia as well as adds in Title 2.2, a chapter 3.2, containing articles 1 through 6, with sections numbered 2.2-307 through 2.2-322. The bill established the Office of the State Inspector General and lays out the Inspector General’s duties, powers. The Inspector General shall investigate state and non-state agencies for whether or not fraud, waste, criminal activity, or corruption is being committed by employees/state officers. The Office of the Inspector General shall take on the responsibilities previously held by the Department of Behavioral Health and Developmental Services, Department of Corrections, Department of Juvenile Justice, and Department of Transportation. The bill also provides for certain records within the Office of the Inspector General to be exempt from the Freedom of Information Act (section 2.2-3705.3).

House Bill 2076 is identical to Senate Bill 1477 (Senator Stosch).

#### HOUSE BILL 2077 (DELEGATE LANDES): MANDATORY TESTING; EXCLUSION OF CERTAIN STUDENTS

This bill amends sections 22.1-19.1, 22.1-253.13:3, and 22.1-292.1 of the Code of Virginia to authorize the Office of the Attorney

General, on behalf of the Board of Education, to bring a cause of action for injunctive relief, civil penalty, or both, against any person who knowingly and willfully excludes students from testing who are required to be assessed. The bill also authorizes the Board of Education to suspend or revoke the administrative or teaching license it has issued to any such person. The bill exempts student enrolled in a public school from those who may be subject to civil action.

**HOUSE BILL 2078 (DELEGATE LANDES): AGRICULTURAL AND FORESTAL DISTRICTS ACT; CREATES PROGRAM ADMINISTRATOR, REVIEW OF APPLICATIONS**

This bill amends sections 15.2-4302 through 15.2-4305, 15.2-4307, 15.2-4310, and 15.2-4314 and repeals section 15.2-4308 of the Code of Virginia. In the context of agricultural and forestal districts, the bill defines “program administrator.” The bill changes the requirements for submitting applications by allowing the locality to choose which maps or photos of the land it requires for submission, rather than prescribing a specific map. To comply with the new provision, the bill also eliminates the sample application form. The bill prescribes the conditions under which a locality’s governing body may substitute the planning commission for the agricultural and forestal districts advisory committee. The “core” is the main area of land the locality is trying to name an agricultural or forestal district, and the bill describes how land not within a mile of the “core” may be added to the district.

Additionally, the bill describes the process by which the program administrator and advisory board will review the application and gives the local planning commission the duty to notify the applicant. The bill also details the contents and procedures for notice. The local planning commission must also hold a public hearing on the land at issue in the application. The bill applies the same roles for the program administrator and local planning commission to applications for withdrawal of land from an agricultural or forestal district.

House Bill 2078 is identical to Senate Bill 1092 (Senator Hanger, Jr.)

**HOUSE BILL 2080 (DELEGATE LANDES): ELECTIONS;  
ACQUISITION OF VOTING EQUIPMENT BY LOCALITIES**

This bill amends section 24.2-626 of the Code of Virginia, granting local election boards the authority to acquire direct recording electronic machines from any source until June 30, 2012 when the amendment expires. The bill also gives the State Elections Board the authority to approve or reject the acquisition of direct recording electronic machines based on what is necessary to meet the accessible voting requirements.

**HOUSE BILL 2085 (DELEGATE C. HERRING):  
GUARDIANSHIP; CHILD CUSTODY**

This bill amends section 31-8 of the Code of Virginia. The bill removes the option of parents who are separated but not divorced from bringing custody proceedings in circuit courts. They may only do so if the circuit court has concurrent jurisdiction in the matter, such as a divorce action.

**HOUSE BILL 2089 (DELEGATE HERRING): EMERGENCY  
PROTECTIVE ORDERS; LAW-ENFORCEMENT OFFICER MAY  
SERVE NOTICE**

This bill amends section 16.1-264 of the Code of Virginia. The bill allows a law-enforcement officer to issue an emergency protective order by personally serving the person with notification of the order. The Executive Secretary of the Supreme Court of Virginia must approve the form and the officer making the service must enter the date and time of service and other appropriate information required.

**HOUSE BILL 2090 (DELEGATE HERRING): EMERGENCY  
CUSTODY ORDERS; INCREASES HOURS IN WHICH ORDERS  
MUST BE EXECUTED AFTER ITS ISSUANCE**

This bill amends sections 16.1-340 and 37.2-808 of the Code of Virginia. The bill increases the time in which an emergency custody order must be executed after its issuance from four hours to six hours.

**HOUSE BILL 2093 (DELEGATE JONES): CONFLICT OF INTERESTS ACT, STATE & LOCAL GOVERNMENT; PROHIBITED CONDUCT BY CONSTITUTIONAL OFFICERS**

This bill amends the Code of Virginia by adding section 2.2-3104.02 which details further prohibitions on conduct of constitutional officers. The bill prohibits constitutional officers from acting in a representative capacity, for compensation, for any person or group on a matter before an agency of which the officer was an officer for one year after the end of his public service. This does not apply to commonwealth attorneys. Any former officer subject to this law may apply to the commonwealth attorney of the appropriate jurisdiction for an advisory opinion as to how this law's restriction may affect any post-service position.

**HOUSE BILL 2095 (DELEGATE JONES) RETIREMENT SYSTEM; LOSS OF BENEFITS FOR CERTAIN FELONY CONVICTIONS**

This bill amends sections 51.1-153, 51.1-205, 51.1-216, and 51.1-305 of the Code of Virginia and adds a section numbered 51.1-124.13. The law prevents convicted felons from being entitled to any of the benefits of the Virginia Retirement System if convicted of a felony that the employer determines arose from misconduct occurring on or after July 1, 2011.

**HOUSE BILL 2096 (DELEGATE JONES) RETIREMENT SYSTEM; BENEFITS FOR CONSTITUTIONAL OFFICERS**

This bill amends code section 51.1-155.1 of the Code of Virginia, deeming that any member of the retirement system who serves as a constitutional officer, is involuntarily separated from service because his office is lawfully abolished, has 20 or more years of service at the date of separation, and is age 60 if becoming a member on or after July 1, 2010 or is age 50 for any other member, may retire with the retirement benefits of this section.

**HOUSE BILL 2099 (DELEGATE SCOTT): REAL ESTATE SETTLEMENTS; DISCLOSURES MAY BE PROVIDED ELECTRONICALLY AND OVERNIGHT DELIVERY**

This bill amends sections 55-520, 55-525.12, and 55-525.13 of the Code of Virginia by stating that disclosure, as required when making a real estate purchase or sale, may be accomplished hand delivery, U.S. Postal mail provided the sender keeps proof of such mailing, by electronic means provided the sender keeps proof of such electronic delivery, or overnight delivery by U.S. Postal service or another commercial service. The bill also states pursuant to federal Real Estate Settlement Procedures Act (12 U.S.C. section 2601 et seq.), that anyone making a referral to an affiliated settlement service provider must disclose this fact. The bill further states if the person's ownership interest is larger than one percent, the disclosure must state the percentage of ownership. If the person making the referral owns more than half of the affiliated business, the disclosure must include language that states the settlement service provider is a subsidiary of the person making the referral.

**HOUSE BILL 2100 (DELEGATE BULOVA): CHILD CARE FACILITY; SOME LOCALITIES REQUIRE CERTIFICATION FROM NATIONAL CRIMINAL BACKGROUND CHECK**

This bill amends section 15.2-914 of the Code of Virginia by allowing localities that meet certain criteria to enact laws that require child care providers to a national criminal background check in addition to the previously required Central Criminal Records Exchange and Social Services certifications.

**HOUSE BILL 2103 (DELEGATE BULOVA): ABOVEGROUND STORAGE TANKS; WATER CONTROL BOARD TO DEVELOP PERFORMANCE STANDARDS FOR STANDARD TANKS**

This bill amends section 62.1-44.34:15.1 of the Code of Virginia to require the Water Control Board to establish performance standards for aboveground storage tanks in the City of Fairfax to bring those tanks into conformance with regulations adopted according to subsection 5. The tanks must meet these standards by July 1, 2021.

House Bill 2103 is identical to Senate Bill 843 (Senator Petersen).

**HOUSE BILL 2105 (DELEGATE BULOVA): PUBLIC UTILITIES;  
ELECTRIC VEHICLE CHARGING SERVICE**

This legislation amends sections 56-1 and 56-1.2 of the Code of Virginia by adding sections numbered 56-1.2:1 and 56-232-2:1. It provides that the terms “public utility,” “public service corporation,” or “public service company,” shall not refer to any person who is not a public service corporation and provides electric vehicle charging service at retail. The Commission shall not regulate or prescribe the rates, charges, or fees for the provision of retail electric vehicle charging service provided by persons other than public service corporations.

**HOUSE BILL 2106 (DELEGATE ARMSTRONG): GLOBAL  
POSITIONING SYSTEM (GPS); TRACKING FOR PERSON ON  
BOND OR AS A CONDITION OF PROBATION**

This bill amends sections 19.2-123 and 19.2-303 of the Code of Virginia. The bill allows for any judicial officer to impose that a person who is required to execute a secured bond be subject to monitoring by a Global Positioning System (“GPS”) tracking device. A GPS may also be used as a condition for probation or suspended sentence.

House Bill 2106 is identical to Senate Bill 925 (McDougle).

**HOUSE BILL 2123 (DELEGATE POINDEXTER): COAL  
SURFACE MINING OPERATIONS; AUTHORITY TO ISSUE  
POLLUTANT DISCHARGE ELIMINATION PERMITS**

This bill amends section 45.1-254 of the Code of Virginia to clarify that the authority to issue, amend, revoke and enforce National Pollutant Discharge Elimination System permits lies solely in the Director of the Water Control Board. This bill also requires the Director to consider whether a discharge may cause an instream excursion



above the criteria of a water quality standard, and to factor an established Total Maximum Daily Load into the discharge determination.

House Bill 2123 is identical to Senate Bill 1025 (Senator Puckett).

**HOUSE BILL 2125 (DELEGATE POINDEXTER): ELECTRIC UTILITIES; BIENNIAL RATE CASES**

This legislation amends section 56-585.1 of the Code of Virginia, providing that the Commission's final order regarding biennial rate review proceedings shall be entered not more than eight months after the date of filing.

House Bill 2125 is identical to Senate Bill 1472 (Senator Stanley, Jr.).

**HOUSE BILL 2126 (DELEGATE POLLARD): WETLAND MITIGATION BANKS; REMOVES REFERENCES TO AN OUTDATED MAP USED TO IDENTIFY**

This legislation amends sections 28.2-1308, 33.1-223.2:1, and 62.1-44.15:23 of the Code of Virginia to define "river watershed" and clarify which banks may be used to purchase wetland mitigation credits.

**HOUSE BILL 2128 (DELEGATE SCOTT): LICENSE PLATES, SPECIAL; INCREASES NUMBER OF PREPAID APPLICATIONS DMV MUST RECEIVE TO ISSUE.**

This bill increases the required number of prepaid applications for a special license plate from 350 to 450; once the General Assembly authorizes a new special license plate, and the Commissioner receives at least 450 prepaid applications, the Department of Motor Vehicles can issue the new plate. This increase does not apply to special license plates authorized or issued before July 1, 2011.

**HOUSE BILL 2133 (DELEGATE BARLOW): LAND TRUSTS; TRUSTEE NAMED IN DEED IS UNABLE TO SERVE, BENEFICIARIES SHALL NAME A SUCCESSOR TRUSTEE**

This bill amends section 55-17.1 of the Code of Virginia. The bill outlines the provisions for when the beneficiaries of a trust, by a majority decision, shall name a successor trustee. If however the identities of the beneficiaries of the trust cannot be identified from the recorded deed of conveyance or a majority of the beneficiaries are unable to agree upon the successor trustee, the circuit court of the county or city where the deed was recorded, upon motion of an interested party in the administration of the trust, shall appoint a successor trustee whenever the court considers the appointment necessary for the administration of the trust.

**HOUSE BILL 2140 (DELEGATE JOHNSON): UVA; TO MAKE FULL USE OF ADDITIONAL FINANCIAL AUTHORITY GRANTED IN MANAGEMENT AGREEMENT**

This bill adds a section numbered 2.3.1 to Article 2 of the third enactment of Chapters 933 and 943 of the Acts of Assembly of 2006, as amended by Chapters 675 and 685 of the Acts of Assembly of 2009, authorizing the University of Virginia to make full use of the additional financial and operational authority granted to it by this Management Agreement in providing assistance to the Southwest Virginia Higher Education Center.

House Bill 2140 is identical to Senate Bill 1110 (Senator Wampler).

**HOUSE BILL 2141 (DELEGATE JOHNSON): TAX RETURNS; FILING BY OVERNIGHT DELIVERY SERVICE**

This bill amends and reenacts section 58.1-9 of the Code of Virginia, relating to filing tax returns or payments by mail or otherwise, to include overnight delivery by a recognized commercial delivery service as an equivalent to filing via U.S. mail.

**HOUSE BILL 2143 (DELEGATE JOHNSON): NOTICE OF SEIZURE; WHEN PROPERTY IS SEIZED FOR FORFEITURE, NOTICE IS PROVIDED TO TREASURER**

This bill amends section 19.2-386.3 of the Code of Virginia. The bill requires that when property is civilly seized for forfeiture, notice of the seizure must be provided to the treasurer of the locality where the seized property is located.

**HOUSE BILL 2145 (DELEGATE CLINE): TAX DOCUMENTS;  
SPECIFIES THOSE ADMISSIBLE IN COURT**

This bill amends sections 2.2-4031, 58.1-204, and 58.1-205 of the Code of Virginia to require tax bulletins, guidelines, and other published tax documents be accorded judicial notice. This bill also clarifies that documents published on the Department of Taxation's website are deemed to be published.

**HOUSE BILL 2148 (DELEGATE CLINE): TRADEMARK  
INFRINGEMENT; COURT IN CRIMINAL PROCEEDING TO  
ORDER THAT MATERIAL BE DESTROYED, ETC.**

This bill amends sections 59.1-92.2, 59.1-92.12 and 59.1-92.13 of the Code of Virginia. The bill provides that in criminal proceedings involving trademark infringement, the court is required to order the destruction or delivery for destruction of material infringing on the trademark. Previously this occurred in civil proceedings brought by the registrant of the trademark. The bill also provides that the person infringing on a trademark is liable to the owner of the registered mark and not its registrant.

**HOUSE BILL 2150 (DELEGATE CLINE): COURT FEES; FIXED  
MISDEMEANOR AND FIXED FELONY FEES**

This bill amends section 17.1-275.1 et al. of the Code of Virginia. The bill reflects the 2010 amendments to increase fees collected by courts for felony and misdemeanor convictions.

**HOUSE BILL 2157 (DELEGATE IAQUINTO): FOREIGN  
ADOPTIONS; ELIMINATES REQUIREMENT FOR RE-  
ADOPTION IN STATE**

This bill amends and reenacts sections 17.1-275.1 through 17.1-275.4, 17.1-275.7, 17.1-275.8, and 17.1-275.9 of the Code of

Virginia. The bill requires Virginia to recognize children who are adopted pursuant to the laws of a foreign country and enter the United States with an IR-3 or IH-3 visa issued by the United States Citizenship and Immigration Service as if the order of adoption were entered by the court of the Commonwealth. The parents are not required to readopt the child in Virginia. Additionally, the bill provides the procedure for how adoptive parents and their adopted children from foreign countries may obtain a birth certificate for the child.

**HOUSE BILL 2158 (DELEGATE IAQUINTO): BONDS; IN CRIMINAL CASES SHALL BE PAYABLE TO JURISDICTION OF RECOGNIZANCE**

This bill amends section 19.2-136 of the Code of Virginia. The bill provides that bonds in recognizances in criminal or juvenile cases shall be payable to the county, city or town where the recognizance was taken. The Treasurer or Director of Finance of the county, city or town may collect the judgment or default rendered.

**HOUSE BILL 2159 (DELEGATE IAQUINTO): ELECTRIC UTILITY SERVICE TERMINATIONS; CUSTOMERS WITH A SERIOUS MEDICAL CONDITION**

This Act requires that the State Corporation Commission limit electric utility service shutoffs for individuals with a serious medical condition. It provides that the SCC shall conduct a proceeding for establishing such limitations as well as adopting regulations to implement such limitations. The regulations shall be effective no later than October 31, 2011.

House Bill 2159 is identical to Senate Bill 1165 (Senator Reynolds).

**HOUSE BILL 2160 (DELEGATE IAQUINTO): IMPLIED WARRANTIES; ALLOWS VENDEE TO GIVE NOTICE OF BREACH TO VENDOR BY HAND DELIVERY**

This bill amends section 55-70.1 of the Code of Virginia. The bill allows for vendee with a cause of action for breach of warranty to provide written hand delivered notice to the vendor.

**HOUSE BILL 2161 (DELEGATE IAQUINTO): EMINENT DOMAIN; CONDEMNOR IS REQUIRED TO PROVIDE AN APPRAISAL TO OWNER OF CONDEMNED PROPERTY**

This bill amends and reenacts sections 25.1-100, 25.1-108, 25.1-204, 25.1-400, 25.1-410, 25.1-411, 25.1-414, and 25.1-417 of the Code of Virginia by defining the meanings of “Appraisal” and “State Agency.” This bill also provides that when required to provide an appraisal, a condemnor must provide all copies of appraisals that the condemnor obtained before negotiations for the property. Additionally, the bill makes changes to the procedure for offering to sell condemned property back to the former owner.

House Bill 2161 is identical to Senate Bill 1436 (Senator R. Smith).

**HOUSE BILL 2163 (DELEGATE ABBITT): ABANDONED MOTOR VEHICLE; DEFINITION**

This bill amends Va. Code section 46.2-1200, which defines abandoned motor vehicles. The bill strikes the provisions that a vehicle is abandoned when it has been stationed, unclaimed, in a garage for more than 10 days, or more than 10 days beyond the time the vehicle was to stay garaged under a contract, and if the vehicle has been parked, unclaimed, in a self-service storage unit.

**HOUSE BILL 2164 (DELEGATE ABBITT): RAILROAD TRACKS; FUNDING FOR CONSTRUCTION OF INDUSTRIAL ACCESS**

This bill amends a provision of Va. Code section 33.1-221.1:1 that governs the fund for construction of industrial access railroad tracks. Under this bill, the Commonwealth Transportation Board shall limit the funds allocated for such construction to make sure that no county, city or town receives more than 50 percent of the funds in any one fiscal year, unless there are insufficient applications to use the available funds. Previously, the limit on funds was twenty-five percent of the funds.

**HOUSE BILL 2168 (DELEGATE ABBITT): UNIFORM STATEWIDE BUILDING CODE; HARMONIZES STATUTE OF LIMITATIONS FOR CRIMINAL PROSECUTIONS**

This bill amends sections 19.2-8 and 36-106 of the Code of Virginia by changing the start of the one year statute of limitation from when the owner discovers the violation to when the building official discovers the violation, provided the building official discovers the offense within two years of the building's occupancy or use after construction of the building or the issuance of a certificate of occupancy, whichever is last. If the building violation relates to the maintenance of an existing structure, the statute of limitations is one year from the discovery of the violation by the building official.

House Bill 2168 is identical to Senate Bill 941 (Senator Miller).

**HOUSE BILL 2170 (DELEGATE PHILLIPS): VIRGINIA BIRTH-RELATED NEUROLOGICAL INJURY COMPENSATION PROGRAM; PARTIES' EXPENSES**

This legislation amends section 38.2-5009 of the Code of Virginia; providing upon certain determination the Commission shall make an award providing compensation for reasonable expenses incurred by the claimant including reasonable attorneys' fees of the claimant's attorney but excluding attorneys' fees incurred in opposing a claimant's admission to the Birth-Related Neurological Injury Compensation Program. Any award for expenses shall be subject to the approval of the Commission. Additionally, the Commission shall not award compensation for any attorneys' fees or other expenses incurred by any physician, hospital, or nurse midwife, or their medical malpractice carrier, that is party to a proceeding involving a birth-related neurological injury claim.

**HOUSE BILL 2171 (DELEGATE PHILLIPS): COEBURN, TOWN OF; REAL AND PERSONAL PROPERTY TAXES INTEREST AND PENALTIES**

This bill establishes a scheme for the Town of Coeburn in which the Town may waive the payment of interest and penalties on

taxes that should have been paid before January 1, 2009, provided the taxes are paid on or before December 31, 2011. If a resident of Coeburn pays the interests or penalties on taxes that should have been paid before January 1, 2009, the Town may refund the money if these residents pay the taxes before the end of 2011.

HOUSE BILL 2172 (DELEGATE PHILLIPS): VIRGINIA INDEX OF PERFORMANCE PROGRAM; BOARD OF EDUCATION TO ENCOURAGE ACHIEVEMENT IN SCIENCE, ETC.

This bill amends section 22.1-253.13:9 of the Code of Virginia requiring the Board of Education to take into account in its guidelines a school division's increase in enrollments and elective course offerings in science, technology, engineering, and mathematics.

House Bill 2172 is identical to Senate Bill 953 (Senator Houck).

HOUSE BILL 2173 (DELEGATE PHILLIPS): DRINKING WATER CONSUMER CONFIDENCE REPORTS; PUBLICATION

This bill amends section 32.1-170 of the Code of Virginia to add a provision for waterworks serving fewer than 10,000 people. The regulations of the Board governing waterworks, water supplies, and pure water shall include a procedure whereby such waterworks may seek and the Board may grant a waiver of the requirement that the waterworks mail copies of its consumer confidence report to each customer of the waterworks at least once annually. In such cases, the waterworks owner shall publish, by July 1 of each year, in a newspaper of general circulation serving the area served by the waterworks, and by such other means as the Board may deem appropriate, (i) a copy of the consumer confidence report, (ii) notice that copies of the consumer confidence report will not be mailed to customers of the waterworks, and (iii) notice that copies of the consumer confidence report shall be made available to the public upon request. The waterworks owner shall certify compliance with the requirements of this subsection to the Board no later than October 1 of each year.

House Bill 2173 is identical to Senate Bill 1024 (Senator Puckett).

**HOUSE BILL 2176 (DELEGATE PHILLIPS): BOARD OF GAME AND INLAND FISHERIES; TO INTRODUCE NEW SPECIES OF GAME ALONG WITH LOCAL GOVERNMENT**

This bill amends section 29.1-103 of the Code of Virginia to require authorization and cooperation of the local affected government before introducing any new species of game, birds or fish.

House Bill 2176 is identical to Senate Bill 1017 (Senator Puckett).

**HOUSE BILL 2179 (DELEGATE PHILLIPS): CHOICE HEALTH INSURANCE POOL; LOCAL INCLUSION OF EMPLOYEES OF AREA AGENCIES ON AGING**

This bill amends section 2.2-1204 of the Code of Virginia by adding employees of area agencies on aging, as defined by section 2.2-703, to the list of employees that must have a health insurance policy plan offered to them by the Department of Human Resource Management.

**HOUSE BILL 2183 (DELEGATE CLINE): SALES TAX REGISTRATION; ALLOWS DEALERS TO REGISTER WITH LOCAL COMMISSIONER OF THE REVENUE**

This bill amends and reenacts sections 58.1-604.2 and 58.1-613 of the Code of Virginia, relating to allowing dealers to register with the commissioner of the revenue for sales tax purposes. The bill allows a local commissioner who elects to do so, to stand in for the tax commissioner for the purposes of registering property for the sales and use tax. The local commissioner of the revenue shall provide the tax commissioner with a list of registrations on a quarterly basis.

**HOUSE BILL 2184 (DELEGATE JANIS): TELECOMMUNICATIONS FEES**

This legislation amends section 56-484.12 of the Code of Virginia; providing a limitation on the liability for the wireless E-911



surcharge to wireless customers with devices capable of two-way interactive voice communication.

**HOUSE BILL 2190 (DELEGATE EBBIN): VICTIMS OF HUMAN TRAFFICKING; DSS TO DEVELOP PLAN FOR PROVISION OF SERVICES**

This act creates a provision which requires the Department of Social Services to develop a plan to provide services to victims of human trafficking.

**HOUSE BILL 2191 (DELEGATE EBBIN): VOLUNTARY SOLAR RESOURCE DEVELOPMENT FUND**

This legislation amends the Code of Virginia by adding in Title 67, a chapter numbered 13, consisting of sections 67-1300 through 67-1305. The Act provides the establishment of the Voluntary Solar Resource Development Fund. Additionally, it requires that the Department of Mines, Minerals, and Energy to provide the option to make voluntary contributions to the Voluntary Solar Resource Development Fund. The measure expires July 1, 2016.

House Bill 2191 is identical to Senate Bill 975 (Senator Whipple).

**HOUSE BILL 2193 (DELEGATE EBBIN): PODIATRY; EXPANDS DEFINITION.**

This bill amends section 54.1-2900 of the Code of Virginia to expand the definition of podiatry to include the diagnosis and treatment of lower extremity ulcers; however, the treatment of severe lower extremity ulcers proximal to the foot and ankle may only be performed by appropriately trained, credentialed podiatrists in an approved hospital or ambulatory surgery center at which the podiatrist has privileges.

House Bill 2193 is identical to Senate Bill 1396 (Senator Lucas).

**HOUSE BILL 2197 (DELEGATE COMSTOCK): INCOME TAX, CORPORATE; TELEWORK EXPENSES TAX CREDIT**

This bill amends the Code of Virginia by adding in Article 13 of Chapter 3 of Title 58.1 a section numbered 58.1-439.12:06, relating to telework expenses income tax credit. Allows employers a tax credit for allowing workers to telecommute, for the expenses incurred in that practice, subject to a signed telework agreement for the tax years between January 1, 2012 and January 1, 2014. An employer may claim up to \$1,200 per teleworking employee, with total amount not to exceed \$50,000.

**HOUSE BILL 2198 (DELEGATE COMSTOCK): EMPLOYMENT OF PERSONNEL; IF EXECUTIVE BRANCH EMPLOYEE IS PROMOTED, REQUIRES PROBATIONARY PERIOD**

This bill amends section 2.2-2812 of the Code of Virginia by stating that if an employee who is employed by an agency within the executive branch of the state government is promoted to a higher position within the agency, the employee must complete a set probationary period as part of the promotion, if the probationary period is not completed (unless it's not completed as a result of misconduct), the employee must be offered to return to a position of employment at his previous level within the agency for which there is a vacancy.

**HOUSE BILL 2201 (DELEGATE COMSTOCK): PAYROLL SERVICES BUREAU; DPB TO REQUIRE PARTICIPATION OF ALL STATE AGENCIES**

This bill states that the Department of Planning and Budget, in accord with the Department of Accounts, must require all executive branch state agencies to participate as much as practically possible in the Payroll Service and Budget Bureau. A state agency will not be required to participate in the Payroll Service and Budget Bureau if the agency can satisfactorily show to the Department of Planning and Budget participation is not practical for the agency.

HOUSE BILL 2205 (DELEGATE COMSTOCK):  
COMMONWEALTH, SECRETARY OF THE; ACCEPTANCE OF  
CERTAIN ELECTRONIC SIGNATURES

This bill amends sections 2.2-423 and 2.2-3118 of the Code of Virginia by stating that the contents of a registration statement shall include lobbyist's statement signed either on the original or by electronic signature as allowed by the Uniform Electronic Transactions Act (section 59.1-479 et seq.), as well as requiring financial disclosure forms to be used for filing to be signed either on the original or by electronic signature as allowed by the Uniform Electronic Transactions Act (section 59.1-479 et seq.). The bill also adds section 47.1-5.1 which states for people already commissioned as notary publics and who are submitting applications for recommission, electronic signatures, as allowed by the Uniform Electronic Transactions Act (section 59.1-479 et seq.), are sufficient as proof that the application has been properly signed and sworn.

House Bill 2205 is identical to Senate Bill 1247 (Senator Vogel).

HOUSE BILL 2206 (DELEGATE COMSTOCK): TITLE 8.6A;  
UNIFORM COMMERCIAL CODE- BULK SALES.

This legislation amends sections 8.1A-204, 8.1A-301, 8.2-403, 59.1-352.7, 59.1-481, and 59.1-501.3 of the Code of Virginia and repeals Title 8.6A of the Code of Virginia. It provides that the Uniform Commercial Code shall not govern transactions of bulk sales.

HOUSE BILL 2213 (DELEGATE MCQUINN): DRIVER  
TRAINING STANDARDS; ESTABLISH FOR LAW-  
ENFORCEMENT EMERGENCY CALLS AND PURSUITS

This bill makes a minor change to Va. Code section 9.1-102 by requiring that the Department of Criminal Justice Services is responsible for establishing training standards and publishing a model policy for law enforcement officers who are assigned to vehicle patrol duties that embody best practices for pursuits and responding to emergency calls.

**HOUSE BILL 2216 (DELEGATE STOLLE): LABORATORY RESULTS; AUTHORITY TO PROVIDE DIRECTLY TO INSURANCE CARRIER, ETC.**

This bill amends section 54.1-2409.4 of the Code of Virginia to authorize a laboratory to provide a copy of a laboratory report directly to the insurance carrier, health maintenance organization, or self-insured plan that provides health insurance or similar coverage to the patient provided such insurance carrier, health maintenance organization, or self-insured plan has received prior authorization from the patient. The insurance carrier, health maintenance organization, or self-insured plan shall then be considered authorized to receive the report or result for the purposes of the federal Clinical Laboratory Improvement Amendments.

House Bill 2216 is identical to Senate Bill 1116 (Senator Northam).

**HOUSE BILL 2217 (DELEGATE STOLLE): LOCAL DISABILITY SERVICES; AGENCIES MAY CONVENE LOCAL INTERAGENCY SERVICES TEAMS**

This bill amends section 15.2-1535 of the Code of Virginia by adding a section numbered 51.5-5.01 and repeals Chapter 10 (section 51.5-47 through 51.5-52) of Title 51.5 of the Code of Virginia. In doing so, this act eliminates the Disability Services Council and the State Rehabilitative Services Incentive Fund, and provides for the services previously supplied by that council to be provided by local interagency services teams.

House Bill 2217 is identical to Senate Bill 1276 (Senator Ruff).

**HOUSE BILL 2218 (DELEGATE STOLLE): HEALTH CARE PROVIDERS; THIRD-PARTY REIMBURSEMENT PROGRAMS**

This bill amends article 1 of Chapter 29 of Title 54.1 by adding section 54.1-2910.3 which clarifies that no licensed provider shall be required to participate in any public or private third-party reimbursement program.

**HOUSE BILL 2219 (DELEGATE STOLLE): CORRECTIONAL FACILITIES, LOCAL; JAILERS HAVE WRITTEN POLICY FOR REVOCATION OF GOOD CONDUCT CREDITS**

This bill amends Va. Code section 53-1.116 by adding "the revocation of [earned credit in the facility]" to the records that a jailer must keep.

**HOUSE BILL 2220 (DELEGATE RUST): PHARMACIES; IMPLEMENT CONTINUOUS QUALITY IMPROVEMENT PROGRAM FOR ANALYSIS OF DISPENSING ERRORS.**

This bill amends section 54.1-3434.1 of the Code of Virginia to require each pharmacy to implement a program for continuous quality improvement, according to regulations of the Board. Such program shall provide for a systematic, ongoing process of analysis of dispensing errors that uses findings to formulate an appropriate response and to develop or improve pharmacy systems and workflow processes designed to prevent or reduce future errors. The Board shall promulgate regulations to further define the required elements of such program.

**HOUSE BILL 2221 (DELEGATE ODER): AIRCRAFT SALES AND USE TAX; EXEMPTION FOR QUALIFIED COMPANIES HEADQUARTERED IN VIRGINIA**

This bill amends and reenacts section 58.1-1505 of the Code of Virginia, relating to the aircraft sales and use tax and exemptions. Creates an exemption beginning July 1, 2011, and ending December 31, 2014, for any company, headquartered in Virginia, which, between January 1, 2010 and December 31, 2014, makes an investment of \$4 million in aviation-related real estate and makes improvements on public use airports in the Commonwealth. Companies must also create at least 50 new jobs in Virginia, and enter into a memorandum of agreement with the Virginia Economic Development Partnership.

The bill also exempts from sales tax aircraft sold in the Commonwealth, but registered elsewhere, when removed from the Commonwealth within 60 days of sale.

**HOUSE BILL 2225 (DELEGATE WRIGHT): INMATES;  
DEPARTMENT OF CORRECTIONS TO ESTABLISH A  
PERSONAL TRUST ACCOUNT THEREFORE**

This bill adds section 53.1-43.1 to the Virginia Code. This section requires the Department of Corrections to establish a personal trust account for each inmate. Ten percent of all funds an inmate receives, from any source, must be deposited in this account (unless the inmate has been sentenced to death or life without parole. Once the trust account reaches \$1,000, all money the inmate receives is deposited into his other account. The trust account must always have a minimum balance of \$1,000, but the inmate can direct the Department of Corrections to transfer excess funds into his other account. Likewise, an inmate can ask the Department of Corrections to deposit all of his income into the trust account. All funds of the trust account are given to the inmate on his parole or final discharge from the Department of Corrections.

**HOUSE BILL 2226 (DELEGATE WRIGHT): ALCOHOLIC  
BEVERAGE CONTROL; NOTICE FOR REGISTERED PUBLIC  
OBJECTIONS TO NEW LICENSEE APPLICATIONS**

This bill amends section 4.1-230 of the Code of Virginia by stating that applicants for a license under this section of the law must post notice of his or her application to the front door of wherever he or she is choosing to use his or her license, and the notice must include a statement that any objections will be submitted to the Alcoholic Beverage Control Board within 30 days after the initial publication of the notice as required. Additionally, the applicant must also publish the same notice within a local newspaper according to the law set forth by the same section.

**HOUSE BILL 2227 (DELEGATE O'BANNON): ASSESSMENT  
OF SEXUALLY VIOLENT PREDATORS; QUALIFICATIONS**

This bill amends sections 37.2-902, 37.2-904, 37.2-907, 37.2-910, and 37.2-913 of the Code of Virginia to change all references to the prior requirement that the three full-time employees of the Department of Corrections, appointed by the Commissioner, be skilled in the treatment of sex offenders. The new language requires that they be knowledgeable about the treatment of sex offenders.

HOUSE BILL 2229 (DELEGATE O'BANNON): HEALTH PROFESSIONALS; COMPETENCY ASSESSMENTS

This bill amends section 54.1-2912.3 of the Code of Virginia to alter the conditions upon which the Board must conduct a competency assessment of health professionals who have incurred malpractice judgments.

HOUSE BILL 2230 (DELEGATE WARE): BASED AIRCRAFT; DEFINITION

This bill alphabetizes the definition section of Va. Code section 5.1-1. The re-organized definitions are aircraft, airman, air navigation facility, airport, airport hazard, airspace, based aircraft, civil aircraft, commercial aircraft, contract carrier, Department (of Aviation), drop zone, and landing area.

HOUSE BILL 2231 (DELEGATE ANDERSON): NEIGHBORHOOD ASSISTANCE ACT; PERMITS TRUSTS TO BE ELIGIBLE FOR INCOME TAX CREDIT

Amends and reenacts sections 58.1-439.18 and 58.1-439.21 of the Code of Virginia, providing income tax credit to trusts under the Neighborhood Assistance Act.

HOUSE BILL 2233 (DELEGATE ANDERSON): TRANSPORTATION AGENCY EFFICIENCIES & COST RECOVERIES; EXEMPTS VDOT, ETC., PAYING REMOTE ACCESS FEE

This bill adds the Department of Transportation and the Department of Rail and Public Transportation to the list of entities ex-

empted from paying any fee for remote access to land records. The bill also amends Va. Code, section 33.1-41.1, related to the payments to cities and certain towns for maintenance of certain highways. Under this provision, the Commonwealth Transportation Commissioner shall recommend an annual rate, per category, to be computed using the base rate of growth planned for the Department's Highway Maintenance and Operations program to the Commonwealth Transportation Board. This Board will establish the annual rates for such payments and the Department of Transportation shall use those rates to calculate and effect annual changes in the base per-lane-mile rate payable to each qualifying city's or town's payment under this section.

**HOUSE BILL 2236 (DELEGATE MARSHALL): COMMERCIAL USE OF STATE SEALS; STATE TREASURER TO MINT GOLD, ETC., COINS FOR COMMEMORATIVE USE**

This bill amends section 2.2-122 of the Code of Virginia by adding that the Governor may allow and or tell the State Treasurer to mint gold, platinum, and silver coins for commemorative use that employs the official seal of Virginia.

**HOUSE BILL 2237 (DELEGATE MOREFIELD): ELECTRIC UTILITY RATE MAKING INCENTIVES; COALBED METHANE GAS**

This legislation amends section 56.585-1 of the Code of Virginia to provide that a generation facility is “coalbed methane gas powered” if the facility is fired at least fifty percent by coalbed methane gas, as such term is defined in section 45.1-361.1, produced from wells located in the Commonwealth. Such definition authorizes investor-owned electric utilities to earn an enhanced rate of return on their investments in facilities.

House Bill 2237 is identical to Senate Bill 1392 (Senator Puckett).

**HOUSE BILL 2243 (DELEGATE TORIAN): SCHOOL BOARD POLICIES; ADOPT POLICIES WHICH CERTAIN ELECTRONIC RECORDS AND SIGNATURES ARE ACCEPTED**



This bill amends section 22.1-79.3 of the Code of Virginia to permit local school boards to adopt and implement policies to accept electronic records and electronic signatures from any parent or guardian of a child enrolled in the relevant school division.

**HOUSE BILL 2244 (DELEGATE TORIAN): PERSONAL PROPERTY TAX RELIEF ACT; TRANSMISSION OF CERTAIN INFORMATION BY DMV.**

This bill provides that Department of Motor Vehicles shall disclose to the Commissioners of the Department of Revenue whether vehicles qualifying for personal property tax relief are held in a private trust for non-business purposes by an individual beneficiary.

**HOUSE BILL 2251 (DELEGATE NUTTER): POLLBOOKS; WHEN ELECTRONIC VERSION FAILS TO OPERATE, OFFICERS SHALL MAINTAIN A WRITTEN LIST**

This bill amends section 24.2-611 of the Code of Virginia, requires election officers to issue provisional ballots and maintain a written pollbook in the event of the failure of the electronic pollbooks fail.

**HOUSE BILL 2253 (DELEGATE NUTTER): HEALTH PROFESSIONS; RECIPROCITY EXEMPTION FROM LICENSING**

This bill amends section 54.1-2901 of the Code of Virginia to add to the list of exemptions the requirement that practitioners of one of the professions regulated by the Board of Medicine who is in good standing with the applicable regulatory agency in another state treat a patient who is being transported to or from Virginia for care.

House Bill 2253 is identical to Senate Bill 828 (Senator Edwards).

**HOUSE BILL 2255 (DELEGATE NUTTER) DISCLOSURE OF HEALTH RECORDS; HEALTH CARE PROVIDERS WHO DISPENSE CONTROLLED SUBSTANCES**

This bill amends section 32.1-127.1:03 and 54.1-2525 of the Code of Virginia to specify that nothing in that section shall prohibit a health care provider who dispenses a controlled substance required to be reported to the Prescription Monitoring Program to a patient from disclosing information obtained from the Prescription Monitoring Program and contained in a patient's health care record to another health care provider when such disclosure is related to the care or treatment of the patient who is the subject of the record.

House Bill 2255 is identical to Senate Bill 1029 (Senator Puckett).

**HOUSE BILL 2256 (DELEGATE NUTTER): SCHEDULE II DRUGS; IDENTIFICATION REQUIRED FOR FILLING PRESCRIPTIONS**

This bill amends Virginia Code section 54.1-3420.1 and provides that a pharmacist, when filling a prescription for controlled substances contained in schedules III-V, shall either make an electronic copy of identification, or record the full name and address of the patient or person receiving the prescription.

House Bill 2256 is identical to Senate Bill 1150 (Senator Quayle).

**HOUSE BILL 2271 (DELEGATE KEAM): COMPUTER AND DIGITAL FORENSIC SERVICES; EXEMPT FROM REGULATION AS PRIVATE SECURITY SERVICE BUSINESS**

This act amends sections 9.1-138 and 9.1-140 of the Code of Virginia, excepting any individual engaged in (i) computer or digital forensic services as defined in section 9.1-138 or in the acquisition, review, or analysis of digital or computer-based information, in order to obtain or furnish information for evidentiary purposes or to provide expert testimony before a court, or (ii) network or system vulnerability testing, including network scans and risk assessment and analysis of computers connected to a network from training requirements for out-of-state central station dispatchers.

**HOUSE BILL 2272 (DELEGATE KEAM): LOCAL PROFESSIONAL LICENSE VIOLATIONS; CREATES A STATUTE OF LIMITATIONS**

This bill amends section 19.2-8 of the Code of Virginia. The bill provides a statute of limitations for local professional license violations that requires prosecution to begin within one year of the discovery of the offense and no later than five years from when the offense occurred.

**HOUSE BILL 2277 (DELEGATE KEAM): STATE BOARDS, COMMISSIONS, AND OTHER COLLEGIAL BODIES; COMPENSATION PAID TO CITIZEN MEMBERS**

This bill amends section 2.2-2813 of the Code of Virginia by adding that a non-legislative member of a state commission, board, committee, council or other state collegial body that meets three times a year pursuant to law, must participate in the Electronic Data Interchange Program as administered by the Department of Accounts as a term of appointment to said commission, board, committee, council or state collegial body, for any compensation or expense reimbursements paid out by the state treasury.

**HOUSE BILL 2278 (DELEGATE KEAM): REAL ESTATE TAX; RELIEF FOR ELDERLY AND PERMANENTLY AND TOTALLY DISABLED.**

This bill amends and reenacts sections 15.2-936, 15.2-2407, 21-118.4, 58.1-3211.1, 58.1-3212, 58.1-3213, and 58.1-3215 of the Code of Virginia and repeals sections 58.1-3211 and 58.1-3218 of the Code of Virginia, relating to establishing income or financial worth limitations for exemptions or deferrals of real property taxes of the elderly or permanently and totally disabled. It allows localities to require a net income or net financial worth restriction on the real estate tax exemption for elderly and permanently and totally disabled, should they so choose, and enables flexibility in determining sources of income within the home.

**HOUSE BILL 2279 (DELEGATE KEAM): EMERGENCY MEDICAL SERVICES PERSONNEL; CERTIFICATION OF APPLICANTS**

This bill amends and reenacts section 32.1-111.5 of the Code of Virginia and requires that the emergency medical services personnel board and commissioner consider and accept training, experience, and education of applicants acquired during service in any branch of the U.S. Military for certification purposes.

**HOUSE BILL 2281 (DELEGATE CLINE): DNA DATA BANK; MODIFIES ENTITIES WHICH DEPARTMENT OF FORENSIC SCIENCE MAY RELEASE INFORMATION**

This bill amends section 19.2-310.5 of the Code of Virginia. The bill adds the duly-authorized members of federal, state, and local law-enforcement agencies, attorneys for the Commonwealth or Attorneys for the United States Department of Justice, and the Office of the Chief Medical Examiner to the list of approved entities to which the Department of Forensic Science may release information from the DNA data bank. The bill also provides that the Department may release information to further a prosecution and not just an investigation.

House Bill 2281 is identical to Senate Bill 1197 (Senator Obenshain).

**HOUSE BILL 2282 (DELEGATE MARSHALL): CENTRALIZED FLEET; DGS, ET AL., TO ESTABLISH PLAN FOR VEHICLES TO USE ALTERNATIVE FUELS**

This bill amends section 2.2-1176 of the Code of Virginia to require the Director of the Department of General Services, the Secretary of Administration, and the Governor's senior advisor on energy to create a plan to switch out-of-state owned vehicles with vehicles that use natural gas, electricity, or other fuels to the largest degree possible no later than January 1, 2012. The bill stipulates that this plan will take into consideration practical issues, such as current infrastructure and costs. The bill requires them to submit the plan to

the Governor, and once approved, the Director shall implement the plan for the centralized fleet.

**HOUSE BILL 2284 (DELEGATE JAMES): JAIL PROCESSING FEE; ALLOWS SHERIFF'S DEPARTMENT, REGIONAL JAIL, OR POLICE DEPARTMENT TO RECEIVE**

This bill adds to Va. Code section 15.2-1613.1 to allow that a police department's cost in fingerprinting and/or booking a person may be divided between the Sheriff's office and the police department. The local governing body determines the division.

**HOUSE BILL 2285 (DELEGATE JAMES): TOURISM ZONES; TAX REVENUES FOR TOURISM PROJECTS**

This bill amends the Code of Virginia by adding Article 10 of Chapter 38 of Title 58.1 a section numbered 58.1-3851.1, relating to tourism zones. It allows certain tourism projects a share of one percent of the state and local taxes garnered on the premises of the project, to be applied solely to payments of principal and interest on the qualified gap financing. Tourism zones must have 80% of financing in place to qualify and funds will be remitted by the comptroller upon instruction by the tax commissioner.

**HOUSE BILL 2286 (DELEGATE SICKLES): SURPLUS LINES INSURANCE**

This bill amends and reenacts sections 38.2-1857.1, 38.2-1857.2, 38.2-1857.4 through 38.2-1857.7, 38.2-1857.9, 38.2-4806, 38.2-4807, 38.2-4809, 38.2-4810, and 38.2-4811 and adds sections 38.2-4805.1 and 38.2-4805.2 to the Code of Virginia. The Act implements provisions of the federal Nonadmitted and Reinsurance Reform Act of 2012. It eliminates the requirement that a surplus lines broker be licensed in Virginia unless the seller is selling, soliciting, or negotiating contracts of insurance for those whose home state is Virginia. Additionally, it requires that surplus lines premium taxes be collected for risks whose home state is Virginia.

**HOUSE BILL 2289 (DELEGATE SICKLES): COMMON INTEREST COMMUNITIES; COURT MAY ENTER DEFAULT JUDGMENT AGAINST UNIT OWNER ON SWORN AFFIDAVIT**

This bill amends sections 16.1-77, 55-79.80:2, and 55-513 of the Code of Virginia. This bill allows each general district court to have, within the limits of the territory it serves, civil jurisdiction to decide any cases pursuant to section 55-79.80:2 of the Condominium Act (section 55.79.39 et seq.) or section 55-513 of the Property Owners' Association Act (section 55-508 et seq.). The also bill contains technical amendments.

House Bill 2289 is identical to Senate Bill 1327 (Senator M. Herring).

**HOUSE BILL 2290 (DELEGATE SICKLES): VIRGINIA PROPERTY OWNERS' ASSOCIATION ACT; NOTICE TO LOT OWNERS OF PESTICIDE USE**

This bill amends section 55-510.3 by stating that a property owner's association must post notice of all pesticide applications on common areas and the notices must be placed in common areas, and must be highly noticeable and obvious, and must be placed 48 hours in advance of the application.

**HOUSE BILL 2291 (DELEGATE SICKLES): HEALTH REQUIREMENTS FOR HOME-INSTRUCTED**

This bill amends section 22.1-271.2, 22.1-271.4, and 32.1-46 of the Code of Virginia to permit licensed nurse practitioners to immunize and certify students. The bill requires them to provide to any immunized person or to his parent, upon request, documentary proof of immunizations conforming to the requirements of this section, and permits them to provide written certification that one or more of the required immunizations may be detrimental to the student's health.

**HOUSE BILL 2292 (DELEGATE SICKLES): HEALTH RECORDS; ELECTRONIC ACCESS**

This bill amends section 32.1-127.1:03 of the Code of Virginia and defines the parameters for electronic distribution of medical records. Documents that must be disclosed must be available electronically in conformity with the federal Health Information Technology for Economic and Clinical Health Act. However this act provides exceptions for the electronic disclosure of some medical records.

**HOUSE BILL 2295 (DELEGATE ENGLIN): ALCOHOLIC BEVERAGE CONTROL; DEFINITION OF CHAPTALIZATION AND CIDER**

This bill amends section 4.1-213 of the Code of Virginia by defining chaptalization as a method of increasing the alcohol in a wine by adding a sugar to the must before or during fermentation. The new law also defines cider as a beverage that may be carbonated or not, which contains no more than ten percent alcohol by volume without chaptalization or containing no more than seven percent alcohol by volume regardless of chaptalization.

House Bill 2295 is identical to Senate Bill 1000 (Senator Watkins).

**HOUSE BILL 2297 (DELEGATE ENGLIN): TERMINATION OF WATER SERVICES; SCC TO ESTABLISH LIMITATIONS FOR THOSE WITH MEDICAL CONDITION.**

This bill amends section 56-247.1 of the Code of Virginia by first setting forth new notice requirements for termination of water and sewer services when the customer fails to pay. Customers will now have 20 days before their utilities may be terminated, and the provider is required to notify the customer at least 10 days before termination occurs. The bill also requires a proceeding of the State Corporation Commission to determine procedures for the termination of water and sewer utilities when the customer can prove through documentation they are suffering from a serious illness or incapability. Several related state and nonprofit agencies are to participate in the proceeding.

HOUSE BILL 2303 (DELEGATE BRINK): EXPIRATION OF JOINT COMMISSION ON HEALTHCARE

This bill extends the lifespan of the Joint Commission on Healthcare, as established in Virginia Code section 30-170, for three years. The new sunset for the Commission is July 1, 2015.

House Bill 2303 is identical to Senate Bill 988 (Senator Puller).

HOUSE BILL 2310 (DELEGATE COSGROVE): FILLED SUBAQUEOUS BOTTOMLANDS; MARINE RESOURCES COMMISSION TO CONVEY TITLE IF LAWFULLY DEPOSITED

This bill amends section 28.2-1200.1 of the Code of Virginia to allow the State to convey fee simple title of specified parcels of state-owned bottomlands to an applicant who can provide proof of ownership and the legal documentation necessary to affect the conveyance. This section does not apply to any bottomlands put to public use.

HOUSE BILL 2316 (DELEGATE BYRON): CLEAN ENERGY MANUFACTURING INCENTIVE GRANT PROGRAM CREATED

This legislation amends sections 2.2-1111 and 45.1-394 of the Code of Virginia, amends Title 59.1 of the Code of Virginia by adding a chapter numbered 22.8, consisting of sections 59.1-284.25, 59.1-284.26, and 59.1-284.27, and repeals sections 45.1-392, 45.1-393, and 45.1-394 of the Code of Virginia. The Act repeals the Solar Photovoltaic Manufacturing Incentive Grant Program and the Biofuels Production Incentive Grant Program and creates the Clean Energy Manufacturing Incentive Grant Program.

House Bill 2316 is identical to Senate Bill 1360 (Senator Stosch).

HOUSE BILL 2317 (DELEGATE BYRON): INFORMATION TECHNOLOGY ADVISORY COUNCIL; ADVISE CIO ON CREATION OF TECHNOLOGY APPLICATION FRAMEWORK



This bill amends sections 2.2-2699.6 and 2.2-2699.7 of the Code of Virginia, requiring the ITAC to advise the Chief Information Officer about the creation of a technology application governance framework through which executive branch agencies can address agency business needs with potential information technology solutions. Agency leaders and information technology managers shall assist the ITAC in the design of the framework, funding resolutions, and technology solutions necessary to meet business needs.

House Bill 2317 is identical to Senate Bill 943 (Senator Howell).

**HOUSE BILL 2318 (DELEGATE BYRON): ELECTRONIC NOTARY; NOTARY TO NOTARIZE DOCUMENT IF SIGNER IS NOT PRESENT IF IDENTITY IS ESTABLISHED**

This bill amends sections 47.1-2, 47.1-7, 47.1-12, 47.1-13, 47.1-14, and 47.1-15 of the Code of Virginia, allowing a notary to notarize a document if the signer's identity is established using communication through video or audio conference technology that allows notary to identify the principal at the time of the notarial act.

House Bill 2318 is identical to Senate Bill 827 (Senator Edwards).

**HOUSE BILL 2324 (DELEGATE LINGAMFELTER) VIRGINIA RESEARCH AND TECHNOLOGY INVESTMENT PROGRAM**

This bill amends 2.2-2220, 2.2-2221, 2.2-2233.1, and 2.2-3711 of the Code of Virginia and adds code sections 2.2-2220.1 and 2.2-2221.2 to the Code of Virginia, creating the Commonwealth Research and Technology Strategic Roadmap, which lays out a strategic roadmap for the Commonwealth to identify research areas worthy of investment and government focus.

**HOUSE BILL 2326 (DELEGATE LINGAMFELTER): WATER COMPANIES**

This legislation amends section 32.1-174.1 of the Code of Virginia, providing that the Board of Health may adopt regulations for determining the amount of bonds or escrowed funds required of licensed water suppliers based upon the age and condition of the waterworks systems infrastructure and the cost of maintaining, repairing, or replacing the infrastructure. Additionally, upon revocation of the Waterworks Operation Permit, the Board or a local governing body may proceed against the bond or escrowed fund.

**HOUSE BILL 2328 (DELEGATE LINGAMFELTER) SIX YEAR CAPITAL OUTLAY PLAN; PROCESS BY WHICH AGENCIES' REQUESTS FOR CAPITAL PROJECTS ARE PRESENTED**

This bill amends sections 2.2-1516, 2.2-1517, and 2.2-1518 of the Code of Virginia, requiring the Director of the Department of General Services to advise state agencies and public educational institutions of the content, format, and method for submitting information to the Advisory Committee, on or before January 30 each year. It also lays out how and when the Advisory Committee will review the information.

**HOUSE BILL 2329 (DELEGATE LINGAMFELTER): AUTHORITIES FOR DEVELOPMENT OF FORMER FEDERAL AREAS; DISSOLUTION**

This bill amends section 15.2-6319 of the Code of Virginia by providing that when an authority created by the Governor completes its duties, the Governor must review the authority's report and may conclude whether the authority ought to be dissolved. Previously, the Governor was required to evaluate a report on the authority by the governing bodies of the locality before officially declaring the authority dissolved. This legislation allows the Governor to receive the report first, or make the decision to dissolve on his/her own.

House Bill 2329 is identical to Senate Bill 1256 (Senator Vogel).

**HOUSE BILL 2330 (DELEGATE LINGAMFELTER) INFORMATION EXCHANGE PROGRAM; SECRETARY OF PUBLIC SAFETY TO ESTABLISH**

This bill creates code section 2.2-224.1 of the Code of Virginia, requiring the Secretary of Public Safety to establish a public safety information exchange program with willing states that share a border with Canada or Mexico. The program will aim to cooperate with the U.S. Department of Homeland Security, the U.S. Department of Justice, the Federal Bureau of Investigation, the U.S. Immigration and Customs Enforcement, and any other similar successor agencies or other federal intelligence organizations.

HOUSE BILL 2335 (DELEGATE T. SCOTT GARRETT):  
INSURANCE PREMIUMS TAX;  
RETIALIATORY COSTS TAX CREDIT

This bill amends and reenacts section 58.1-2510 of the Code of Virginia, relating to retaliatory costs tax credit. Beginning in taxable year 2011, the bill raises the amount of the refund for certain qualified companies receiving the retaliatory costs credit in 2000, from a maximum of \$800,000 annually to \$7 million annually. The bill also limits the amount of credit for qualified companies not receiving a credit for taxable year 2000 to 60 percent of the retaliatory costs paid to other states.

HOUSE BILL 2337 (DELEGATE GARRETT): STATE  
AGENCIES; USE OF CERTIFIED MAIL FOR CERTAIN  
NOTICES

This bill amends sections 1-206 and 28.2-521 of the Code of Virginia and adds sections sections 2.2-401.1, 2.2-601.1, 3.2-101.1, 4.1-101.1, 6.2-101.1, 9.1-101.1, 9.1-1100.1, 10.1-500.1, 10.1-603.2:01, 10.1-603.16:1, 10.1-1100.1, 10.1-1182.1, 10.1-1300.1, 10.1-1400.1, 23-276.1:1, 24.2-101.01, 32.1-3.1, 33.1-13.03, 35.1-1.1, 36-85.16:1, 37.2-101, 38.2-100.1, 40.1-2.01, 45.1-161.1:1, 46.2-100.1, 53.1-1.01, 54.1-101.1, 58.1-105.1, 59.1-313.1, 62.1-44.3:1, 62.1-255.1, 63.2-100.1, 65.2-101.1, and 66-10.01. The bill states that if a state agency must send any notice by certified mail with a return receipt, that after the first such mailing, any identical subsequent mailings to the agency may be by regular mail.

**HOUSE BILL 2338 (DELEGATE GARRETT): LOCAL GOVERNMENT; ALTERNATIVE METHOD IS TO GIVE NOTICE BY MAIL**

This bill adds section 15.2-107.2 to the Code of Virginia and allows localities to give notice by regular mail to the last known address of the recipient. This notice is allowed where: “two or more notices are required for the same action, the first notice is required to be sent by certified or registered mail, and at least one notice has previously been sent by certified or registered mail.”

**HOUSE BILL 2357 (DELEGATE MCCLELLAN): UNEMPLOYMENT COMPENSATION; SOCIAL SECURITY OFFSET**

This legislation amends section 60.2-604 of the Code of Virginia by providing an elimination of the requirement that unemployment compensation benefits be reduced by fifty percent of Social Security Act or Railroad Retirement Act retirement benefits received by such individual in years when the solvency level of the unemployment trust fund is less than fifty percent.

House Bill 2357 is identical to Senate Bill 1113 (Senator Watkins).

**HOUSE BILL 2358 (DELEGATE MCCLELLAN): BENEFIT CORPORATIONS**

This legislation amends Title 13.1 of the Code of Virginia by adding in Chapter 9, an article numbered 22, consisting of sections 13.1-782 through 13.1-791. It provides provisions defining and governing benefit corporations. The measure allows a Virginia stock corporation to elect to be a benefit corporation.

**HOUSE BILL 2361 (DELEGATE MCCLELLAN): CHILD ABDUCTION; MONEY, PROPERTY, ETC., OWNED BY PERSON ARE SUBJECT TO LAWFUL SEIZURE, ETC.**

This bill amends sections 19.2-386.16 and 52-33 of the Code of Virginia. This bill makes all money and property, real and person-

al, owned by a person and used to further the abduction of a child, subject to lawful seizure by a law-enforcement officer and subject to forfeiture to the Commonwealth.

House Bill 2361 is identical to Senate Bill 1141 (Senator Quayle).

**HOUSE BILL 2362 (DELEGATE MCCLELLAN): RESTRICTED LICENSE; COURT TO ISSUE TO TRAVEL TO AND FROM JAIL WHEN DEFENDANT IS ON WORK RELEASE**

This bill amends section 18.2-271.1 of the Code of Virginia. The bill provides that the court may use its discretion and permit a person who has had their license suspended or revoked to travel to and from jail to serve a sentence on weekends or nonconsecutive days when the person has been convicted and sentenced to confinement for a DUI and certain other offenses.

**HOUSE BILL 2363 (DELEGATE LOUPASSI): MULTIJURISDICTION GRAND JURY; INVESTIGATE VIOLATION INCLUDING INSURANCE FRAUD**

This bill amends section 19.2-215.1 of the Code of Virginia. The bill includes violations involving insurance fraud to the list of violations a multijurisdictional grand jury are to investigate.

**HOUSE BILL 2364 (DELEGATE PEACE): JOINT AID AGREEMENTS BY LOCALITIES; LOCALITIES TO ARRANGE AID TO AND FROM OTHER LOCALITIES.**

This bill adds section 15.2-3000.1 to the Code of Virginia, and it allows localities to choose to give or receive aid to other localities, upon the decision of the chief administrative officer, even where a state of emergency was not declared. The bill also allows the creation of agreements with other localities regarding the exchange of aid, and specifies what details may be included in the locality's ordinance, including the duties of the chief administrative officer, what may constitute "aid" and who may participate in the aid-giving. Volunteer personnel may be provided as a part of the aid.

HOUSE BILL 2365 (DELEGATE PEACE): VIRGINIA RACING COMMISSION; AUTHORIZATION TO JOIN INTERSTATE RACING AND WAGERING COMPACT

This bill states that the Virginia Racing Commission is permitted to negotiate, enter into, and participate in the Interstate Racing and Wagering Compact, put forth by the Association of Racing Commissioners International as long as the purpose is to provide for member states, through their own state racing commissions, to coordinate their actions to create more even, effective, and efficient practices, programs, and rules regarding horse racing and other activities that occur in a party state or may affect a party state.

HOUSE BILL 2366 (DELEGATE HUGO): OUT-OF-STATE TRUST INSTITUTIONS

This legislation amends sections 6.2-1001 and 6.2-1014 of the Code of Virginia; authorizing any national banking institution to engage in trust business in the Commonwealth providing that it is supervised and regulated by the federal Comptroller of the Currency and is authorized by the Comptroller of the Currency to act as a trustee, executor, or administrator, or in any other fiduciary capacity in the Commonwealth.

HOUSE BILL 2367 (DELEGATE HUGO): TELECOMMUNICATIONS SERVICES; REGULATIONS

This legislation amends sections 56-1, 56-88.1, 56-234, 56-235.1, 56-236, 56-237 through 56-238, 56-240, 56-241, 56-247.1, 56-248, 56-248.1, 56-249.2, 56-481.1, and 56-482.1 and repeals section 56-265.4:3, Article 2 of Chapter 15 of Title 56, and sections 56-478.1 and 56-478 of the Code of Virginia. It provides for the elimination of certain requirements regarding competitive telecommunications services.

House Bill 2367 is identical to Senate Bill 1368 (Senator Saslaw).

HOUSE BILL 2368 (DELEGATE R. WARE): SUPPLEMENTAL ENVIRONMENTAL PROJECTS; DEPARTMENT OF CONSERVATION AND RECREATION TO ESTABLISH

This bill adds section 10.1-104.5 to the Code of Virginia to allow the Soil and Conservation Board, its Director, or a court of competent jurisdiction to give permission for persons to undertake one or more supplemental environmental projects. The section also defines “supplemental environmental project” and categories of projects that will qualify under the section. The decision whether to allow a supplemental environmental project is within the sole discretion of the Board.

HOUSE BILL 2370 (DELEGATE KNIGHT): MULTIPLE-YEAR LICENSES; BOARD OF GAME AND INLAND FISHERIES TO ISSUE FOR HUNTING, FISHING, ETC.

This Act amends section 29.1-328 of the Code of Virginia to allow the Board of Game and Inland Fisheries to issue multiple-year licenses.

HOUSE BILL 2373 (DELEGATE PEACE): MEDICAL MALPRACTICE; PRIVILEGED COMMUNICATIONS OF CERTAIN COMMITTEES

This bill amends section 8.01-581.17 of the Code of Virginia. The bill provides that privileged communications between certain health committees does not necessarily extend to any health care provider, emergency medical services agency, community services board, or behavioral health authority with respect to any factual information regarding specific patient health care or treatment. However, the bill does identify the type of information that falls within the privilege of the statute.

House Bill 2373 incorporates House Bill 2377 (Delegate Cleveland) and is identical to Senate Bill 1469 (Senator Saslaw).

HOUSE BILL 2374 (DELEGATE ROBINSON): MOPED; DEFINITION.

This bill expands the definition of moped found in Va. Code section 46.2-100. Under this bill, a moped is also a motorcycle when operated at speeds over 35 miles per hour.

**HOUSE BILL 2375 (DELEGATE O'BANNON):  
COMMONWEALTH PROJECT MANAGEMENT STANDARD;  
CREATED FOR INFORMATION TECHNOLOGY PROJECTS,  
ETC**

This act amends and reenacts sections 2.2-225, 2.2-1509.3, 2.2-2006, 2.2-2007, 2.2-2008, 2.2-2012, 2.2-2015, 2.2-2017, 2.2-2020, 2.2-2021, and 58.1-1840.1 of the Code of Virginia, and adds section 2.2-2018.1; and repeals sections 2.2-2018 and 2.2-2019 of the Code of Virginia.

This bill creates the Commonwealth Project Management Standard to initiate, procure, schedule and govern information technology projects in state agencies and public institutions of higher education. This bill specifies that the the Secretary of Technology and the Chief Information Officer (CIO) shall separately have approval power over information technology development projects based complexity, overall cost, and risk associated with the project. To assist in this process, this bill also establishes Internal Agency Oversight Committees and Secretariat Oversight Committees as necessary and in accordance with section 2.2-2021.

**HOUSE BILL 2376 (DELEGATE HABEEB): AGENCY  
MANDATES; DSS TO ELIMINATE THOSE RELATED TO  
OFFICE SPACE, ETC., OF LOCAL SOCIAL SERVICES**

In accordance with the section 15.2-2903 of the Code of Virginia, this act eliminates the office space and facilities requirements previously imposed on local departments of social services.



**HOUSE BILL 2379 (DELEGATE POGGE): DISCONTINUED SECONDARY SYSTEM HIGHWAYS; SHALL BE AVAILABLE FOR USE BY PUBLIC AS A ROAD**

This bill amends section 33.1-152.1 of the Code of Virginia, related to discontinued secondary system highways. Under this bill, a discontinued secondary system highway shall be available for public use as a road, unless an ordinance adopted pursuant to this section modifies its use. A local ordinance may provide that such a road be used as a bike or hiking trail, a biology preserve, or access to cultural or historical sites.

**HOUSE BILL 2384 (DELEGATE ORROCK, SR.) MEDICAID WORKS PROGRAM; DMAS TO INCREASE MAXIMUM ALLOWABLE EARNINGS FOR INDIVIDUALS**

This bill requires the Department of Medical Assistances Services to increase the maximum allowable gross earnings for individuals participating in the Medicaid Works program.

**HOUSE BILL 2387 (DELEGATE J. MILLER): CRIMINAL JUSTICE SERVICES BOARD AND DEPARTMENT OF CRIMINAL JUSTICE SERVICES; POWERS AND DUTIES**

This bill amends and reenacts sections 9.1-102, 9.1-150, and 9.1-176 and repeals sections 9.1-127, 9.1-158, 9.1-159, and 9.1-160 and Article 7 (sections 9.1-163 and 9.1-164) of Chapter 1 of Title 9 of the Code of Virginia. The bill no longer requires the Department of Criminal Justice Services Board to establish a Crime Prevention Center, adopt regulations for implementing detoxification center programs or adopt the “McGruff” symbol and other criteria for the McGruff house. Additionally, the Board no longer has authority to coordinate a statewide comprehensive criminal justice information system in exchange for criminal history record information.

House Bill 2387 is identical to Senate Bill 1163 (Senator Reynolds).

**HOUSE BILL 2389 (DELEGATE POLLARD): VIRGINIA RESOURCES AUTHORITY; RENEWABLE ENERGY PROJECTS**

This bill amends section 62.1-198 and 62.1-199 of the Code of Virginia to find there is a critical need for additional sources of funding for renewable energy projects, and encourages the use of the Virginia Resources Authority to fund renewable energy projects.

**HOUSE BILL 2391 (DELEGATE ALBO): DISPOSITION OF DRIVER'S LICENSES; COURT NOT TO ORDER SURRENDER OF LICENSE UNDER CERTAIN CONDITIONS**

This bill amends section 46.2-398 of the Code of Virginia. The bill provides that when a court revokes or suspends the privilege to drive in Virginia, the court shall not order the physical surrender of the driver's license if they have a valid license from another jurisdiction.

**HOUSE BILL 2401 (DELEGATE WRIGHT, JR.): WORKERS' COMPENSATION; FARM AND HORTICULTURAL LABORERS.**

This legislation amends section 65.2-101 of the Code of Virginia by providing that an employer of farm and horticultural laborers may have three such employees in service and remain exempt from the requirements of the Workers' Compensation Act.

**HOUSE BILL 2407 (DELEGATE EDMUNDS, II): CHARTER; TOWN OF HALIFAX.**

This bill amends section 4 of Chapter 333 of the 1890 Acts of Assembly by, beginning in 2012, changing the month of elections from the second Tuesday of June to the date of regular general elections in November. The bill provides that newly elected officials begin their duties on January 1 of the following calendar year. Due to these changes, the bill allows for the current mayor and councilmen to have their terms extended so that there is no gap period between the outgoing and incoming officials.

**HOUSE BILL 2408 (DELEGATE WARE, JR.): STATE AGENCIES; REQUIRES NOTICE TO LOCALITIES OF CERTAIN STATE PROJECTS**

This bill amends section 15.2-2202 of the Code of Virginia by adding or changing notice requirements for every state agency that is planning a construction or maintenance of a facility for its use. The bill adds a requirement that every agency planning to build or maintain notify the locality's chief administrative officer when the agency has made changes to its building plan. Additionally, for projects costing \$500,000 or more, the bill prescribes at what stages of planning notice must be given and what information the notice must contain. If state agencies fail to comply with these notice requirements, grounds for an injunction will be considered sufficient. Finally, the bill includes a new provision that places the same notice requirements on "institutions of higher education" as it does on state agencies.

HOUSE BILL 2411 (DELEGATE LINGAMFELTER): LAND USE APPROVALS; EXISTING PERFORMANCE BONDS MAY BE WAIVED IF LOCALITY HAS BONDING MORATORIUM

This bill amends section 15.2-2209.1 of the Code of Virginia by stating that in the case of a bonding moratorium, items guaranteeing finances, including performance bonds may be waived or changed, but shall have to abide by other provisions in the statute that provide for a time extension on the validity of plats and building plans, as well as the time extensions for the commencement of the project at issue. Without the changes in this bill, performance bonds and the other guarantees would not be subject to the time extensions listed above. Both time extensions apply to the provisions in the added section only if the landowner or developer follows the terms of the moratorium.

HOUSE BILL 2415 (DELEGATE ARMSTRONG): SPECIAL HUNTING LICENSE; ESTABLISHED FOR PARTIALLY DISABLED VETERANS

This legislation adds section 29.1-302.2 to the Code of Virginia to create a special hunting license for any resident veteran who is rated by the U.S. Department of Veteran Affairs as having a 70 percent service-connected disability. This license shall be one half of the fee for the basic hunting license.

**HOUSE BILL 2419 (DELEGATE VILLANUEVA): RETAIL SALES & USE TAX; REVENUE DISTRIBUTION TO CERTAIN PUBLIC FACILITIES**

This bill amends and reenacts section 58.1-608.3 of the Code of Virginia, relating to distribution of sales and use tax revenue collected in certain public facilities, by expanding the definition of public facilities to include any hotel that is adjacent to a convention center owned by a public entity and where the hotel owner enters into a public-private partnership whereby the locality contributes infrastructure, real property, or conference space. The bill also expands the time in which bonds issued to create the public facility may be issued.

**HOUSE BILL 2420 (DELEGATE VILLANUEVA): TELEVISIONS; PROHIBITS USE IN A MOTOR VEHICLE WHERE SCREEN IS VISIBLE TO DRIVER WHILE DRIVING.**

This bill simplifies the prohibition on televisions visible to drivers while driving. Under this bill, no car operated within the Commonwealth can be equipped with a television receiver that displays moving images that are visible to the driver while driving the car. However, the bill allows a television system if the car has a system that totally disables the screen while the vehicle is in motion. The bill makes clear exceptions for navigation systems, vehicle information displays, or a visual display that supplements a driver's view of the car's occupants.

**HOUSE BILL 2423 (DELEGATE CLEAVELAND): DRUNK BOATING; REINSTATES LANGUAGE ALLOWING FOR TRANSFER OF CUSTODY OF PERSON ARRESTED**

This bill amends section 19.2-81 of the Code of Virginia. This bill reinstates the language allowing for the transfer of custody of a person arrested for drunk driving. This language was removed in 2010. Officers may arrest without a warrant any person whom the officer has probable cause to suspect the person of operating any watercraft while intoxicated or for reckless operation of the watercraft.

HOUSE BILL 2424 (DELEGATE INGRAM): APPOMATTOX STATE SCENIC RIVER; DESIGNATING LOWER PORTION THEREOF AS A SCENIC RIVER

This bill amends section 10.1-409 of the Code of Virginia to extend the portion of the Appomattox River designated as part of the Virginia Scenic River System 13 miles to the Brasfield Dam, excluding the Port Walthall Channel of the River. The bill also clarifies that the legislation does nothing to affect the Commonwealth or local governing body from performing construction or maintenance on any road or bridge or the Harvell Dam.

HOUSE BILL 2425 (DELEGATE INGRAM): DELINQUENT SEWER AND WATER FEES; PROPERTY OWNERS TO BE GIVEN NOTICE WITHIN 30 DAYS FOR BILLS ACCRUED

This bill amends sections 15.2-2119 and 15.2-5139 of the Code of Virginia by adding a provision dealing with the property owner's role when there is a nonpayment of locality-provided utilities by a former tenant of the property owner. The property owner may ask the locality to provide it with information on the delinquent tenant's utility debts, and the locality may provide notice after the debt goes unpaid for 15 days. Because the tenant's debt may become a lien on the owner's property, the bill requires the locality to give the owner 30 days to pay the debt. After 30 days, the locality may require the owner to pay the tenant's debt, but that payment may be refunded if the former tenant pays the debt in the future. Finally, a locality cannot refuse to provide water and sewer services to a new tenant when the former tenant moved out without paying the utility bill to the locality before leaving.

House Bill 2425 is identical to Senate Bill 1216 (Senator Smith).

HOUSE BILL 2427 (DELEGATE PUTNEY): CERTIFICATE OF PUBLIC NEED; COMMISSIONER OF HEALTH TO APPROVE REQUEST TO AMEND CERTAIN CONDITIONS

This bill provides that the Commissioner of Health shall accept and may approve a request to amend the conditions of a certifi-

cate of public need issued to a continuing care provider registered with the State Corporation Commission if the following conditions are met: (i) the facility is located within the County of Botetourt and operated as a not-for-profit and (ii) the facility's contract holder occupancy rate is less than 85 percent at the time of such application.

House Bill 2427 is identical to SB 1212 (Senator Smith).

**HOUSE BILL 2429 (DELEGATE HABEEB): GOLF CART AND UTILITY VEHICLE; FIXES A PUNCTUATION ERROR TO CLARIFY EXCEPTIONS FOR USE ON HIGHWAYS**

This bill omits a semi-colon so that the language is clear that golf-carts can be used to cross a highway from one portion of a golf course to an adjacent golf course or to travel between a person's house and a golf course if the trip is less than one-half mile in either direction and the speed limit on the road is 35 miles per hour or less.

**HOUSE BILL 2434 (DELEGATE KILGORE): HEALTH BENEFITS EXCHANGE; INTENT TO DEVELOP**

This bill states the intent of the General Assembly to create and operate its own health benefits exchange or exchanges, to be referred to collectively as the "Virginia Exchange." The purpose of which is to enhance competition in the health insurance market. In order to accomplish this purpose, the Virginia Exchange shall meet, at a minimum, the relevant requirements of the Patient Protection and Affordable Care Act. The Act includes a request that certain parties provide recommendations for consideration by the 2012 Session of the General Assembly regarding the Virginia Exchange. This measure will expire on July 1, 2014.

**HOUSE BILL 2435 DELEGATE HABEEB): CORRECTIONS, DEPARTMENT OF; ELIMINATION OF AGENCY MANDATES**

This bill abolishes an agency mandate related to contract inmate classification reporting, as recommended by Va. Code section 15.2-2903.

**HOUSE BILL 2437 (DELEGATE C. HERRING): BAIL  
BONDSMEN; REGULATION**

This bill amends section 9.1-185.8 of the Code of Virginia. The bill forbids bail bondsman from charging a bail bond premium less than 10 percent or more than 15 percent of the amount of the bond. The bill forbids the bondsman from loaning money with interest to help another obtain a bail bond.

**HOUSE BILL 2438 (DELEGATE C. HERRING): CRIMINAL  
CASES; DELAYED APPEAL**

This bill amends sections 19.2-431.1 and 19.2-321.2 of the Code of Virginia. The bill adds a provision allowing a defendant to move for a delayed appeal when an appeal from a criminal case has been denied or the conviction has been affirmed due to failure to file or timely file the indispensable transcript or written statement of facts.

**HOUSE BILL 2439 (DELEGATE SICKLES): DRIVER  
EDUCATION; SCHOOL BOARDS IN PLANNING DISTRICT 8  
TO MAKE AVAILABLE TO NONPUBLIC STUDENTS**

This bill amends section 22.1-205 of the Code of Virginia to specify that school boards in Planning District 8 shall make the 90-minute parent/student driver education component available to all students and their parents or guardians who are in compliance with section 22.1-254.

**HOUSE BILL 2448 (DELEGATE GILBERT): POLITICAL  
CONTRIBUTIONS; PROHIBITION DURING PROCUREMENT  
PROCESS, PENALTY**

This bill amends sections 2.2-3104.01, 2.2-4376.1, 56-573.3, and 56-575.17:1 of the Code of Virginia. The bill states that if the Governor, his political action committee, or his Secretaries, may not knowingly accept a political contribution of more than \$50 dollars from an entity who has also submitted a bid or proposal to an executive branch agency that is directly responsible to the Governor. Knowingly violating the rules as stated by the Public Procurement

Act will result in civil penalties of \$500 dollars or up to double the amount of the contribution whichever amount may be greater.

**HOUSE BILL 2449 (DELEGATE GILBERT): COMPUTER ANALYSIS; CLERK MAY ASSESS PERSON FEE PERFORMED BY LAW-ENFORCEMENT AGENCY WHEN CONVICTED**

This bill amends the Code of Virginia by adding sections numbered 16.1-69.48:1.02 and 17.1-275.11:1. The bill provides that upon a finding of guilty for any charge or charges that used computer forensic analysis as evidence used at the trial of the defendant, the defendant may pay the assessed amount of actual cost for the analysis, not in excess of \$100.

**HOUSE BILL 2453 (DELEGATE GARRETT): CERTIFICATE OF PUBLIC NEED; ADDITION OF NURSING FACILITY BEDS IN PLANNING DISTRICT 11, ETC.**

This bill allows the Commissioner of Health, subject to several limitations, to issue a certificate of need for a new 90-bed nursing home in Planning District 11 as long as the proposed nursing home provides for all beds to be relocated from nursing homes licensed in District 11 as of December 31, 2011.

**HOUSE BILL 2457 (DELEGATE ABBITT, JR.): ABANDONED AND SALVAGE VEHICLES; REVISES DEFINITION, PENALTY**

This bill amends Va. Code sections 46.2-1200, 46.2-1603.1, 46.2-1605, and 46.2-160. First under this bill is a new provision that if a salvage dealer licensee will use machinery to crush a vehicle "to a state where it can no longer be considered a vehicle" at a location other than the location stated on the license on file with the Department of Motor Vehicles (DMV), the licensee must apply to the Department for an operation permit. This permit will cost \$15, be valid for up to 15 days and will specify the site of the intended operation. This bill also amends Va. Code section 46.2-1605, vehicles repaired or rebuilt for highway use, by adding local law enforcement officials as individuals who can examine a salvaged car for its fitness for use on the highways; when a local law-enforcement official conducts the examination and reports the results to the DMV, the DMV shall



reimburse the law-enforcement department \$75. The bill also gives the Commissioner of the DMV the power to suspend, revoke, cancel, or refuse to renew a salvage dealer's license if he finds the dealer in violation of section 46.2 or its regulations. The first violation is a Class 1 misdemeanor and carries a civil penalty of up to \$2,500. Subsequent violations are a Class 5 felony and result in the suspension of the dealer's license. The bill also provides methods for giving notice to the dealer and that the dealer can appeal the suspension in a hearing.

#### HOUSE BILL 2458 (DELEGATE ABBITT, JR.): DEMOLISHED OR DISMANTLED MOTOR VEHICLES; LICENSEE REQUIREMENTS

This bill creates Va. Code sections 46.2-1608.2. A salvage dealer or scrap metal licensee can avoid a 10-day waiting period to demolish a motor vehicle if the licensee makes a contractual agreement with the Department of Motor Vehicles to update records of motor vehicles to be demolished if these vehicles have been issued a certificate of title, salvage certificate, or nonrepairable certificate in the state and by notifying the Department of the impending destruction (through electronic notification). Licensees that have the certificate of title, salvage certificate, or nonrepairable certificate issued in either Virginia or a foreign jurisdiction can demolish a vehicle with notice to the Department. Licensees that do not possess such title can demolish a vehicle if: it is at least 10 years older than the current model year, the licensee provides the Department electronic notice, with payment of appropriate fees (as described in Va. Code section 46.2-627), and if the Department clears the vehicle through nationally recognized databases. This bill is effective as of Oct. 1, 2011.

#### HOUSE BILL 2462 (DELEGATE HABEEB): JUVENILES; FILING OF PETITION NOT NECESSARY FOR CERTAIN MISDEMEANOR OFFENSES

This bill amends section 16.1-260 of the Code of Virginia. The bill provides that a petition need not be filed for juveniles found to possess marijuana or for underage drinking and driving if the juvenile is released to the custody of a parent or legal guardian pending the initial court date.

**HOUSE BILL 2464 (DELEGATE NUTTER): DRUG CONTROL ACT; CONFORMS SCHEDULE II TO FEDERAL DRUG CLASSIFICATION SCHEDULE**

This bill amends section 54.1-3448 of the Code of Virginia to alter the list of controlled substances included in Schedule II.

**HOUSE BILL 2467 (DELEGATE GREASON): HEALTH INSURANCE; MANDATED COVERAGE FOR AUTISM SPECTRUM DISORDER**

This legislation amends section 38.2-4319 of the Code of Virginia and amends the Code of Virginia by adding a numbered section 38.2-3418.17; providing a requirement that health insurers, health care subscription plans, and health maintenance organizations provide coverage for the diagnosis of autism spectrum disorder (ASD) and its treatment in individuals ages two to six subject to an annual maximum benefit limitation. An insurer shall not terminate coverage or refuse to deliver, issue, amend, adjust, or renew coverage of an individual solely because the individual is diagnosed with ASD or has retrieved treatment for ASD.

House Bill 2467 is identical to Senate Bill 1062 (Senator Howell).

**HOUSE BILL 2470 (DELEGATE MOREFIELD): CARBON DIOXIDE; PROHIBITS AIR POLLUTION CONTROL BOARD AND DEQ TO RESTRICT EMISSION THEREOF**

This bill would have amended section 10.1-1300 and added section 10.1-1306.1 to the Code of Virginia to declare carbon dioxide not to be considered air pollution, and to prohibit the Board from restricting the emission of carbon dioxide or applying any federal law that would restrict or control the emission of carbon dioxide.

This bill was left in the House Health, Welfare and Institutions Committee.

**HOUSE BILL 2471 (DELEGATE POINDEXTER): COAL MINE SAFETY ACT; UPDATED TO REFLECT CURRENT FEDERAL LAW AND INDUSTRY STANDARDS, PENALTY**

This legislation amends sections 45.1-161.21, et seq. of the Code of Virginia to reflect current federal law regarding coal mine safety, including requiring the submission of an electronic map of a coal mine prior to commencing mining activity. The bill also requires that funds in the Mine Rescue Fund shall be used only for mine rescue services. In addition, the Department's rescue and recovery plan shall be reviewed annually, and any changes shall be made available to all mine operators. In addition, if a mining project is under a body of water, the mine operator must submit and receive approval of a plan meeting the requirements of 30 C.F.R. section 75.1716 before commencing mining activity. Mine operators must also submit a safety plan before beginning projects involving a borehole or ventilation hole.

House Bill 2471 is identical to Senate Bill 1310 (Senator Puckett).

**HOUSE BILL 2472 (DELEGATE POINDEXTER): PERFORMANCE GUARANTEES; NO LOCALITY SHALL REQUIRE THOSE FURNISHED INCLUDE COST UNLESS SHOWN ON PLAT**

This bill amends section 15.2-2241 of the Code of Virginia by prohibiting localities from mandating payment or other forms of consideration for building projects or improvements unless the projects are evidenced on the plat or plan for the projects that are the subject of the consideration. Additionally, the contract between the locality or relevant representative of the locality and the owner or developer may only involve projects represented on the plat, plan, building application, or other related document.

**HOUSE BILL 2477 (DELEGATE PHILLIPS): WORKERS' COMPENSATION COVERAGE; PNEUMOCONIOSIS**

This legislation amends sections 65.2-406 and 65.2-504 of the Code of Virginia, providing the requirement that the current standard

of the International Labour Office Classification of Radiographs of the Pneumoconiosis.

**HOUSE BILL 2480 (DELEGATE MARSHALL): PORTABLE ELECTRONICS INSURANCE**

This legislation amends section 38.2-1800 of the Code of Virginia and amends the Code of Virginia by adding in Chapter 18 of Title 38.2 an article numbered 8, consisting of sections numbered 38.2-1875 and 38.2-1880. The act establishes a procedure for vendors of portable electronics to sell or offer insurance that provides coverage for the repair or replacement of such devices including a requirement that a vendor hold a limited lines property and casualty insurance agent license.

**HOUSE BILL 2483 (DELEGATE ANDERSON): COURT RECORDS; SECURE REMOTE ACCESS RESTRICTIONS DO NOT APPLY TO SECURE ACCESS BY ATTORNEYS, ETC.**

This bill amends section 17.1-293 of the Code of Virginia. The bill includes an attorney's staff to have access to court records if counsel of record on a particular case directly supervises the staff.

**HOUSE BILL 2485 (DELEGATE MILLER): RECKLESS DRIVING; EXPANDS LIST TO INCLUDE PARKING LOT, ETC.**

This bill amends section 46.2-864 by adding public, government-owned property to the list of driveways and parking lots on which a person can be found guilty of reckless driving.

**HOUSE BILL 2486 (DELEGATE COX): IMPAIRED WATERS; REQUIRES PLAN DEVELOPED AND IMPLEMENTED TO RESTORE WATERS BE CONTROLLING**

This bill amends section 62.1-44.19:7 of the Code of Virginia to make the plan adopted by the Board to achieve water quality objectives controlling unless or until it is amended by or withdrawn by the Board.

House Bill 2486 is identical to Senate Bill 1441 (Senator Obenshain).

**HOUSE BILL 2494 (DELEGATE SCOTT): STANDARDS FOR ACCREDITATION; ANY SCHOOL BOARD MAY SEEK APPROVAL OF ALTERNATIVE PLAN FOR ITS SCHOOLS**

This bill amends section 22.1-253.13:3 of the Code of Virginia to permit any school board, on behalf of one or more of its schools, to request the Board of Education for releases from state regulations and for approval of an Individual School Accreditation Plan for the evaluation of the performance of one or more of its schools.

**HOUSE BILL 2495 (DELEGATE JONES): ADVANCED SHIPBUILDING TRAINING FACILITY GRANT PROGRAM**

This legislation amends section 59.1 -284.23 of the Code of Virginia and amends Chapters 798 and 850 of the Acts of Assembly of 2009 by adding a fifth enactment. It provides that any eligible city shall be eligible to receive a grant from the Advanced Shipbuilding Training Facility Fund and the memorandum of understanding may provide for a total amount of grants of not more than \$42 million, subject to appropriation by the General Assembly. Additionally, the act postpones the date by which a memorandum of understanding must be reached to qualify a shipbuilder for the Program until August 31, 2011.

**HOUSE BILL 2501 (DELEGATE POLLARD): ALCOHOLIC BEVERAGE CONTROL; CREATES A NEW WINE AND BEER LICENSE FOR GOURMET OYSTER HOUSES**

This bill amends sections 4.1-209, 4.1-231, and 4.1-233 of the Code of Virginia by adding to the list of beer and wine licenses granted by the Alcohol Control Board a license for gourmet oyster houses to serve beer and wine by either giving small samples of wine and beer or selling wine and beer in special rooms and areas approved by the Board for consumption and or sell wine and beer in closed containers for off-premises consumption. The size of wine samples cannot be more than two ounces per person and the size of beer samples cannot be more than four ounces per person.

**HOUSE BILL 2502 (DELEGATE POLLARD): OYSTERS;  
MEASUREMENT STANDARD**

This bill amends section 28.2-526 of the Code of Virginia to clarify the standard measurements for the containers used to sell oysters. The container must be between 2,800 and 3,000 cubic inches and of a make and model approved by the Commission

**HOUSE BILL 2507 (DELEGATE MORGAN): DEEDS AND  
DEEDS OF TRUST; WHEN TRUST IS GRANTOR OR  
GRANTEE, IT SHALL CONTAIN CERTAIN NAMES**

This bill amends section 55-48 of the Code of Virginia. The bill provides that the grantor or grantee of a trust shall include on the deed the names of the trust's trustees serving at the time the deed was made.

**HOUSE BILL 2508 (DELEGATE MORGAN):  
TRANSPORTATION BOARD; TRANSFER OF INTEREST IN  
AND CONTROL OVER LANDINGS**

This bill adds "wharf, pier, or dock" to the definition of landing over which the transportation board has interest and control over and can transfer interest and control to a public access authority.

**HOUSE BILL 2510 (M. KICKLAND COX) VIRGINIA HIGHER  
EDUCATION OPPORTUNITY ACT OF 2011**

This bill amends code sections 23-9.2:3.02, 23-9.6:1, 23-9.6:1.01, 23-38.88, 23-38.90, 23-38.91, and 23-38.93 of the Code of Virginia, and adds code sections 23-38.87:10 through 23-38.87:21 of the Code of Virginia. This bill creates a Uniform Certificate of General Studies to be developed by the State Council of Higher Education, the Virginia Community College System, and the public institutions of higher education in the Commonwealth, making credits earned by students attending a two-year college and by high school students (that have met certain requirements laid out in the bill, in both cases) transferrable to the four-year public institution of higher education to which they are admitted. This bill also creates the Vir-

ginia Higher Education Opportunity Act of 2011 in order to “fuel strong economic growth in the Commonwealth and prepare Virginians for the top job opportunities...of the 21st century by establishing a long-term commitment, policy, and framework for sustained investment and innovation...[in the] higher education system” of the Commonwealth.

#### HOUSE BILL 2515 (DELEGATE BACOTE): HEALTH RECORDS; DISCLOSURE REQUIREMENTS

This bill amends and reenacts section 32.1-127.1:03 of the Code of Virginia and provides that pursuant to the request of the record subject, health care entities must disclose health records to other health care entities, in any available format of the requestor's choosing, in conformity with reasonable efficiency and federal law.

#### HOUSE BILL 2519 (DELEGATE MOREFIELD): VIRGINIA WATER PROTECTION PERMIT; STATE AGENCIES ASKED TO REVIEW TO PROVIDE COMMENTS WITHIN 45 DAYS

This legislation amends sections 62.1-44.15:501 and 62.1-44.15:20 of the Code of Virginia to require agency comments regarding Water Protection Permits must be provided within 45 days of project notification by the Department of Environmental Quality and Virginia Marine Resources Commission, or be deemed approved without further opportunity to provide comment.

House Bill 2519 is identical to Senate Bill 1021 (Senator Puckett).

#### HOUSE BILL 2520 (DELEGATE PEACE): ADVISORY BOARDS, COUNCILS, ETC; ELIMINATION.

This bill amends sections 2.2-4303, 2.2-4308, 2.2-4323, 3.2-2800, 3.2-2805, 3.2-2806, 9.1-108, 9.1-112, 10.1-419, 33.1-221.1:1.1, 44-146.35, 44-146.38, 44-146.40, 60.2-113, and 62.1-44.34:26 of the Code of Virginia. The bill consists mostly of technical amendments but eliminates the following boards and their references within the law: Design-Build/Construction Management Review Board, Virginia Recycling Markets Development Council, Plant

Pollination Advisory Board, Lower James River Advisory Committee, Rail Advisory Board, Hazardous Materials Emergency Response Advisory Council, and the Migrant and Seasonal Farmworkers Board.

House Bill 2520 is identical to Senate Bill 1471 (Senator Martin).

**HOUSE BILL 2526 (DELEGATE MILLER): SERVICE HANDGUNS; PURCHASE OF WEAPON WHEN RESIGNATION IN GOOD STANDING**

Certain officers of the Commonwealth can purchase their service handgun upon resignation or retirement in good standing. This bill expands the definition of service handgun to include any service handgun previously issued to the officer, not just the most recent, and provides that if such handgun is not available, the officer can receive a similar handgun. This bill amends Va. Code section 59.1-148.3.

**HOUSE BILL 2527 (DELEGATE HOWELL) VIRGINIA TRANSPORTATION INFRASTRUCTURE FUND AND VIRGINIA TRANSPORTATION INFRASTRUCTURE BANK**

This bill amends code sections 33.1-23.05, 33.1-23.4:01, 33.1-268, 33.1-269, 33.1-276, 33.1-277, and 33.1-280 of the Code of Virginia and creates code sections 33.1-23.6 through 33.1-23.26 and 33.1-221.1:1.3 of the Code of Virginia, editing the language of the amended sections listed above and creating the Virginia Transportation Infrastructure Bank and other related programs for the purpose of funding and financing “the present and future needs of the Commonwealth for the design and construction of roads and highways, including toll facilities, mass transit, freight, passenger and commuter rail, including rolling stock, port, airport and other transportation facilities.”

**HOUSE BILL 2531 (DELEGATE PURKEY): INCOME TAX, CORPORATE; VIRGINIA PORT VOLUME INCREASE TAX CREDIT**

This bill amends the Code of Virginia by adding in Article 13 of Chapter 3 of Title 58.1 a section numbered 58.1-439.12:06, relat-



ing to a Virginia port volume increase tax credit. The bill provides taxpayers engaged in the manufacture and/or distribution of goods in the Commonwealth which make use of Virginia port facilities and which increase their port cargo volume at these facilities by at least five percent in a single calendar year. The amount of credits issued to all qualifying taxpayers may not exceed \$3.2 million, and no single taxpayer may receive a credit of more than \$250,000 per calendar year, except in certain limited situations. Effective for taxable years beginning on and after January 1, 2011, but before January 1, 2016.

HOUSE BILL 2532 (DELEGATE RUST): CHARTER; TOWN OF URBANNA

This bill amends sections 4 and 5 of Chapter 131 of the Acts of Assembly of 1964 by changing the mayoral election date to the date of the November 2012 general election and every two years following. Because of the election date changes, the bill also provides that the mayor and Council members take over their duties in January, rather than in July. Finally, the bill makes the positions of “mayor” and “council” gender-neutral, by changing the text to read “his/her” and “Council members” rather than “councilmen.”

## SENATE BILLS

### SENATE BILL 742 (SENATOR HOWELL) NEIGHBORHOOD ASSISTANCE TAX CREDITS; ELIGIBILITY OF CERTAIN PHARMACISTS

This bill amends code section 58.1-439.22 of the Code of Virginia, making any pharmacist who donates pharmaceutical services to patients of a free clinic that is exempt from federal taxation, and who performs those services at the direction of an organization that has received tax credits from the State Department of Social Services, eligible for tax credits.

### SENATE BILL 744 (SENATOR REYNOLDS): CONFLICT OF INTERESTS ACT, STATE AND LOCAL GOVERNMENT; EMPLOYEES OF SCHOOL BOARDS, EXCEPTION

This bill amends section 2.2-3119 of the Code of Virginia, allowing the employment of certain relatives of school board members in the same school district as long as the school board member certifies he was not involved in the hiring decision and the superintendent certifies to the remaining board members the hiring decision was based on merit and not the employee's relation to the school board member.

### SENATE BILL 745 (SENATOR HERRING) CANNABINOIDS, SYNTHETIC; PENALTIES FOR TRANSPORT, POSSESSION, SALE OR DISTRIBUTION

This bill amends sections 4.1-225, 9.1-176.1, 15.2-907, 16.1-260, 16.1-278.8:01, 18.2-251, 18.2-255, 18.2-255.1, 18.2-255.2, 18.2-258, 18.2-258.02, 18.2-258.1, 18.2-308, 18.2-308.1:5, 18.2-308.4, 18.2-474.1, 19.2-83.1, 19.2-187, 19.2-386.22 through 19.2-386.25, 22.1-277.08, 22.1-279.3:1, 24.2-233, 53.1-145, 53.1-203, and 54.1-3446 of the Code of Virginia and creates section 18.2-248.1:1 of the Code of Virginia in relation to the transport, possession, sale or distribution of synthetic cannabinoids. The created section defines what synthetic cannabinoids means, and sets out penalties for one

who possesses, with intent to manufacture, or who manufactures synthetic cannabinoids.

**SENATE BILL 750 (SENATOR HOWELL): UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION ACT; ESTABLISHED**

This bill amends sections 24.2-410, 26-30, 26-59, 37.2-1001, and 37.2-1014 and adds sections 37.2-1030, 37.2-1031, and 37.2-1052 of the Code of Virginia. This bill authorizes the Commonwealth to appoint a guardian or conservator for an adult under the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act.

**SENATE BILL 754 (SENATOR REYNOLDS): PROTECTIVE ORDERS, PRELIMINARY; PROHIBITION ON PURCHASE & TRANSPORT OF FIREARMS FOR CERTAIN PERSONS**

This bill amends section 18.2-308.1:4 of the Code of Virginia. This bill prohibits people subject to preliminary protective orders where the petition alleges abuse or neglect from purchasing or transporting a firearm. Previously, the prohibition applied to any person subject to a preliminary protective order.

This bill is identical to House Bill 1779 (Delegate Gilbert).

**SENATE BILL 756 (SENATOR REYNOLDS): UNEXECUTED WARRANTS; CLARIFIES THAT CAN BE DESTROYED IF DISMISSED, EXCEPTIONS**

This bill amends sections 19.2-76.1 of the Code of Virginia. The bill clarifies that unexecuted warrants may be destroyed if dismissed but unexecuted warrants that charge capital murder and those whose preservation is deemed justifiable by the court shall not be dismissed and destroyed.

This bill is identical to House Bill 1695 (Delegate Athey).

**SENATE BILL 757 (SENATOR REYNOLDS): PNEUMATIC GUNS; REGULATIONS, EXCEPTIONS**

This bill amends section 15.2-915.4 of the Code of Virginia by expanding the list of exceptions that localities may include in their laws restricting the use of pneumatic guns. The exception provides that pneumatic guns may be used on private property with the consent of the landowner and when “reasonable care” is used to contain the projectile within the property lines.

**SENATE BILL 763 (SENATOR PULLER): FREEDOM OF INFORMATION ACT; PROCEEDINGS FOR ENFORCEMENT**

This bill amends section 2.2-3713 of the Code of Virginia by requiring that when a petition for mandamus or injunction is sought against a party for denial of rights and privileges, a copy of the petition for mandamus or injunction must be received by the party against whom the writ is brought within three working days prior to filing, in order to be heard within seven days of when the writ or injunction is made.

This bill is identical to House Bill 1860 (Delegate Anderson).

**SENATE BILL 766 (SENATOR NORTHAM): WATER WELL SYSTEMS PROVIDERS; DEFINITION**

This Act amends section 54.1-1128 of the Code of Virginia to change the definition of water well systems provider to include persons who service ground source heat pump exchangers.

**SENATE BILL 770 (SENATOR MARSDEN): UNDERAGE DRINKING AND DRIVING; PUNISHABLE AS CLASS 1 MISDEMEANOR**

This bill amends section 18.2-266.1 of the Code of Virginia. The bill provides that underage drinking is a Class 1 misdemeanor. The bill increases forfeiture of the under aged person’s license from six months to one year, and includes either a mandatory minimum fine of \$500 or the performance of a mandatory minimum of 50 hours of community service.

This bill is identical to House Bill 1407 (Delegate Janis).

**SENATE BILL 771 (SENATOR SASLAW): REMEDIES;  
INCREASES CAP ON RECOVERY IN CERTAIN MEDICAL  
MALPRACTICE ACTIONS**

This bill amends section 8.01-581.15 of the Code of Virginia. This bill increases the cap on recovery in actions health care providers for medical practice from \$2 million to \$2.05 as of July 1, 2012. The cap will continue to increase by \$50,000 annually until July 1, 2031.

This bill is identical to House Bill 1459 (Delegate Albo).

**SENATE BILL 772 (SENATOR LOCKE): ASSAULT AND  
BATTERY; PENALTY WHEN AGAINST FIRE MARSHALS  
WITH POLICE POWERS**

This bill amends section 18.2-57 of the Code of Virginia. This bill amends the definition of law enforcement officer to include certain fire marshals with police powers, the assault and battery of which is treated as a Class 6 felony.

**SENATE BILL 774 (SENATOR MCEACHIN): JURISDICTIONAL  
LIMITS OF COURTS; INCREASES MAXIMUM CIVIL LIMIT OF  
GENERAL DISTRICT COURTS**

This bill amends sections 8.01-195.4, 16.1-77, 43-34, and 46.2-644.03 of the Code of Virginia. The bill increases the maximum civil jurisdictional limit of general district courts from \$15,000 to \$25,000.

This bill is identical to House Bill 1590 (Delegate Iaquinto).

**SENATE BILL 778 (SENATOR LUCAS): NOTTOWAY RIVER;  
EXTENDS PORTION THAT IS DESIGNATED AS A  
COMPONENT OF VIRGINIA SCENIC RIVERS SYSTEM**

This Act amends section 10.1-414 of the Code of Virginia to extend the section of the Nottoway River that is currently part of the Virginia Scenic Rivers System from 33.5 to 72.5 miles South of the North Carolina state line.

This bill is identical to House Bill 1743 (Delegate Tyler).

**SENATE BILL 779 (SENATOR LUCAS) JOINT ENTERPRISE ZONE; AUTHORIZES DHCD TO EXPAND AN EXISTING ZONE CONSISTING OF TWO LOCALITIES, ETC.**

This bill amends code section 59.1-544 of the Code of Virginia, permitting the Department to re-designate an existing joint enterprise zone consisting of two localities for the purpose of expanding the zone if certain requirements are met.

**SENATE BILL 782 (SENATOR REYNOLDS): MAGISTRATES; POWER TO ISSUE FELONY ARREST WARRANTS**

This bill amends sections 19.2-71 and 19.2-72 of the Code of Virginia. This bill forbids a magistrate to issue an arrest warrant for a felony offense upon the basis of a complaint by a person other than a law-enforcement officer or an animal control officer without prior authorization by the attorney for the Commonwealth or by a law-enforcement agency having jurisdiction over the alleged offense. Furthermore, this bill provides that a written complaint shall be required if the complainant is not a law-enforcement officer.

This bill is identical to House Bill 1650 (Delegate Cosgrove).

**SENATE BILL 783 (SENATOR WATKINS): ZONING; CLUSTER DEVELOPMENT SUBJECT TO LAND USE ORDINANCE OF LOCALITY**

This bill amends section 15.2-2286.1 of the Code of Virginia by further defining the relationship between a neighborhood's cluster development and local law. The bill states that the cluster development is subject to the laws of the locality, but it also limits on what the locality may prohibit the cluster development from doing. The locality may not limit the appropriation of utilities from neighboring

properties, and the locality may not place certain limits on the “open space” within a neighborhood, including requiring a census of conservation areas within the land, prohibiting the construction of access roads, storm water control, and pathways, and excluding the communities from density calculation.

#### SENATE BILL 784 (SENATOR WATKINS) AFFORDABLE HOUSING; ASSESSMENTS OF REAL PROPERTY

This bill amends code section 58.1-3295 of the Code of Virginia, requiring that an owner may have to furnish, for assessments of real property, statements of the income and expenses attributable over a specified period of time to each parcel of real estate and requiring an owner to comply with all provisions of section 58.1-3294 applicable to properties with more than four rental units.

#### SENATE BILL 785 (SENATOR WATKINS) REAL PROPERTY TAX ASSESSMENT; PARTIAL EXEMPTION FOR CERTAIN IMPROVEMENTS

This bill amends sections 58.1-3219.4 and 58.1-3220 of the Code of Virginia, requiring the local governing body to provide written notification to a property owner indicating the amount of the assessment of the property that will be exempt from real property taxation and indicating the period of the exemption because of certain property improvements.

#### SENATE BILL 786 (SENATOR WATKINS): DEFINITION OF MORTGAGE LOAN ORIGINATOR FOR RESIDENTIAL MORTGAGE LOAN; ALLOWS FOR EXCEPTION UNDER DEFINITION

This legislation amends section 6.2-1700 of the Code of Virginia; providing that any individual who is employed by a housing counseling organization certified or approved by the U.S. Department of Housing and Urban Development, assists borrowers who are in default or in foreseeable likelihood of default on a residential mortgage loan by offering or negotiating the terms of such loan, and does not otherwise engage in any activities for which a license is required, is not included in the term “mortgage loan originator.”

**SENATE BILL 788 (SENATOR WATKINS): WIRELESS E-911 FUND; AMENDS PROCEDURE BY WHICH WIRELESS E-911 SERVICES BOARD DISTRIBUTES FUNDS**

This legislation amends section 56-484.17 of the Code of Virginia, providing a requirement that the Board recalculate the distribution percentage for each public safety answering point (PSAP) annually before the start of each fiscal year based on the cost and call load data from one or more of the previous fiscal years.

**SENATE BILL 790 (SENATOR WATKINS) UNEMPLOYMENT COMPENSATION BILLS; IMPACT STATEMENT**

This bill amends code section 30-19.03:1.2 of the Code of Virginia, requiring the Virginia Employment Commission to prepare a statement reflecting the projected impact on the solvency level of the unemployment trust fund and the average increase in state unemployment tax liability of employers that would result from the enactment of any bill that enhances the benefits payable to an individual.

**SENATE BILL 791 (SENATOR WATKINS): EXTENDED UNEMPLOYMENT BENEFITS; CLARIFIES EXPIRATION OF PROVISIONS THAT EXPAND CERTAIN CRITERIA**

This legislation amends sections 60.2-610 and 60.2-611 of the Code of Virginia and repeals the third enactment of Chapter 789 of the Acts of Assembly of 2009. It provides provisions detailing the expiration of provisions that expanded the criteria for a state “on” indicator, during which unemployed individuals are eligible for extended benefits to include when the employment rate equaled or exceeded 110 percent of the average for either or both of the corresponding three-month periods ending in the two preceding calendar years and equaled or exceeded 6.5 percent. The revised criteria will be effective with respect to weeks beginning in a high unemployment period and thereafter until the week ending three weeks prior to the last week for which federal sharing is authorized by section 2005(a) of Public Law 111-5.



**SENATE BILL 793 (SENATOR WATKINS): MERCURY SWITCHES; EXTENDS SUNSET PROVISION THAT REQUIRES REMOVAL IN CERTAIN MOTOR VEHICLES**

This bill amends Chapters 16 and 163 of the Acts of Assembly of 2006 to extend the expiration date of those provisions relating to the removal of mercury switches in motor vehicles to July 1, 2015.

**SENATE BILL 799 (SENATOR MCEACHIN): COMMUNITY REVITALIZATION FUND; CITY OF RICHMOND TO ESTABLISH FUND FOR PREVENTING DETERIORATION**

This bill adds section 15.2-958.5 to the Code of Virginia, and allows the City of Richmond to, by passage of an ordinance, to create a fund in order to revitalize and protect buildings in the City. Additionally, the bill prescribes the purposes for which the fund may be used, as well as the criteria for the users and nonprofit builders and developers that may take advantage of the revitalized buildings.

This bill is identical to House Bill 1668 (Delegate McClellan).

**SENATE BILL 801 (SENATOR COLGAN) HIGHER EDUCATIONAL INSTITUTIONS BOND ACT OF 2011; CREATED**

This bill authorizes the Treasury Board to issue bonds and bond anticipation notes (BAN) pursuant to Article X, Section 9 (c) of the Constitution of Virginia. This bill gives the Board the power to issue such securities for the purpose of financing revenue producing projects, including the enlargement and/or improvement of institutions of higher learning in the Commonwealth of Virginia and restricts the amount of the bonds to an amount not exceeding \$64,579,000, plus an amount needed to fund certain costs listed in the bill. In addition, this bill lays out details about the sale and execution of the bonds.

**SENATE BILL 802 (SENATOR HOUCK): CHILD DAY PROGRAMS; REGULATION, USE OF OUTDOOR PLAY EQUIPMENT AND AREAS**

This bill amends section 63.2-1734 of the Code of Virginia by clarifying that existing regulations on the use of outdoor play equipment and areas do not prohibit students from using outdoor play equipment and areas, during school hours, where the child care program houses a school and is currently approved by the Department of Education or recognized as a private school by the State Board of Education.

**SENATE BILL 809 (SENATOR OBENSHAIN): ATTORNEY LIABILITY TO CLIENT; REMOVES LANGUAGE FROM STATUTE AUTHORIZING MALPRACTICE ACTIONS, ETC.**

This bill amends section 54.1-3906 of the Code of Virginia. The bill removes the language that states that damages in lieu of interest, not exceeding fifteen percent annually until pay, may be awarded against the attorney.

**SENATE BILL 810 (SENATOR OBENSHAIN): ACCREDITATION OF SCHOOLS; DELAYED IMPLEMENTATION OF CERTAIN STATUTES AND REGULATIONS**

This bill amends Chapter 463 of the Acts of Assembly of 2009, as amended by Chapters 398 and 604 of the Acts of Assembly of 2010, to make that provision current for the 2011-2012 school year and mandate that regulations prescribing economics and financial literacy as a graduation requirement and related changes to the standard and advanced studies diplomas shall become effective July 1, 2011.

This bill is identical to House Bill 1554 (Delegate Wilt).

**SENATE BILL 815 (SENATOR MCEACHIN): STATE GRIEVANCE PROCEDURE; SCOPE OF HEARING OFFICER'S DECISION, REINSTATEMENT**

This bill amends section 2.2-3005.1 of the Code of Virginia by adding a new remedy the hearing officer may order for relief. The additional remedy is reinstatement to the same position or if the position has been filled, to an equivalent position.

**SENATE BILL 819 (SENATOR EDWARDS): TWO-YEAR COLLEGE SCHOLARSHIP MATCH PROGRAM; ESTABLISHED**

This bill would have amended the Code of Virginia by adding sections numbered 23-220.5, 23-220.6, and 23-220.7 to create a Two-Year College Scholarship Match Program to provide matching funds to two-year college foundations and the Virginia Foundation for Community College Education. The bill did not pass.

**SENATE BILL 823 (SENATOR EDWARDS): WORKERS' COMPENSATION; PRESUMPTION THAT CERTAIN INJURIES ARE WORK RELATED**

The legislation amends section 65.2 of the Code of Virginia by adding section 65.2-105. It provides that in any claim for compensation, where the employee is physically or mentally unable to testify unable to testify and where there is un rebutted prima facie evidence that indicates the injury was work related, it shall be presumed, in the absence of a preponderance of evidence to the contrary, that the injury was work related.

This bill is identical to House Bill 1475 (Delegate Ware).

**SENATE BILL 824 (SENATOR EDWARDS): TUITION, IN-STATE; WAIVER OF ONE-YEAR RESIDENCY REQUIREMENT FOR VETERANS**

This bill amends section 23-7.4 of the Code of Virginia to define Veteran as "an individual who has served in the active military, naval or air service and who was discharged or released therefrom under conditions other than dishonorable," and provides that active duty military personnel residing in the Commonwealth, retired military personnel residing in the Commonwealth at the time of their retirement, or veterans, can voluntarily elect to establish Virginia as their permanent residence for domiciliary purposes. Pursuant to this exception, the requirement of one year shall be waived if all other conditions for establishing domicile are satisfied.

This bill is identical to House Bill 1861 (Delegate Anderson).

**SENATE BILL 827 (SENATOR EDWARDS): ELECTRONIC NOTARY; NOTARY TO NOTARIZE DOCUMENT IF SIGNER IS NOT PRESENT IF IDENTITY IS ESTABLISHED**

This bill amends sections 47.1-2, 47.1-7, 47.1-12, 47.1-13, 47.1-14, and 47.1-15 of the Code of Virginia. This bill states that “satisfactory evidence of identity” can be satisfied with video and audio conference technology for purposes of electronic notarization. A document may be notarized if the signer is not present if the notarization is electronic and satisfactory evidence of the identity of the signer has been established.

This bill is identical to House Bill 2318 (Delegate Byron).

**SENATE BILL 828 (SENATOR EDWARDS): HEALTH PROFESSIONS; RECIPROCITY EXEMPTION FROM LICENSING**

This bill amends section 54.1-2901 of the Code of Virginia to add to the list of individuals exempt from licensure requirements practitioners of one of the professions regulated by the Board of Medicine who is in good standing with the applicable regulatory agency in another state from engaging in the practice of that profession in Virginia with a patient who is being transported to or from Virginia for care.

This bill is identical to HB 2253 (Delegate Nutter).

**SENATE BILL 829 (SENATOR LOCKE): TENANTS' ASSERTION; RENT ESCROW**

This bill adds sections 55-225.11, 55-225.12, and 55-225.13 to the Code of Virginia. It states the duties a tenant must comply with in order to bring a claim against a landlord for a condition on the premises that creates a material noncompliance either by the rental agreement or by law. The bill also states what remedies a tenant may ask for in the noncompliance suit and requires the tenant to continue paying rent in escrow until the problem has been resolved in court.

**SENATE BILL 839 (SENATOR PETERSON): HOMESTEAD EXEMPTIONS; ADDS ONE FIREARM, NOT TO EXCEED \$3,000 VALUE, TO LIST OF EXEMPTIONS**

This bill amends section 34-26 of the Code of Virginia, now entitling every householder to hold exempt one family firearm not exceeding \$3,000 in value from the creditor process. In addition, the maximum exemption for a motor vehicle increased from \$2,000 to \$6,000.

This bill is identical to House Bill 1422 (Delegate Albo).

**SENATE BILL 841 (SENATOR PETERSON): IMMUNITY OF OFFICERS, ETC., OF NONPROFIT ORGANIZATIONS; TERMINATION, ETC., OF CORPORATION**

This bill amends sections 8.01-220.1:1, 13.1-870.1, and 13.1-870.2 of the Code of Virginia providing immunity from civil liability for directors, partners, members, managers, trustees and officers of nonprofit organizations for acts taken in their official capacities. Under the revised statute, the immunity survives any termination, cancellation, or other discontinuance of the organization.

This bill is identical to House Bill 1877 (Delegate Filler-Corn).

**SENATE BILL 843 (SENATOR PETERSEN): ABOVEGROUND STORAGE TANKS; WATER CONTROL BOARD TO DEVELOP PERFORMANCE STANDARDS FOR CERTAIN TANKS**

This bill amends section 62.1-44.34:15.1 of the Code of Virginia to require the Board to establish performance standards for aboveground storage tanks in the City of Fairfax, in order to bring those tanks into conformance with regulations adopted according to subsection 5. These standards must be met by July 1, 2021.

This bill is identical to House Bill 2103 (Delegate Bulova).

**SENATE BILL 844 (SENATOR PETERSEN) WARRANTS;  
AUTHORIZES LOCAL GOVERNEMENTS TO REGULARLY  
PUBLISH INFORMATION RELATING THERETO**

This bill amends code section 58.1-3131 of the Code of Virginia, allowing certain aggregated information relating to warrant expenditures to be published. However, it does still prevent any information that is prohibited from release under federal or state law, including but not limited to confidential records, from being published.

**SENATE BILL 847 (SENATOR PETERSEN): CHARTER; CITY  
OF FAIRFAX.**

This bill amends sections 5.5 and 8.8 of Chapter 319 of the Acts of Assembly of 1966, by changing the date of elections to either the second Tuesday of July or, if it happens prior to the second Tuesday, the first council meeting in July. The bill also provides that actions on revenue bonds are governed by applicable statutes under the Code of Virginia and states that revenue bonds do not fall under referendum criteria in the Charter of Fairfax.

This bill is identical to House Bill 1742 (Delegate Bulova).

**SENATE BILL 854 (SENATOR WAGNER): SALES OF  
SECONDHAND BUILDING MATERIALS; POLICE CHIEF MAY  
REFUSE TO ISSUE PERMIT IF A FELON**

This bill amends sections 59.1-117, 59.1-118, 59.1-119, 59.1-120 through 59.1-123, and 59.1-125 of the Code of Virginia and to amend the Code of Virginia by adding Article 1 of Chapter 9 of Title 59.1 a section numbered 59.1-116.1. It provides authority to the chief of police or sheriff may refuse to issue a permit for trading in secondhand building fixtures, and may revoke any permit issued, to any person convicted of a felony or crime of moral turpitude within the three years before the request for the permit. Additionally, the measure provides for certain record-keeping requirements.

**SENATE BILL 859 (SENATOR WAGNER): MID-ATLANTIC  
OFFSHORE WIND ENERGY INFRASTRUCTURE  
DEVELOPMENT COMPACT; REPEALING COMPACT**

This bill repeals section 2.2-6000 of the Code of Virginia, repealing the compact Virginia entered into with Delaware, Maryland, New Jersey, and New York in 2009 for the purpose of coordinating research and obtaining funding for the coordination of offshore wind energy exploration and the reduction of energy dependence.

**SENATE BILL 862 (SENATOR WAGNER): COMMONWEALTH  
ENERGY POLICY; LOCAL RENEWABLE ENERGY FACILITY  
SITING ORDINANCES**

This legislation amends the Code of Virginia by adding in Chapter 1 of Title 67 a section numbered 67-103 providing the role of local governments in achieving objectives of the Commonwealth Energy Policy. In the development of any local ordinance addressing the siting of renewable energy facilities that generate electricity from wind or solar resources, the ordinance must be consistent with the provisions of the Commonwealth Energy Policy, provide reasonable criteria to be addressed, and include provisions establishing reasonable requirements upon the siting of any such renewable energy facility.

**SENATE BILL 863 (SENATOR WAGNER) NEIGHBORHOOD  
ASSISTANCE ACT TAX CREDIT; AMENDS DEFINITION OF  
IMPOVERISHED PEOPLE**

This bill amends code section 58.1-439.18 of the Code of Virginia, amending the definition of the term “Impoverished people” to mean individuals with family annual income not in excess of 200 percent of the current poverty guidelines for proposals submitted by a nonprofit entity requesting an allocation of tax credits under this article.

**SENATE BILL 868 (SENATOR STUART): DAMAGE OF CROPS  
AND LIVESTOCK; LAWFUL KILLING OF DEER, ELK, AND  
BEAR**

This bill would have amended section 29.1-529 of the Code of Virginia to allow the Director to authorize the killing of elk out of season, if the elk are damaging agriculture operations or residential property.

This bill was tabled in the House Agriculture Committee.

**SENATE BILL 870 (SENATOR STUART): BLUE ALERT PROGRAM; ESTABLISHED**

This bill amends Title 52 of the code by adding chapter 7.3 consisting of sections 52-34.7, 52-34.8 and 52-34.9. This bill defines the Virginia Blue Alert Program which is activated when a suspect for a crime involving the death or serious injury of a law-enforcement officer has not been apprehended and may be a serious threat to the public or when a law-enforcement officer is missing while in the line of duty under circumstances that warrant concern for the officer's safety.

**SENATE BILL 873 (SENATOR STUART): SUBDIVISION OF LOT; LOCALITIES TO PROVIDE FOR CONVEYANCE TO FAMILY MEMBER IF LAND IS HELD IN TRUST**

This bill adds section 15.2-2244.2 to the Code of Virginia, and allows localities to permit a resident to split his/her parcel of property for the purposes of giving one part to a family member in a trust. The bill also sets forth requirements that a family member and potential trustee must meet in order to create the gift in trust. Additionally, the bill also states that a locality may place certain restrictions or create exception for the creation of the gift and the parcel of land itself.

**SENATE BILL 880 (SENATOR REYNOLDS): CHARTER; CITY OF MARTINSVILLE**

This bill amends sections 2 and 5 of Chapter 2, and section 3 of Chapter 6 of Chapter 193 of the Acts of Assembly of 1950 by changing the Council's election date to the November general elections, with newly elected officials taking over their duties in January. The assumption of duties in January will begin with a meeting of all



council members. The bill also describes the election scheme of the five council members, with three being elected every four years beginning in 2012, and two being elected every four years beginning in 2014.

This bill is identical to House Bill 1536 (Delegate Merricks).

**SENATE BILL 886 (SENATOR MARTIN): ELECTIONS;  
CLARIFICATIONS RELATED TO ABSENTEE VOTING AND  
IDENTIFICATION REQUIRED**

This bill amends sections 24.2-442, 24.2-443.3, 24.2-612, 24.2-643, 24.2-701, 24.2-702.1, 24.2-703, and 24.2-706 of the Code of Virginia, allowing absentee voter registration to remain valid until the next November general or federal election, whichever is later. This bill also provides subsequent Federal Post Card Applications submitted for the same election will supersede any previously submitted. It requires absentee ballots to be made available either 45 days before the election or within three days of receipt of a properly filed absentee voter application, whichever is later.

This bill is identical to House Bill 1858 (Delegate Anderson).

**SENATE BILL 887 (SENATOR MARTIN): SPECIAL  
ELECTIONS; ADJUSTS VARIOUS DEADLINES**

This bill amends sections 22.1-57, 24.2-228.1, 24.2-507, 24.2-510, and 24.2-685 of the Code of Virginia, adjusting certain deadlines including the filing of a referendum on the proposed election of county school board officials, filling vacancies of constitutional offices filing petition of candidacy for special or general elections, nominating candidates for an election by methods other than a primary, and holding a referendum for the abolition of constitutional offices.

**SENATE BILL 889 (SENATOR MARTIN): REFERENDUM  
PETITIONS; VOTER WHO SIGNS MAY PROVIDE LAST FOUR  
DIGITS OF HIS SOCIAL SECURITY NUMBER**

This bill amends section 24.2-684.1 of the Code of Virginia, giving voters the option to only provide the last four digits of their social security numbers instead of the entire social security number, as is currently required in referendum elections.

**SENATE BILL 891 (SENATOR WAMPLER): STATE OF EMERGENCY; PREPARATION FOR RESPONSE**

This bill amends section 44-146.28 of the Code of Virginia to allow the governor to make allotments from a sum sufficient to provide financial assistance to Virginia state agencies and political subdivisions responding to a declared state of emergency in another state regardless of whether or not a state of emergency is declared in Virginia. These preparations are limited to the deployment of at a maximum 300 personnel and a maximum of five days unless a state of emergency is declared in Virginia.

This bill is identical to House Bill 1774 (Delegate Sherwood).

**SENATE BILL 892 (SENATOR WAMPLER): HUMAN RESOURCE MANAGEMENT, DEPARTMENT OF; TRICARE SUPPLEMENTAL HEALTH COVERAGE TO MILITARY RETIREES**

This bill amends section 2.2-2818.1 of the Code of Virginia by expanding state employees who are eligible to participate in the state health care program to include military retirees who are also entitled to benefits under the TRICARE Military Health System. The military retirees may choose to receive coverage under TRICARE as an option under the state's cafeteria program as established under section 125 of the Internal Revenue Code. Dependents of military retirees who are covered under the state health insurance plan and who are TRICARE eligible, may also receive coverage under the TRICARE supplemental health care plan. The cost of the TRICARE supplemental health care plan is to be paid in full by the member pursuant to the rules of section 125 Internal Revenue Code.

This bill is identical to House Bill 1761 (Delegate Cox).

SENATE BILL 893 (SENATOR WAMPLER): SOUTHWEST VIRGINIA CULTURAL HERITAGE FOUNDATION; CREATED

This bill amends section 2.2.2-2010 of the Code of Virginia, while adding sections 2.2-2734 through 2.2-2737, creating the Southwest Virginia Cultural Heritage Foundation. The Foundation is established to encourage the economic development of Southwest Virginia through the expansion of tourism and other asset-based enterprises.

This bill is identical to House Bill 2010 (Delegate Carrico).

SENATE BILL 899 (SENATOR DEEDS): CHARTER; CITY OF ALLEGHANY HIGHLANDS

This bill provides for the incorporation of the City of Allegheny Highlands, which was formed when Allegheny County and City of Covington were consolidated. This bill also repeals Chapter 227 of the Acts of Assembly, which contained the charter to the City of Covington. The bill contains the charter for the City of Allegheny Highlands, which describes the power of the City, including the financial powers, as well as general powers that are typically given to cities in Virginia. Additionally, the charter contains provisions creating the City Council, including the positions of Mayor, Vice-Mayor and Clerk. Other provisions include a description of the City Manager position, Borrowing, Education, Law Enforcement, Utilities, Constitutional Officers, and Miscellaneous Provisions.

This bill is identical to House Bill 1770 (Delegate Shuler).

SENATE BILL 900 (SENATOR DEEDS): ANNEXATIONS; AMENDS LAW TO ALLOW TOWNSHIPS TO USE TRADITIONAL PROCESS TO SEEK TO EXPAND BOUNDARIES

This bill amends section 15.2-3548 of the Code of Virginia to allow for certain townships to apply for annexation to the county or city created by a consolidation occurring after July 1, 2011 that excluded the township at the time. Such townships may only attempt to

consolidate with the newly formed county or city if the consolidation agreement explicitly allows the township to pursue the action.

This bill is identical to House Bill 1769 (Delegate Shuler).

**SENATE BILL 902 (SENATOR DEEDS): JUDICIAL  
RETIREMENT SYSTEM; RETIRED JUDGES OR JUSTICES  
APPEARING AS COUNSEL**

This bill amends section 51.1-309 of the Code of Virginia. The bill allows for justices who have been retired for at least two years to appear as pro bono counsel for indigent persons in a civil matter so long as that justice is not authorized for temporary recall by the Chief Justice of the Supreme Court, the civil matter was assigned or referred to the retired justice by a nonprofit legal aid program and the justice is not an employee, officer, or board member of the nonprofit legal aid program.

**SENATE BILL 903 (SENATOR DEEDS): VIOLENT FELONY;  
POSSESSION OF FIREARM ON SCHOOL PROPERTY  
PROHIBITED, PENALTY**

This bill amends sections 17.1-805 and 18.2-308.1 of the Code of Virginia. This bill provides that any person possessing a firearm designed or intended to expel a projectile by action of an explosion of a combustible material within a school building, and intends or attempts to use the firearm, that person is guilty of a Class 6 felony.

**SENATE BILL 906 (SENATOR DEEDS): FAMILY LIFE  
EDUCATION; SOL OBJECTIVES RELATED TO DATING  
VIOLENCE, ETC., TO BE TAUGHT IN SCHOOL**

This bill establishes that any family life education curriculum offered by a local school division shall require the Standards of Learning objectives related to dating violence and the characteristics of abusive relationships to be taught at least once in middle school

and at least twice in high school, as described in the Board of Education's family life education guidelines.

**SENATE BILL 909 (SENATOR HERRING): TOWN AND COUNTY TREASURERS; RECIPROCAL AGREEMENTS**

This bill amends section 58.1-3910 of the Code of Virginia by adding a section that allows town treasurers in localities whose boundaries overlap with neighboring counties to collect taxes for the county and vice versa. The town or county treasurer is then responsible for ensuring the money collected is received by the correct body in the other locality.

**SENATE BILL 910 (SENATOR HERRING): MILITARY PARENTS; DELEGATION OF VISITATION RIGHTS**

This bill amends sections 20-108, 20-124.8, and 20-124.9 of the Code of Virginia. The bill allows the court to enter an order for visitation rights to parents who are members of the military and have been deployed and family members of deploying parents if the parent had physical custody of the child before the deployment.

**SENATE BILL 916 (SENATOR MCDOUGLE): VIRGINIA LIFE, ACCIDENT, AND SICKNESS INSURANCE GUARANTY ASSOCIATION; NOTICE TO POLICY OWNERS**

This legislation amends section 38.2-1715 of the Code of Virginia; providing a requirement that the summary document of the Virginia Life, Accident, and Sickness Insurance Guaranty Association be placed on the Association's website.

**SENATE BILL 921 (SENATOR MCDOUGLE): PIANAKATANK RIVER & NARROWS; VMRC TO CONVEY EASEMENTS FOR PURPOSE OF INSTALLING, ETC. CABLE SYSTEM**

This bill authorizes the Virginia Marine Resources Commission to grant and convey a permanent easement and right-of-way across the beds of the Piankatank River and the Narrows adjacent to Hills Bay. This bill is emergency legislation.

SENATE BILL 923 (SENATOR MCDOUGLE): INMATES;  
DEPARTMENT OF CORRECTIONS TO ESTABLISH A  
PERSONAL TRUST ACCOUNT THEREFOR

This bill adds section 53.1-43.1 to the Virginia Code. This section requires the Department of Corrections to establish a personal trust account for each inmate. Ten percent of all funds an inmate receives, from any source, must be deposited in this account unless the inmate has been sentenced to death or life without parole. Once the trust account reaches \$1,000, all money the inmate receives is deposited into his other account. The trust account must always have a minimum balance of \$1,000, but the inmate can direct the Department of Corrections to transfer excess funds into his other account. Likewise, an inmate can ask the Department of Corrections to deposit all of his income into the trust account. All funds of the trust account are given to the inmate on his parole or final discharge from the Department of Corrections.

This bill is identical to House Bill 2225 (Delegate Wright).

SENATE BILL 924 (SENATOR MCDOUGLE): HOSPITALS,  
NURSING HOMES, ETC.; REGULATIONS REQUIRED OF  
BOARD OF HEALTH

This bill amends section 32.1-127 of the Code of Virginia to require that regulations promulgated by the Board shall include policies related to infection prevention, disaster preparedness, and facility security of hospitals, nursing homes, and certified nursing facilities. This bill also expands the statutory definition of “hospital” to include facilities in which 5 or more first trimester abortions per month are performed shall be classified as a category of “hospital.”

SENATE BILL 925 (SENATOR MCDOUGLE): GLOBAL  
POSITIONING SYSTEM (GPS); TRACKING FOR PERSON ON  
BOND OR AS A CONDITION OF PROBATION

This bill amends sections 19.2-123 and 19.2-303 of the Code of Virginia. The bill allows any judicial officer to impose that a person who is required to execute a secured bond be subject to mentor-

ing by a Global Positioning System (“GPS”) tracking device. A GPS may also be used as a condition for probation or suspended sentence.

This bill is identical to House Bill 2106 (Delegate Armstrong).

**SENATE BILL 927 (SENATOR MCDUGLE): SEX OFFENDER REGISTRY; AFFIDAVITS**

This bill amends sections 18.2-472.1 and 19.2-188.3 of the Code of Virginia. The bill specifies the procedure for criminal proceedings of individuals who fail to register as sex offenders. It is no longer required that Melendez-Diaz procedures be followed, and in preliminary hearings the Commonwealth is not responsible for summoning the custodian of the records issuing the affidavit.

**SENATE BILL 930 (SENATOR MCDUGLE): DEBT MANAGEMENT PLAN PROVIDERS; LICENSURE; EXEMPTS LICENSED CERTIFIED PUBLIC ACCOUNTANTS OR FIRMS**

This bill amends section 6.2-2000 of the Code of Virginia by providing that the term “credit counselor” does not include licensed certified public accountants or licensed certified public accounting firms engaging in unusual and customary services performed on behalf of clients. The distinction exempts such parties from licensing requirements applicable to persons offering debt management plans.

**SENATE BILL 931 (SENATOR MCDUGLE): TRANSFER FEE COVENANTS; SHALL NOT RUN WITH TITLE TO REAL PROPERTY & NOT ENFORCEABLE AGAINST OWNER**

This bill amends section 55-70.2 of the Code of Virginia. The bill provides definitions for the terms “transfer”, “transfer fee” and “transfer fee covenant.” Additionally, the bill provides that a transfer fee covenant recorded in the Commonwealth on or after July 1, 2011 shall not run with the title to real property and is not binding or enforceable at law. Finally, any lien purporting to secure payment of a transfer fee under a transfer fee covenant recorded in the Commonwealth on or after July 1, 2011, is void and unenforceable.

**SENATE BILL 940 (SENATOR MILLER): STRIPED BASS;  
DESIGNATED AS OFFICIAL STATE SALTWATER FISH**

This bill amends section 1-510 of the Code of Virginia by adding the Striped Bass as Virginia's official state saltwater fish with the Brook Trout remaining the state's official freshwater fish.

**SENATE BILL 941 (SENATOR MILLER): UNIFORM  
STATEWIDE BUILDING CODE; HARMONIZES STATUTE OF  
LIMITATIONS FOR CRIMINAL PROSECUTIONS**

This bill amends sections 19.2-8 and 36-106 of the Code of Virginia by changing the start of the one year statute of limitation from when the owner discovers the violation to when the building official discovers the violation, provided the building official discovers the offense within two years of the building's occupancy or use after construction of the building or the issuance of a certificate of occupancy, whichever is last. If the building violation relates to the maintenance of an existing structure, the statute of limitations is one year from the discovery of the violation by the building official.

This bill is identical to House Bill 2168 (Delegate Abbitt).

**SENATE BILL 944 (SENATOR HOWELL): DRIVER TRAINING  
STANDARDS; ESTABLISH FOR LAW-ENFORCEMENT  
PURSUITS AND FOR EMERGENCY CALLS**

This bill amends section 9.1-102 of the Code of Virginia. This bill requires the Department of Criminal Justice Services to establish and publish training standards for law-enforcement personnel assigned to vehicle patrol duties for responding to emergency calls, and law-enforcement personnel involved in criminal investigations that embody current best practices for conducting photographic and live lineups.

**SENATE BILL 945 (SENATOR HOWELL): VOTERS; WHEN  
NAME IS ERRONEOUSLY OMITTED FROM THE  
POLLBOOK**



This bill amends section 24.2-652 of the Code of Virginia, adjusting the procedure for signing a statement affirming status as an eligible voter in the event the voter's name is mistakenly omitted from the pollbook. The bill requires the voter to supply only the last four digits of his social security number instead of the full number, as was previously required.

SENATE BILL 946 (SENATOR HOWELL): SCHOOL BUSES;  
INSTALLATION OF VIDEO-MONITORING SYSTEMS  
THEREON BY SCHOOL DIVISIONS

This bill amends section 46.2-844 of the Code of Virginia to permit localities to authorize the school division of the locality to install and operate a video-monitoring system in or on the school buses.

This bill is identical to House Bill 1911 (Delegate Miller).

SENATE BILL 951 (SENATOR HOUCK): FREEDOM OF  
INFORMATION ACT; LIBRARY OF VA. IS CUSTODIAN OF  
RECORDS TRANSFERRED TO IT FOR ARCHIVING

This bill amends section 2.2-3704 of the Code of Virginia by stating that nothing within the law shall be understood to apply to records transferred to the Library of Virginia for permanent archiving in compliance with Virginia Public Records Act (sections 42.1-76 et seq.). The Library of Virginia will become permanent guardians of those records and shall be responsible for responding to requests for those documents under the Freedom of Information Act.

SENATE BILL 953 (SENATOR HOUCK): VIRGINIA INDEX OF  
PERFORMANCE PROGRAM; BOARD OF EDUCATION TO  
ENCOURAGE ACHIEVEMENT IN SCIENCE, ETC.

This bill amends section 22.1-253.13:9 of the Code of Virginia requiring the Board of Education to take into account in its guidelines a school division's increase in enrollments and elective course offerings in science, technology, engineering, and mathematics.

This bill is identical to House Bill 2172 (Delegate Phillipps).

**SENATE BILL 954 (SENATOR MILLER): JUVENILE WORK PROGRAMS; ADDS ADDITIONAL MEMBERS TO COMMITTEE REVIEWING THOSE EMPLOYING OFFENDERS**

This bill amends section 66-25.1 of the Code of Virginia and expands the current committee responsible for reviewing agreements between public or private entities and the Department of Juvenile Justice for juvenile work programs. It adds representatives from: a business that employs, has employed or has expressed interest in employing juvenile offenders, a local workforce investment board, the Department of Correctional Education, the Office of the Secretary of Education, the Virginia Community College System, and the Virginia Workforce Council to the existing committee. It also charges the committee with developing and submitting a plan to establish a network of business willing to employ juveniles released from custody of the Department of Juvenile Justice.

**SENATE BILL 956 (SENATOR BLEVINS): CRIMINAL HISTORY RECORD INFORMATION; DEPARTMENT OF REHABILITATIVE SERVICES TO OBTAIN FOR EMPLOYMENT**

This bill amends section 19.2-389 of the Code of Virginia. This bill allows for Department of Rehabilitative Services and the Department for the Blind and Visions Impaired to receive criminal history record information for purposes of evaluating the individual's fitness for various types of employment and to deliver comprehensive vocational rehabilitation services that will assist the individual in obtaining employment.

Senate Bill 956 is identical to House Bill 1707 (Delegate Merricks).

**SENATE BILL 959 (SENATOR NORTHAM): VITAL RECORDS; CERTIFIED COPIES FOR VETERANS OR HIS SURVIVOR, FREE OF CHARGE**

This bill amends section 32.1-273 of the Code of Virginia to require that whenever any veteran or his survivor requires a copy of a vital record to obtain service-connected benefits, one copy of such record shall be provided directly to the U.S. Department of Veterans Affairs upon their request and one copy shall be provided to the veteran or his surviving spouse, upon request, with no charge.

**SENATE BILL 960 (SENATOR NORTHAM): CHILDREN'S HOSPITALS; DEFINITION**

This bill amends section 32.1-123 of the Code of Virginia to define "Children's hospital" as a hospital (i) whose inpatients are predominantly under 18 years of age and (ii) which is excluded from the Medicare prospective payment system pursuant to the Social Security Act.

**SENATE BILL 961 (SENATOR NORTHAM): VIRGINIA WATER PROTECTION PERMIT; FEE EXEMPTION FOR U.S. NAVY DREDGING PROJECTS**

This bill amends section 62.1-44.15:6 of the Code of Virginia to make the Department of the Navy exempt from paying a fee for a permit for dredging projects, just as all federal navigation channels and Corps of Engineers projects currently are exempt.

This bill is identical to House Bill 1649 (Delegate Cosgrove).

**SENATE BILL 963 (SENATOR NORTHAM): AQUACULTURE OPPORTUNITY ZONES; REMOVES AUTHORITY OF MRC TO ESTABLISH COMMERCIAL SHELLFISH ZONES**

This bill amends section 28.2-603 of the Code of Virginia to remove the Marine Resources Commission's authority to establish commercial shellfish aquaculture opportunity zones.

**SENATE BILL 964 (SENATOR NORTHAM): COASTAL RESOURCE MANAGEMENT; MARINE RESOURCES COMMISSION, ET AL., TO DEVELOP INTEGRATED GUIDANCE**

This bill amends section 28.2-1100 and adds sections 15.2-2223.2 and 28.2-104.1 to the Code of Virginia to define “living shoreline” and require localities in Tidewater, Virginia to follow the guidelines developed by the Virginia Institute of Marine Science with regards to the management of tidal shoreline systems. The law directs the Commission, in conjunction with the Virginia Institute of Marine Science and Department of Conservation and Recreation, to develop guidelines by December 30, 2012 and to promote as the policy of the Commonwealth support of living shorelines as the preferred alternative for stabilizing tidal shorelines.

**SENATE BILL 965 (SENATOR NORTHAM) RETAIL SALES AND USE TAX; EXEMPTION FOR SPACEPORT ACTIVITIES**

This bill amends code section 58.1-609.3 of the Code of Virginia, striking the ending date from the code section that indicates when the certain items listed in the code section should be returned to the Commonwealth for use in conducting spaceport activities.

**SENATE BILL 966 (SENATOR NORTHAM): PUBLIC SCHOOLS; PHYSICAL EDUCATION REQUIREMENT**

This bill would have amended section 22.1-253.13:1 of the Code of Virginia from its stated goal of a minimum average of 150 minutes of physical education per week during the regular school year to actually require that goal be met for kindergarteners through eighth grade. The amendment would have required a similar provision for high school students.

The bill is identical to House Bill 1644 (Delegate O’Bannon) and did not pass as a result of the Governor’s veto.

**SENATE BILL 967 (SENATOR NORTHAM): FAMILY LIFE EDUCATION; REQUIRES SCHOOL DIVISION TO IMPLEMENT STANDARDS OF LEARNING PROGRAM**

This bill would have amended section 22.1-207.1 of the Code of Virginia to require that

each school division implement the standards of learning for the family life education program promulgated by the Board or a family life education program consistent with the guidelines developed by the Board, with the goals of reducing the incidence of pregnancy, sexually transmitted disease, and substance abuse among teenagers. The bill would have specified that any curricula used in such programs must be medically accurate and evidence-based.

This bill did not pass.

SENATE BILL 971 (SENATOR MARSH): VIRGINIA  
COMMONWEALTH UNIVERSITY; BOARD OF VISITORS TO  
CONVEY CERTAIN PROPERTY TO CITY OF RICHMOND

This bill permits and details the parameters for Virginia Commonwealth University to convey real property to the City of Richmond to be used for the official Richmond Slave Trail.

SENATE BILL 973 (SENATOR WHIPPLE): WEIGHTS AND  
MEASURES; IMPOSITION OF FEE USED FOR INSPECTING  
AND TESTING PETROLEUM DISPENSING PUMPS

This bill would have amended sections 3.2-5609 and 62.1-44.34:13 of the Code of Virginia to require the Commissioner of the Department of Motor Vehicles to inspect the weights and measures used or offered for sale annually. The inspection fees were to be deposited in a Weights and Measures Fund and would be used solely for the purpose of inspecting and testing petroleum dispensing pumps, unless the amount in the fund exceeds the actual cost of inspection and testing. The bill also would have imposed an additional fee on each gallon of fuel sold, delivered or used in the Commonwealth.

This bill was tabled in the House Appropriations Committee and did not pass.

SENATE BILL 974 (SENATOR WHIPPLE) INCOME TAX,  
STATE; AGRICULTURAL BEST MANAGEMENT PRACTICES  
TAX CREDITS

This bill amends code section 58.1-339.3 of the Code of Virginia, allowing tax credits that exceed a taxpayer's liability to be refunded by the Tax Commissioner, as long as they are refunded within 90 days after the filing date of the income tax return of the taxpayer on which they applied for a refund. The bill also allows a pass-through tax entity to appoint a tax matters representative who must be registered with the Tax Commissioner.

**SENATE BILL 975 (SENATOR WHIPPLE): VOLUNTARY SOLAR RESOURCE DEVELOPMENT FUND; ESTABLISHED**

This legislation amends the Code of Virginia by adding in Title 67, a chapter numbered 13, consisting of sections 67-1300 through 67-1305. The Act provides the establishment of the Voluntary Solar Resource Development Fund. Additionally, it requires that the Department of Mines, Minerals, and Energy to provide the option to make voluntary contributions to the Voluntary Solar Resource Development Fund. The measure expires July 1, 2016.

This bill is identical to House Bill 2191 (Delegate Ebbin).

**SENATE BILL 976 (SENATOR WHIPPLE): NURSING HOMES; REQUIRED BY BOARD OF HEALTH TO SEND NOTICES AND INFORMATION ABOUT FAMILY COUNCIL**

This bill amends section 32.1-127 of the Code of Virginia to require that each nursing home and certified nursing facility shall, upon the request of the facility's family council, send notices and information about the family council mutually developed by the family council and the administration of the nursing home or certified nursing facility, and provided to the facility for such purpose, to the listed responsible party or a contact person of the resident's choice up to six times per year. Such notices may be included together with a monthly billing statement or other regular communication. Notices and information shall also be posted in a designated location within the nursing home or certified nursing facility.

This bill is identical to House Bill 1818 (Delegate Hope).

**SENATE BILL 978 (SENATOR WHIPPLE): FAMIS PLAN;  
ELIGIBILITY**

This bill would have amended section 32.1-351 of the Code of Virginia to extend Family Access to Medical Insurance Security (FAMIS) Plan coverage to children, residing in Virginia, whose family income does not exceed 225 percent of the federal poverty level during the enrollment period.

This bill did not pass.

**SENATE BILL 979 (SENATOR WHIPPLE) LAND  
PRESERVATION TAX CREDIT; DCR TO REPORT ON LAND  
QUALIFYING FOR CREDIT TO PROTECT WATER QUALITY**

This bill amends code section 58.1-512 of the Code of Virginia, now requiring that the Department of Conservation and Recreation annual report include information, when available, on “riparian buffers, both vegetated/forested buffers and no-plow buffers, required by deed restriction on land qualifying for credits in order to protect water quality.”

**SENATE BILL 982 (SENATOR WHIPPLE): ENDANGERED AND  
THREATENED SPECIES; BOARD OF GAME AND INLAND  
FISHERIES TO ADOPT REGULATIONS**

This bill amends sections 29.1-563 and 29.1-568 of the Code of Virginia to add definitions of conservation plan, experimental population, and incidental take to the law, and authorizes the Board of Game and Inland Fisheries to adopt regulations allowing the taking of fish or wildlife within designated experimental populations.

**SENATE BILL 985 (SENATOR LOCKE): HOUSING  
DEVELOPMENT AUTHORITY ACT; TERMS AND  
CONDITIONS OF PURCHASES, ETC., TO LENDERS OF  
MORTGAGES**

This bill amends section 36-55.35 of the Code of Virginia by stating that except in cases of mortgage loans, that when made by the mortgage lender, are to be purchased by Housing Development Au-

thority (HDA), no obligation is to be eligible for purchase by HDA from a mortgage lender unless the date of the obligation precedes HDA's commitment to purchase the obligation by a number of years as set by HDA and at or before the point of transfer is certified as required by law.

This bill is identical to House Bill 1877 (Delegate Bulova).

**SENATE BILL 987 (SENATOR PULLER) REAL PROPERTY TAX; EXEMPTION FOR DISABLED VETERANS**

This bill creates code sections 58.1-3219.5 and 58.1-3219.6 of the Code of Virginia, giving disabled veterans an exemption from property taxes. The code section lays out the application process for such exemption.

**SENATE BILL 988 (SENATOR PULLER): HEALTH CARE, JOINT COMMISSION ON; EXTENDS SUNSET PROVISION**

This bill extends the lifespan of the Joint Commission on Healthcare, as established in Virginia Code section 30-170, for three years. The new sunset for the Commission is July 1, 2015.

This bill is identical to House Bill 2303 (Delegate Brink).

**SENATE BILL 990 (SENATOR STUART): VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES; REGULATION OF FERTILIZER**

This legislation amends sections 3.2-3600, 3.2-3601, 3.2-3602.1, 3.2-3605 through 3.2-3613, 3.2-3615, 3.2-3619, 3.2-3620, and 3.2-3621 and adds sections 3.2-3624 and 3.2-3625 and repeals section 3.2-3623 of the Code of Virginia to add and clarify definitions relating to fertilizer procedures and products. The bill also allows the Commissioner to adopt as a regulation the Official Fertilizer Standards adopted by the Association of American Plant Food Control Officials (AAPFCO), and those methods used by the AAPFCO. This bill adds a requirement to adopt regulations concerning the certification of employees and representatives of state agencies that apply



regulated fertilizer products. The bill also lays out the fee for failure to comply with the regulations.

This bill is identical to House Bill 2057 (Delegate Poindexter).

**SENATE BILL 991 (SENATOR STUART): ACQUISITION OF TITLE TO AN ABANDONED VESSEL; CHANGES NOTIFICATION PROCEDURES**

This bill amends section 29.1-733.1 of the Code of Virginia to change the notice requirement to claim an abandoned vessel from posting in a newspaper for three consecutive days to posting notice in three consecutive issues.

This bill is identical to House Bill 1971 (Delegate Robinson).

**SENATE BILL 995 (SENATOR STUART): SPECIAL COMBINED INDIVIDUAL SPORTFISHING LICENSES; BOAT LICENSE**

This legislation amends sections 28.2-302.2:1 and 29.1-310.2 of the Code of Virginia to create a special combined sportfishing license to fish in the tidal waters of Virginia in lieu of other fishing licenses. This bill designates the cost for the special license as \$125, and directs how the funds from the license are to be deposited into the treasury.

**SENATE BILL 999 (SENATOR STOSCH) LOCAL DEFENSE PRODUCTION ZONE; CREATED AND CREATES A SEPARATE CLASSIFICATION OF MACHINERY AND TOOLS**

This bill amends code section 58.1-3245.12 of the Code of Virginia and creates code sections 58.1-3508.4 and 58.1-3853 of the Code of Virginia, allowing a governing body to also adopt a local enterprise zone development taxation program for a defense production zone located within its boundaries, regardless of whether or not that defense production zone has been designated by the Governor as an enterprise zone. The bill also creates a separate classification of machinery and tools used in manufacturing equipment for national defense.

SENATE BILL 1000 (SENATOR WATKINS): ALCOHOLIC BEVERAGE CONTROL; DEFINITION OF CHAPTALIZATION AND CIDER

The Bill amends section 4.1-213 of the Code of Virginia. This bill clarifies the definition of chaptalization as "a method of increasing the alcohol in a wine by adding sugar to the must before or during fermentation" and expands the definition of cider to mean " any beverage, carbonated or otherwise, obtained by the fermentation of the natural sugar content of apples, and (i) containing not more than 10 percent of alcohol by volume without chaptalization or (ii) containing not more than seven percent of alcohol by volume regardless of chaptalization."

SENATE BILL 1001 (SENATOR WATKINS): CORRECTIONS, STATE BOARD OF; POWERS AND DUTIES

This bill amends section 53.1-5 and repeals section 53.1-7 of the Code of Virginia and eliminates the duties of the State Board of Corrections to: (i) ensure the development of long-range programs and plans for corrections services provided at the state and local levels; (ii) to review and comment on all budgets and requests for appropriations for the Department prior to their submission to the Governor and on all applications for federal funds; and (iv) to monitor the activities of the Department and its effectiveness in implementing the standards and goals of the Board. It limits the power of the State Board of Corrections to make rules and regulations necessary to carry out the provisions of this title and other laws of the Commonwealth only to those pertaining to local, regional, and community correctional facilities.

SENATE BILL 1004 (SENATOR WATKINS)  
TRANSPORTATION AGENCY EFFICIENCIES & COST RECOVERIES; EXEMPTS VDOT, ETC., PAYING REMOTE ACCESS FEE

This bill amends sections 17.1-276, 33.1-41.1, 33.1-70.01, and 33.1-330 of the Code of Virginia, including the Department of Transportation, and the Department of Rail and Public Transportation

in exemptions from paying any fee for remote access to land records and from paying any access or subscription fee.

**SENATE BILL 1007 (SENATOR WATKINS): PERMIT FEES FOR SOLID WASTE FACILITIES; ESTABLISHES SAME FEE STRUCTURE FOR SANITARY LANDFILLS, ETC.**

This bill amends section 10.1-1402.1:1 of the Code of Virginia to change the fees collected from nonhazardous waste facilities and directs the Department of Accounts to adjust the fees annually according to the Consumer Price Index. The bill also requires the Department of Environmental Quality to submit a report to the General Assembly regarding its efforts to improve its solid waste program by December 1, 2011.

**SENATE BILL 1009 (SENATOR WATKINS): MORTGAGE LOAN ORIGINATORS, PROHIBITS SCC FROM ISSUING PROVISIONAL LICENSES ON OR AFTER JULY 1, 2011**

This bill amends sections 6.2-1603, 6.2-1607, 6.2-1608, and 6.2-1700, adds section 6.2-1721, and repeals section 6.2-1712 of the Code of Virginia. The bill sets out requirements for mortgage lenders and mortgage brokers to apply for a license and prohibits issuance of provisional licenses after July 1, 2011. In addition, the bill authorizes the State Corporation Commission (SCC) to enforce the application requirements.

**SENATE BILL 1010 (SENATOR WATKINS): UNEMPLOYMENT BENEFITS; MINIMUM EARNINGS REQUIREMENT, POSTPONES SCHEDULE INCREASE**

This legislation amends section 60.2-602 of the Code of Virginia; providing for a postponement of the scheduled increase in the minimum amount of wages an employee must have earned in order to be eligible for unemployment benefits. The increase, from \$2700 to \$3000, will apply to claims filed on or after July 1, 2012.

**SENATE BILL 1014 (SENATOR PUCKETT): DENTAL HYGIENISTS; EXTENSION OF EDUCATIONAL AND PREVENTIVE CARE PROTOCOL**

This bill amends section 54.1-2722 of the Code of Virginia extends for one year the provision permitting a dental hygienist employed by the Virginia Department of Health who holds a license issued by the Board of Dentistry to provide educational and preventative dental care in districts designated as Virginia Dental Health Professional Shortage Areas by the Virginia Department of Health.

**SENATE BILL 1015 (SENATOR PUCKETT): INSURANCE POLICIES; EXEMPTIONS OF LARGE COMMERCIAL RISKS**

This legislation amends section 38.2-1903.1 of the Code of Virginia, providing that professional liability insurance policies are eligible for the exemptions that currently exist for most types of policies written for large commercial risks. The Act also eliminates the requirement that insurers issuing policies under the exemption to provide the number of exempted policyholders annually to the Commission, along with the criteria establishing the exemption.

This bill is identical to House Bill 1586 (Delegate Kilgore).

**SENATE BILL 1017 (SENATOR PUCKETT): GAME AND INLAND FISHERIES, BOARD OF; TO INTRODUCE NEW SPECIES OF GAME, APPROVAL BY LOCAL GOVERNMENT**

This bill amends section 29.1-103 of the Code of Virginia to require authorization and cooperation of the local affected government before introducing any new species of game, birds or fish.

This bill is identical to House Bill 2176 (Delegate Phillips).

**SENATE BILL 1021 (SENATOR PUCKETT): VIRGINIA WATER PROTECTION PERMIT; STATE AGENCIES ASKED TO REVIEW TO PROVIDE COMMENTS WITHIN 45 DAYS**

This legislation amends sections 62.1-44.15:501 and 62.1-44.15:20 of the Code of Virginia to require agency comments regarding Water Protection Permits must be provided within 45 days of project notification by the Department of Environmental Quality and

Virginia Marine Resources Commission, or be deemed approved without further opportunity to provide comment.

This bill is identical to House Bill 2519 (Delegate Morefield).

**SENATE BILL 1024 (SENATOR PUCKETT): DRINKING WATER COMMUNITY CONFIDENCE REPORTS; PUBLICATION.**

This bill amends section 32.1-170 of the Code of Virginia to specify that the regulations of the Board governing waterworks, water supplies, and pure water shall include a procedure whereby waterworks serving fewer than 10,000 people may seek and the Board may grant a waiver of the requirement that the waterworks mail copies of its consumer confidence report to each customer of the waterworks at least once annually. In such cases, the waterworks owner shall publish, a copy of the consumer confidence report, (ii) notice that copies of the consumer confidence report will not be mailed to customers of the waterworks, and (iii) notice that copies of the consumer confidence report shall be made available to the public upon request. The waterworks owner shall certify compliance with the requirements of this subsection to the Board no later than October 1 of each year.

**SENATE BILL 1025 (SENATOR PUCKETT): COAL SURFACE MINING OPERATIONS; AUTHORITY TO ISSUE POLLUTANT DISCHARGE ELIMINATION PERMITS**

This bill amends section 45.1-254 of the Code of Virginia to clarify that the authority to issue, amend, revoke and enforce national pollutant discharge elimination system permits lies solely in the Director of the Water Control Board. This bill also requires the Director to consider whether a discharge may cause an instream excursion above the criteria of a water quality standard, and to factor an established Total Maximum Daily Load into the discharge determination.

This bill is identical to House Bill 2123 (Delegate Poindexter).

SENATE BILL 1026 (SENATOR PUCKETT): AGRICULTURAL ANIMALS; CARE BY OWNER, PENALTY

This legislation amends sections 3.2-6500 and 3.2-6569 and adds section 3.2-6503.1 to the Code of Virginia to prescribe the proper care of agricultural animals and the penalty for failing to meet those standards.

This bill is identical to House Bill 1541 (Delegate Orrock).

SENATE BILL 1029 (SENATOR PUCKETT): HEALTH RECORDS; HEALTH CARE PROVIDERS WHO PRESCRIBE OR DISPENSE CONTROLLED SUBSTANCES

This bill amends sections 32.1-127.1:03 and 54.1-2525 of the Code of Virginia to specify that nothing in that section shall prohibit a health care provider who dispenses a controlled substance required to be reported to the Prescription Monitoring Program to a patient from disclosing information obtained from the Prescription Monitoring Program and contained in a patient's health care record to another health care provider when such disclosure is related to the care or treatment of the patient who is the subject of the record.

This bill is identical to House Bill 2255 (Delegate Nutter).

SENATE BILL 1032 (SENATOR BAKER) REVENUE STABILIZATION FUND; AUDITOR OF PUBLIC ACCOUNTS TO CALCULATE MAXIMUM SIZE OF FUND

This bill amends code section 2.2-1829 of the Code of Virginia, changing the limitation amount the Auditor of Public Accounts should provide on their report to the General Assembly about the certified tax revenues collected in the most recently ended fiscal year from 10 to 15 percent.

SENATE BILL 1036 (SENATOR BARKER): DIRECT RECORDING ELECTRONIC VOTING MACHINES (DREs); LOCALITIES TO MODIFY TO MEET LOCAL MANDATES

This bill amends section 24.2-626 of the Code of Virginia, allowing localities to adjust their existing DREs to comply with federal and state laws, as long as the modifications are first approved by the State Board of Elections.

**SENATE BILL 1037 (SENATOR BARKER): FOSTER CARE PLAN; ELIMINATES INDEPENDENT LIVING AS PERMANENCY GOAL OPTION**

This bill amends sections 16.1-281, 16.1-282, 16.1-282.1, and 63.2-906 of the Code of Virginia, concerning foster care plans. The bill makes independent living a permanent goal option only if the child has been admitted to the United States as a refugee or asylee. Additionally, when a foster care plan that was approved before July 1, 2011 has a goal of independent living, the plan must list the programs and services that will help the child make the transition from foster care to independent living. This provision also applies to foster care plans for children age sixteen or older and children who are in the United States as refugees or asylees. Anytime independent living is listed as an option for a child throughout the bill, the language has been amended to clarify that independent living is a goal for children sixteen or older and children who are refugees or asylees.

**SENATE BILL 1038 (SENATOR BARKER): FOSTER CARE; ALLOWS CHILD PLACED IN CARE TO REMAIN AT HIS ORIGINAL SCHOOL**

This bill amends sections 1-281 and 22.1-3.4 and adds section 63.2-900.3 to the Code of Virginia. It requires the foster care plan to name the school the child will attend while in foster care and states that the child can continue at his current school if the placing social services agency and the local school division agree that doing so is in the best interests of the child. The new section requires the local social services agency placing the child and the local school division to jointly determine (in writing) whether it is in the child's best interest to remain at the school in which he was enrolled prior to the foster care placement.

**SENATE BILL 1039 (SENATOR PUCKETT): CERTIFICATE OF PUBLIC NEED; REMOVES AN EXCEPTION FOR REQUIREMENTS FOR CERTAIN NURSING FACILITIES**

This bill amends sections 32.1-127.1:03 and 54.1-2525 of the Code of Virginia to specify that nothing in this section shall prohibit a health care provider who dispenses a controlled substance required to be reported to the Prescription Monitoring Program established pursuant to Chapter 25.2 (section 54.1-2519 et seq.) of Title 54.1 to a patient from disclosing information obtained from the Prescription Monitoring Program and contained in a patient's health care record to another health care provider when such disclosure is related to the care or treatment of the patient who is the subject of the record.

**SENATE BILL 1040 (SENATOR BARKER): FOSTER CARE; PLACEMENT OF CHILD THROUGH AN AGREEMENT BETWEEN PARENTS AND LOCAL BOARD**

This bill amends sections 63.2-100 and 63.2-901.1 of the Code of Virginia by changing the definition of "foster care placement." The definition previously deletes "public agency designated by the community policy and management team" from the definition, leaving only "(i) an agreement between the parents or guardians where legal custody remains with the parents or guardians or (ii) an entrustment or commitment of the child to the local board or licensed child-placing agency."

This bill is identical to House Bill 1767 (Delegate Crockett-Stark).

**SENATE BILL 1049 (SENATOR BARKER): PUBLIC PROCUREMENT ACT, STATE AGENCIES TO INCLUDE IN CONTRACT THAT CONTRACTOR USE E-VERIFY PROGRAM**

This bill amends section 2.2-4317 and adds section 2.2-4308.2 to the Code of Virginia, which defines E-Verify Program for the purpose of this law as the electronic verification of the work authoriza-



tion program ,Illegal Immigration Reform and Immigrant Responsibility Act of 1996, operated by the U.S. Department of Homeland Security or another qualified federal agency. § 2.2-4308.2 also requires any employer with more than fifty employees for the past year who is entering into a contract with any agency of Virginia to provide more than \$50,000 of services must register and participate in the E-Verify program. For those contractors who do not participate, the company is debarred from contracting with an agency of Virginia for up to one year. Contractors who are required to and refuse to participate in E-Verify are also to be denied prequalification by any state body.

This bill is identical to House Bill 1859 (Delegate Anderson).

**SENATE BILL 1055 (SENATOR STUART): FERTILIZER;  
REGULATION OF APPLICATION AND LABELING, REPORT**

This bill amends sections 3.2-3600, 3.2-3602, 3.2-3602.1, 3.2-3607, 3.2-3611, 10.1-104.2, and 10.1-603.7 and adds sections 3.2-3607.1 and 3.2-3607.2 to the Code of Virginia. The bill defines four new types of products to be regulated. The Act requires governmental entities or their contract-applicators who fertilize more than 100 acres a year to file an annual report with the Department of Conservation and Recreation. The bill prohibits, after December 31, 2013, the use, sale or distribution of fertilizer or deicing agents containing phosphorous, although some products are exempted. In addition, fertilizer sold after December 31, 2013 must contain a specific label instructing users how and where to apply the product. The legislation requires golf courses to establish nutrient management plans.

This bill is identical to House Bill 1831 (Delegate Scott).

**SENATE BILL 1056 (SENATOR STUART): WASTEWATER  
TREATMENT; STATE WATER CONTROL BOARD TO  
DEVELOP POLICIES ELIMINATING WASTEWATER  
DISCHARGES**

This bill would have amended section 62.1-44.15 of the Code of Virginia to require the State Water Control Board to develop policies, in consultation with the Department of Environmental Quality and State Department of Health, aimed at eliminating 50 percent of

all discharges into Virginia waters from sewage treatment facilities by July 1, 2020.

This bill was tabled in the House Agriculture Committee and did not pass.

**SENATE BILL 1057 (SENATOR MCDOUGLE): STATE AGENCIES; REPORTS TO GENERAL ASSEMBLY**

This bill amends section 2.2-608 of the Code of Virginia by requiring that any state entity which is required to make a report to several legislative branch entities may consolidate the reports into one single document containing the necessary information so long as the material is clearly organized in such a way as to make sure each legislative branch entity can clearly see which material is provided for it alone in the report.

**SENATE BILL 1058 (SENATOR MCDOUGLE): AIR EMISSIONS; REPEAL OF LAWS AND REGULATIONS RELATED TO CLEAN AIR INTERSTATE RULE**

This bill repeals sections 10.1-1327 and 10.1-1328 from the Code of Virginia. These sections concerned the implementation of the Clean Air Interstate Rule.

**SENATE BILL 1059 (SENATOR MCDOUGLE): MASTER SETTLEMENT AGREEMENT; REGULATION OF CIGARETTE MANUFACTURERS**

This bill amends section 3.2-4207 of the Code of Virginia to allow a tobacco product manufacturer to request removal of itself or a brand family from the Directory for reasons such as cessation of the manufacturer's operations or discontinuance of a brand. The Act also lays out the consequences for those who sell cigarettes that are removed from the Directory. In addition, if a manufacture fails to provide a purchaser a refund for cigarette brands removed from the Di-

rectory, the bill creates a cause of action against the manufacturer with a penalty of \$500 for each violation.

**SENATE BILL 1060 (SENATOR MCDUGLE): IMPOUNDING STRUCTURE; DETERMINATION OF HAZARD POTENTIAL CLASSIFICATION, DEVELOPMENT OF PERMIT**

This bill amends sections 10.1-603.19 and 10.1-606.4 and adds sections 10.1-604.1 and 10.1-605.3 to the Code of Virginia to authorize the Director to award grants to local governments to determine the hazard classification for impounding structures and other engineering requirements. The bill also includes the procedures for determining the hazard potential classification of an impounding structure. In addition, the Act authorizes the Board to adopt regulations regarding dam break analysis and a permit regarding regulation of low hazard potential impounding structures.

**SENATE BILL 1062 (SENATOR HOWELL): HEALTH INSURANCE; MANDATED COVERAGE FOR AUTISM SPECTRUM DISORDER**

This bill amends section 38.2-4319 of the Code of Virginia and amends the Code of Virginia by adding section 38.2-3418.17; providing a requirement that health insurers, health care subscription plans, and health maintenance organizations provide coverage for the diagnosis of autism spectrum disorder (ASD) and its treatment in individuals ages two to six subject to an annual maximum benefit limitation. An insurer shall not terminate coverage or refuse to deliver, issue, amend, adjust, or renew coverage of an individual solely because the individual is diagnosed with ASD or has retrieved treatment for ASD.

This bill is identical to House Bill 2467 (Delegate Greason).

**SENATE BILL 1063 (SENATOR MILLER): VETERANS AND MILITARY SERVICEMEMBERS; SPECIALTY TREATMENT PROCEDURES**

This bill amends sections 2.2-2001 and 2.2-2001.1 of the Code of Virginia. This bill provides that mental health and rehabi-

litative services programs to support Virginia veterans cooperate with localities that may establish special treatment procedures for veterans and active military service members in the criminal justice system. The bill provides a list of policies, procedures and treatments the services shall be designed to provide.

This bill is identical to House Bill 1691 (Delegate Stolle).

**SENATE BILL 1064 (SENATOR EDWARDS): EROSION & SEDIMENT CONTROL PLANS; MAY CHANGE FEE TO COVER COSTS ASSOCIATED WITH CERTAIN REVIEW, ETC.**

This bill amends section 10.1-563 of the Code of Virginia to allow public utilities that oversee water and sewer lines to file erosion and sediment control specifications annually regarding the construction of those lines. The bill also authorizes the Board to charge a fee to cover the costs associated with specification review, approval, inspection and compliance.

This bill is identical to House Bill 1495 (Delegate Ware).

**SENATE BILL 1065 (SENATOR EDWARDS): CHARTER; TOWN OF NARROWS**

This bill amends section 3.1 of Chapter 472 of the Acts of Assembly of 1970 by changing the date of elections for town officials from May to the date of November general elections, and changes the date newly elected officials assume their duties from July to January. Additionally, the bill provides that the officials whose terms end in June shall stay in office until the November elections, to prevent a gap in leadership. The bill also makes the officials' titles gender neutral by changing "councilmen" to "council members."

**SENATE BILL 1067 (SENATOR EDWARDS): UNAUTHORIZED PRACTICE OF LAW; INCREASES STATUTE OF LIMITATIONS ON PROSECUTIONS**

This bill amends section 19.2-8 of the Code of Virginia. This bill permits the prosecution for the unauthorized practice of law to commence within two years of the discovery of the offense.

SENATE BILL 1068 (SENATOR EDWARDS): CIRCUIT COURT CLERKS; COLLECTION OF FEES

This bill amends section 17.1-275 of the Code of Virginia. The bill provides that filing a counterclaim or any other responsive pleading in any annulment, divorce, or separate maintenance proceeding shall be subject to the \$60 court costs.

SENATE BILL 1069 (SENATOR EDWARDS): VIRGINIA CODE COMMISSION; CHANGES APPOINTMENT AUTHORITY

This bill amends section 30-145 of the Code of Virginia, changing the manner in which circuit court member representatives are appointed to the Code Commission. Previously, the Governor named such appointees; under this new law, the Speaker of the House of Delegates and the Senate Committee on Rules each are empowered to appoint one member. The Governor, or the Governor's delegate, is also added to the Commission.

SENATE BILL 1070 (SENATOR EDWARDS): SMALL BUSINESSES; CLARIFIES PROCESS REVIEW OF EXISTING REGULATIONS

This bill amends sections 2.2-4001 and 2.2-4007.1 of the Code of Virginia by adding definitions for Registrar, Virginia Register of Regulations, and Virginia Regulatory Town Hall. The law also requires if an agency or small business, when performing its regular review of existing regulations, discovers such a review cannot be done by a certain date, to publish a statement to that effect in the Virginia Register of Regulations and post a statement to that effect on the Virginia Regulatory Town Hall, which can extend the review deadline by one year, not exceeding five years. Before the review of agency or small business regulations, the agency or small business must publish a note of review in the Virginia Register of Regulations and post a note of review on the Virginia Regulatory Town Hall, and allow for 21 days of public comment, followed by a report of the regulations review no less than 120 days after the review is completed in

both Virginia Register of Regulations and Virginia Regulatory Town Hall.

This bill is identical to House Bill 2006 (Delegate LeMunyon).

**SENATE BILL 1072 (SENATOR EDWARDS): INTER VIVOS QTIP TRUSTS; IF ESTABLISHED BY DONOR SPOUSE NOT TO BE INCLUDED IN ESTATE**

This bill amends section 55-545.05 of the Code of Virginia. The bill provides that a donor spouse who established a qualified terminable interest property trust for their spouse shall not have the trust property included in the donor spouse's estate for estate tax purposes.

**SENATE BILL 1073 (GEORGE L. BAKER) REAL ESTATE TAX RELIEF; FOR THE ELDERLY AND PERMANENTLY AND TOTALLY DISABLED**

This bill amends sections 15.2-936, 15.2-2407, 21-118.4, 58.1-3211.1, 58.1-3212, 58.1-3213, and 58.1-3215 of the Code of Virginia, amending the local restrictions and exemptions relating to exemptions or deferrals of real property taxes of the elderly or permanently and totally disabled.

**SENATE BILL 1074 (SENATOR BARKER): TUITION, IN-STATE; PERSON OF OTHER STATE MEETING REQUIREMENTS CALLED TO NATIONAL GUARD IS ELIGIBLE**

This bill amends section 23-7.4:2 of the Code of Virginia to clarify that any person who met the requirements for in-state tuition prior to being called to active duty in the National Guard of another state shall be eligible for in-state tuition following completion of active duty service if during active duty that person maintained one or more of the following in Virginia rather than in another state or jurisdiction: a driver's license, motor vehicle registration, voter registration, employment, property ownership, or sources of financial support. Any out-of-state students granted in-state tuition pursuant to this

subsection shall be counted as in-state students for the purposes of determining college admissions, enrollment, and tuition and fee revenue policies.

#### SENATE BILL 1076 (SENATOR BARKER) ELECTIONS; RECOUNT PROCEDURES

This bill amends section 24.2-802 of the Code of Virginia, requiring all ballots for a precinct to be counted by hand if the number of ballots run through the electronic tabulator plus the number of ballots set aside from the tabulator do not add up to the number of ballots rerun through the tabulator.

#### SENATE BILL 1077 (SENATOR BARKER): INTERNATIONAL BACCALAUREATE AND ADVANCED PLACEMENT EXAMINATIONS; CLARIFIES ELIGIBILITY FOR CREDIT

This bill amends section 23-9.2:3.8 of the Code of Virginia to clarify that the governing boards of each public institution of higher education shall implement policies to grant undergraduate course credit to entering freshman students who have successfully taken one or more International Baccalaureate or Advanced Placement examinations.

#### SENATE BILL 1078 (SENATOR BARKER): CHILD CARE; ADMINISTRATION OF CERTAIN MEDICINES OF THOSE REGULATED BY LOCAL GOVERNMENT

This bill amends section 54.1-3408 of the Code of Virginia to clarify that the section shall not prevent the administration of drugs by a person to a child in a child day program regulated by a local government, provided such person (i) has satisfactorily completed a training program for this purpose approved by the Board of Nursing and taught by a registered nurse, licensed practical nurse, doctor of medicine or osteopathic medicine, or pharmacist; (ii) has obtained written authorization from a parent or guardian; (iii) administers drugs only to the child identified on the prescription label in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; and (iv) administers only those drugs that were dispensed from a pharmacy and maintained in the

original, labeled container that would normally be administered by a parent or guardian to the child.

**SENATE BILL 1083 (SENATOR HANGER): ABC; EXEMPTION FROM PAYMENT OF TAX ON WINE AND ALCOHOLIC BEVERAGES SHIPPED OUT OF STATE**

This bill amends section 4.1-234 of the Code of Virginia and exempts alcoholic beverages shipped out of state from Virginia to consumers for personal consumption from the statutory tax levied on other alcoholic beverages. The current tax is forty cents on a liter of wine and twenty percent of total price for other alcoholic beverages.

**SENATE BILL 1085 (SENATOR HANGER JR.): CIGARETTE TAX; TAX COMMISSIONER SHALL CONVENE A WORKING GROUP TO REVIEW CURRENT POLICIES, REPORT**

This bill requires the Tax Commissioner to convene a working group to review current policies relating to cigarette tax, consisting of representatives selected by the organizations and associations listed in the code section.

**SENATE BILL 1092 (SENATOR HANGER): AGRICULTURAL AND FORESTAL DISTRICTS ACT; CREATES PROGRAM ADMINISTRATOR, REVIEW OF APPLICATIONS**

This bill amends sections 15.2-4302 through 15.2-4305, 15.2-4307, 15.2-4309, 15.2-4310, and 15.2-4314, and repeals section 15.2-4308 of the Code of Virginia to require an application for a new or extended forestal district be accompanied by a map or aerial photographs as prescribed by the local government. The bill also allows a local governing body to authorize the planning commission to act in lieu a forestal district advisory committee as long as the planning commission includes at least four members who are engaged in agricultural and forestal production. The bill also lays out what steps the advisory committee or planning commission must do when reviewing an application for a new or extended district, including holding a public hearing, if necessary.

This bill is identical to House Bill 2078 (Delegate Landes).



**SENATE BILL 1093 (SENATOR HANGER): ASSISTED LIVING FACILITIES; MAY CONTINUE TO OPERATE WITH AN ACTING ADMINISTRATOR**

This bill amends sections 54.1-3103.1 and 63.2-1803 of the Code of Virginia and relaxes the restrictions on operating an assisted living facility after its administrator becomes unable to perform his duties. Under the bill, an assisted living facility can name an acting administrator to run the facility for up to 90 days if the acting administrator did not apply for licensure by the Department of Social Services and up to 150 days if he did apply for licensure. The Board of Long-Term Care Administrators shall promulgate regulations to oversee acting administrators of assisted living facilities who have applied for but not received licensure by the Board of Long-Term Care Administrators.

**SENATE BILL 1094 (SENATOR HANGER): YOUTH HEALTH RISK SURVEY; DEPARTMENT OF HEALTH TO DEVELOP AND NOTIFY PARENTS OF STUDENTS SELECTED**

This bill amends section 22.1-79.3 of the Code of Virginia to require the Department of Education to develop and administer a survey of students to facilitate planning and implementation of effective programs for the prevention of substance abuse. The survey shall be anonymous and administered in a manner designed to protect students' privacy. Schools shall be randomly selected for participation in the survey. Schools selected to participate in the survey shall notify students and parents. A student whose parents have refused to consent to the student's participation in the survey shall not be required to participate in the survey.

**SENATE BILL 1096 (SENATOR HANGER): PHARMACIES; SHALL HAVE ACCESS TO PRESCRIPTION MONITORING PROGRAM**

This bill amends section 54.1-3434 of the Code of Virginia to require every pharmacy to be equipped so that prescriptions can be properly filled. The Board of Pharmacy shall prescribe the minimum of such professional and technical equipment and reference material

which a pharmacy shall at all times possess. The bill also clarifies that nothing shall prevent a pharmacist who is eligible to receive information from the Prescription Monitoring Program from requesting and receiving such information; however, no pharmacy shall be required to maintain Internet access to the Prescription Monitoring Program.

**SENATE BILL 1099 (SENATOR HANGER): STORMWATER NONPOINT NUTRIENT OFFSETS; ESTABLISH PRIORITIES TO BE USED BY PERMIT ISSUING AUTHORITIES**

This bill amends section 10.1-603.8:1 of the Code of Virginia to set the criteria under which a permit applicant may be allowed to use nonpoint nutrient offsets. The bill also establishes what must take place before a permittee may begin land disturbing activity. The bill also authorizes a locality to establish a pollutant loading pro rata share program.

**SENATE BILL 1100 (SENATOR HANGER): NUTRIENT OFFSET FUND; CREATED**

This bill amends sections 62.1-44.19:15 and 62.1-44.19:18 and adds section 10.1-2128.2 to the Code of Virginia to establish a nutrient offset fund as a subfund of the Virginia Water Quality Improvement Fund. Money in the fund shall be used only to purchase nutrient offsets.

**SENATE BILL 1102 (SENATOR HANGER): POINT SOURCE NUTRIENT TRADING; SHALL NOT BE SUBJECT TO A TWO-FOR-ONE TRADING RATION**

This bill amends section 62.1-44.19:15 of the Code of Virginia to mandate that acquisition of nutrient allocations shall be considered point source allocations for nutrient trading purposes, and shall not be subject to a two-for-one trading ratio. The bill also clarifies what constitutes point source nutrient removal technology.

**SENATE BILL 1103 (SENATOR HANGER): FORENSIC SCIENCE, DEPARTMENT OF; POWERS AND DUTIES**

This bill amends sections 9.1-1101 and 19.2-310.5 of the Code of Virginia. The bill provides that the Department of Forensic Science must provide forensic laboratory services upon the request of the head of any private police department that has been designated as a criminal justice agency by the Department of Criminal Justice Services.

**SENATE BILL 1104 (SENATOR HANGER): OPEN-SPACE LAND; EXPANDS DEFINITION**

This bill amends section 10.1-1700 of the Code of Virginia to redefine open-space land to include land that is preserved or provided for agricultural or forestal production.

This bill is identical to House Bill 1621 (Delegate Knight).

**SENATE BILL 1105 (SENATOR HANGER): VIRGINIA FARMLAND PRESERVATION FUND; CREATED**

This bill amends section 3.2-201 of the Code of Virginia to create a fund in the state treasury called the Virginia Farmland Preservation Fund. Moneys in the fund shall be used to carry out the provisions of Chapter 32 of the Code of Virginia.

This bill is identical to House Bill 1725 (Delegate Knight).

**SB 1109 (SENATOR HANGER): INMATE LABOR; AUTHORIZES USE THEREOF AT REST AREAS ALONG INTERSTATE HIGHWAY SYSTEM**

This bill amends section 53.1-56 of the Code of Virginia to allow inmates in the care of the Department of Corrections to work in maintaining rest areas along the interstate highway system. Such employment must be approved by the Department of Corrections and the Virginia Department of Transportation, considering the safety of the public.

**SENATE BILL 1110 (SENATOR WAMPLER): UVA; TO MAKE FULL USE OF ADDITIONAL FINANCIAL AUTHORITY GRANTED IN MANAGEMENT AGREEMENT**

This bill adds a section numbered 2.3.1 to Article 2 of the third enactment of Chapters 933 and 943 of the Acts of Assembly of 2006, as amended by Chapters 675 and 685 of the Acts of Assembly of 2009, authorizing the University of Virginia to make full use of the additional financial and operational authority granted to it by this Management Agreement in providing assistance to the Southwest Virginia Higher Education Center.

This bill is identical to House Bill 2140 (Delegate Johnson).

**SENATE BILL 1113 (SENATOR WATKINS): UNEMPLOYMENT COMPENSATION; ELIMINATES REQUIREMENT THAT CERTAIN BENEFITS BE REDUCED BY 50 PERCENT**

This bill amends section 60.2-604 of the Code of Virginia by providing an elimination of the requirement that unemployment compensation benefits be reduced by fifty percent of Social Security Act or Railroad Retirement Act retirement benefits received by such individual in years when the solvency level of the unemployment trust fund is less than fifty percent.

This bill is identical to House Bill 2357 (Delegate McClellan).

**SENATE BILL 1114 (SENATOR WATKINS): DGS; REVIEW OF PROPOSED USE AND OCCUPANCY OF REAL PROPERTY BY STATE AGENCIES**

This bill amends section 2.2-1149 of the Code of Virginia by stating no state agency, department, or agency shall use or occupy real property nor make a proposal for use or occupancy of real property without following the guidelines of the Department of General Services as well as obtaining permission of the Governor.

**SENATE BILL 1116 (SENATOR NORTHAM): LABORATORY RESULTS; AUTHORITY TO PROVIDE DIRECTLY TO INSURANCE CARRIER, ETC.**

This bill amends section 54.1-2409.4 of the Code of Virginia to authorize a laboratory to provide a copy of a laboratory report di-

rectly to the insurance carrier, health maintenance organization, or self-insured plan that provides health insurance or similar coverage to the patient provided such insurance carrier, health maintenance organization, or self-insured plan has received prior authorization from the patient. The insurance carrier, health maintenance organization, or self-insured plan shall then be considered authorized to receive the report or result for the purposes of the federal Clinical Laboratory Improvement Amendments.

This bill is identical to House Bill 2216 (Delegate Stolle).

SENATE BILL 1117 (SENATOR NORTHAM): DEATH  
CERTIFICATES; ALLOWS SUPERVISED NURSE  
PRACTITIONERS AND PHYSICIAN ASSISTANTS TO SIGN

This bill amends sections 32.1-263 and 54.1-2972 of the Code of Virginia to permit another physician employed or engaged by the same professional practice, a nurse practitioner or physician assistant, the chief medical officer of the institution in which death occurred, a physician specializing in the delivery of health care to hospitalized or emergency department patients employed by the facility where the death occurred, or the physician who performed an autopsy upon the decedent to complete the death certificate under supervision.

SENATE BILL 1119 (SENATOR McEACHIN): PERMIT  
COMPLIANCE; DEPARTMENT OF ENVIRONMENTAL  
QUALITY INCREASES LIMIT OF CIVIL PENALTY ISSUED

This bill amends sections 10.1-1182 and 10.1-1186 and adds section 10.1-1186.6 to the Code of Virginia to add and increase penalties for multiple violations of a special order. The bill also lays out procedures for protesting penalties levied by the Department of Environmental Quality. In addition, the bill directs the Department of Environmental Quality to develop policies to improve communication between the Department and local governments.

SENATE BILL 1123 (SENATOR STOSCH): WIRELESS E-911  
SURCHARGE; REQUIRED TO BE REMITTED TO  
DEPARTMENT OF TAXATION

This legislation amends section 56-484.17 of the Code of Virginia; providing that all E-911 surcharges be remitted to the Department of Taxation rather than the Wireless E-911 Services Board. The Department of Taxation, after subtracting its direct costs of administration, shall deposit all such remitted surcharges into the state treasury and the Comptroller shall such monies into the Wireless E-911 Fund as soon as practicable.

**SENATE BILL 1124 (SENATOR STOSCH): GROSS PREMIUMS OF CERTAIN INSURANCE; ADMINISTRATION OF TAX**

This legislation amends sections 32.1-352, 38.2-1026, 38.2-1611.1, 38.2-1709, 38.2-4809, 58.1-435, 58.1-2500, 58.1-2503 through 58.1-2508, 58.1-2510, 58.1-2520, 58.1-2521, 58.1-2522, 58.1-2525, 58.1-2526, 58.1-2528, 58.1-2531, and 59.1-280 and adds sections 38.2-4809.1, 38.2-4816, 58.1-2532 and 58.1-2533 to the Code of Virginia. It provides the transfer of the administration of the gross premiums of certain insurance companies from the State Corporation Commission to the Department of Taxation. Additionally, the surplus lines brokers failing to file required reports shall be subject to fines.

**SENATE BILL 1126 (SENATOR STOSCH): PUBLIC PROCUREMENT ACT; TRANSPORTATION-RELATED CONSTRUCTION PROJECTS**

This bill amends section 2.2-4301 of the Code of Virginia by stating that contracts for environmental location, and contracts for design and inspection work of bridges and highways, the initial length of the contract will be two years or when the contract exceeds \$5 million dollars, whichever may occur first, with an option for the Virginia Transportation Commissioner to add two additional one year terms, with each year contract not to exceed \$5 million dollars.

**SENATE BILL 1127 (SENATOR STOSCH): PUBLIC-PRIVATE EDUCATION FACILITIES AND INFRASTRUCTURE ACT OF 2002; REVIEW OF PROPOSALS**

This legislation amends section 56-575.3 of the Code of Virginia; providing that in the event the responsible public entity rejects

a proposal initiated by a private entity that purports to develop specific cost savings, the public entity shall specify the basis for such rejection.

**SENATE BILL 1128 (SENATOR STOSCH): NATIONAL GUARD;  
FAILURE TO REPORT FOR DUTY, PENALTY**

This bill amends section 44-41.1 of the Code of Virginia by stating that any active member of the National Guard who ignores valid orders and fails to report at the appropriate time and place for duty or who initially reports and then leaves without formal leave shall be guilty of a class 4 misdemeanor and a warrant is made out against the soldier by any officer of the unit to which the soldier belongs; the warrant can be withdrawn by written request of the soldier's commanding officer.

This bill is identical to House Bill 1994 (Delegate Janis).

**SENATE BILL 1131 (SENATOR STOSCH): STATE  
CORPORATION COMMISSION; PROHIBITED CONFLICTS OF  
INTEREST**

This bill amends section 12.1-10 of the Code of Virginia; providing that if the member of the immediate family of a member, subordinate, or employee of the State Corporation Commission is employed by any entity whose rates, services, or financial ability to meet its obligations to the public is subject to supervision or regulation by the Commission, the member of the Commission or any subordinate or employee of the Commission is required to recuse himself from and not participate in any regulatory manner at the Commission in which such entity is a party.

**SENATE BILL 1132 (SENATOR STOSCH) MOTOR VEHICLE  
RENTAL TAX; SHALL BE DETERMINED BY TAX  
COMMISSIONER, EXEMPTIONS**

This bill amends code sections 33.1-221.1:1.1, 46.2-711, 46.2-755, 58.1-604.1, 58.1-2401 through 58.1-2404, 58.1-2411, 58.1-2419, 58.1-2420, 58.1-2421, 58.1-2424, 58.1-2425, and 58.1-3510 of the Code of Virginia and creates code sections 58.1-1734 through

58.1-1741 in the Code of Virginia, creating the Virginia Motor Vehicle Rental Tax Act creating a tax on the rental of a motor vehicle in Virginia on vehicles licensed in Virginia and other states.

**SENATE BILL 1133 (SENATOR WAGNER): FILLED  
SUBAQUEOUS BOTTOMLANDS; MARINE RESOURCES  
COMMISSION TO CONVEY TITLE IF LAWFULLY DEPOSITED**

This bill amends section 28.2-1200.1 of the Code of Virginia. This bill declares titles to land that are state-owned bottomlands covered by waters, filled prior to July 1, 1960 and acquired by private persons in good faith, to be declared to be free and clear of any claimed ownership or interest by the Commonwealth and its successors and assigns.

**SENATE BILL 1134 (SENATOR WAGNER): OFFSHORE WIND  
DEVELOPMENT AUTHORITY; MEMBERSHIP**

This bill amends sections 2.2-2801 and 67-1202 of the Code of Virginia by providing an exemption for members of the U.S. Armed Forces who serve on the Virginia Offshore Wind Development Authority from a provision barring federal government employees from holding a state office. Additionally, the act clarifies the process by which the Governor appoints persons to the Authority.

**SENATE BILL 1136 (SENATOR WAGNER) INCOME TAX,  
STATE; INTERNATIONAL TRADE FACILITY TAX CREDIT**

This bill amends code section 58.1-439.15 of the Code of Virginia and creates code section 58.1-439.12:06 in the Code of Virginia, creating an international trade facility tax credit.

**SENATE BILL 1137 (SENATOR WAGNER) VIRGINIA FUELS  
TAX ACT; DEFINITION OF COMMERCIAL WATERCRAFT**

This bill amends code sections 58.1-609.1 and 58.1-2201 of the Code of Virginia, amending the definition of “commercial watercraft” to include a watercraft owned by a private business and used in the conduct of its own business or operations, including for the transport of persons or property.



**SENATE BILL 1139 (SENATOR QUAYLE): JAMESTOWN-YORKTOWN FOUNDATION; UPDATES POWERS AND DUTIES**

This bill repeals section 23-290.1 and amends section 23-288 of the Code of Virginia, clarifying the duties and powers of the Jamestown-Yorktown Foundation. Instead of simply “further[ing] an appreciation of the contributions of” the early settlements, the Foundation is now empowered to “foster . . . an awareness and understanding of the early history, settlement, and development of the United States through the convergence of American Indian, European, and African cultures and the enduring legacies bequeathed to the nation” by the Jamestown colony and Yorktown battlefield. This brings the statutory mission in line with the Foundation’s updated mission statement.

This bill is identical to House Bill 2094 (Delegate Jones).

**SENATE BILL 1141 (SENATOR QUAYLE): CHILD ABDUCTION; MONEY, PROPERTY, ETC., OWNED BY PERSON ARE SUBJECT TO LAWFUL SEIZURE, ETC.**

This bill amends sections 19.2-386.16 and 52-33 of the Code of Virginia. This bill makes all money and property, real and personal, owned by a person and used to further the abduction of a child, subject to lawful seizure by a law-enforcement officer and subject to forfeiture to the Commonwealth.

This bill is identical to House Bill 2361 (Delegate McClellan).

**SENATE BILL 1145 (SENATOR QUAYLE): SEXUAL ABUSE; LIMITATIONS PERIOD**

This bill amends section 8.01-243 of the Code of Virginia. The bill extends the statute of limitations from two to 20 years for

any action for injury to a person resulting from sexual abuse occurring during their infancy or incapacity.

This bill is identical to House Bill 1476 (Delegate Albo).

**SENATE BILL 1146 (SENATOR QUAYLE): DENTISTS;  
SEDATION AND ANESTHESIA PERMITS**

This bill amends the Code of Virginia by adding section 54.1-2709.5, which requires any dentist who provides or administers sedation or anesthesia in a dental office to obtain either a conscious/moderate sedation permit or a deep sedation/general anesthesia permit.

**SENATE BILL 1147 (SENATOR QUAYLE): HEALTH  
PROFESSIONS; SOCIAL SECURITY NUMBERS FOR  
INVESTIGATIONS**

This bill amends section 54.1-2506 of the Code of Virginia to authorize investigative personnel to request and receive social security numbers from practitioners or federal employee identification numbers from facilities.

**SENATE BILL 1148 (SENATOR QUAYLE): REHABILITATIVE  
SERVICES, DEPARTMENT OF; POWERS AND DUTIES**

This bill amends sections 51.5-23 and 51.5-25.1 and repeals section 51.5-12 of the Code of Virginia, relating to Department of Rehabilitative Services. It strikes the Department of Rehabilitative Service's authority to provide personal care assistance to persons with significant disabilities; and removes the provision that applications for the grants and contracts to provide personal care assistance to person with significant disabilities may be made by such persons for such personal care assistance. Also eliminates the Statewide Independent Living Fund and cuts the Statewide Independent Living Council's authority to accept grants and other gifts from any source for the Fund. The Fund had been used to carry out activities of the State Plan for Independent Living.

This bill is identical to House Bill 1839 (Delegate Garrett).

**SENATE BILL 1150 (SENATOR QUAYLE): SCHEDULE II  
DRUGS; IDENTIFICATION REQUIRED IN FILLING  
PRESCRIPTIONS**

This bill amends section 54.1-3420.1 of the Code of Virginia to require the agent of a pharmacist to require proof of identity at the time of delivery from any person seeking to take delivery of any drug listed on Schedule II pursuant to a valid prescription, unless such person is known to the pharmacist or to his agent. If the person seeking to take delivery is not the patient for whom the drug is prescribed, and the person is not known to the pharmacist or his agent, the pharmacist or his agent shall either make a photocopy or electronic copy of such person's identification or record the full name and address of such person.

This bill is identical to House Bill 2256 (Delegate Nutter).

**SENATE BILL 1152 (SENATOR QUAYLE): ASSESSMENTS IN  
DISPUTE; ACCRUAL OF INTEREST**

This bill amends code section 58.1-1822 of the Code of Virginia, indicating how and when interest will accrue on outstanding tax liabilities when an application for a correction has been filed with the Tax Commissioner.

**SENATE BILL 1153 (SENATOR QUAYLE): LAND  
PRESERVATION TAX CREDIT; CREDIT SHALL NOT BE  
REDUCED BY AMOUNT OF UNUSED CREDIT IN PRIOR  
YEAR**

This bill amends section 58.1-512 of the Code of Virginia, deeming that a land preservation tax credit shall not be reduced by the amount of unused credit that could have been claimed in a prior year by the taxpayer but was unclaimed.

**SENATE BILL 1156 (SENATOR QUAYLE): GENERAL REGISTRAR, ELECTORAL BOARD, AND THEIR EMPLOYEES; EXEMPTION FROM JURY SERVICE**

This bill amends section 8.01-341.1 of the Code of Virginia. The bill provides that general registrars, local electoral board members, or persons appointed or employed by a general registrar or local board (except officers of election), are exempt from jury duty upon request. The bill details the specific jury service exemptions.

**SENATE BILL 1159 (SENATOR QUAYLE): CHARTER; CITY OF HOPEWELL**

This bill amends sections 1 and 2 of Chapter III, section 4 of Chapter IV, and section 1 of Chapter VII of Chapter 431 of the Acts of Assembly of 1950. For Wards 4 and 5, the bill changes the election date for council members from July to the first Tuesday of November 2012, while Wards 1, 2, 3, and 7 now will vote for their respective council members on the First Tuesday of November 2014. Ward 6 now votes for one councilmember on the same schedule as Wards 4 and 5. The length of a council member's term remains at four years, but the bill now requires the newly elected council members to take over their seats on the first of January following the election. Appropriately, the bill changes the date where the council meets after the new members take their seats and chooses their leadership. The bill eliminates the provision regarding the regional free library system. The bill also outlines the role, duties, and powers of the city attorney in more detail.

This bill is identical to House Bill 2072 (Delegate Ingram).

**SENATE BILL 1162 (SENATOR REYNOLDS): WARRANTLESS ARREST; SPECIAL AGENTS AUTHORITY TO ARREST PERSON COMMITTING CRIME IN HIS PRESENCE**

This bill amends section 19.2-81 of the Code of Virginia. This bill permits special agents of the Department of Alcoholic Beverage Control to have the power to arrest without a warrant any person who commits any crime in the presence of the officer and where there

are reasonable grounds or probable cause to suspect any person of having committed a felony not in the presence of the officer.

SENATE BILL 1163 (SENATOR REYNOLDS): CRIMINAL JUSTICE SERVICES BOARD AND DEPARTMENT OF CRIMINAL JUSTICE SERVICES; POWERS AND DUTIES

This bill amends sections 9.1-102, 9.1-150, and 9.1-176 of the Code of Virginia and repeals sections 9.1-127, 9.1-158, 9.1-159, 9.1-160, 9.1-163, and 9.1-164 of the Code of Virginia. The bill no longer requires the Department of Criminal Justice Services Board to establish a Crime Prevention Center, adopt regulations for implementing detoxification center programs or adopt the “McGruff” symbol and other criteria for the McGruff house. Additionally the Board no longer has authority to coordinate a statewide comprehensive criminal justice information system in exchange for criminal history record information.

This bill is identical to House Bill 2387 (Delegate J. Miller).

SENATE BILL 1165 (SENATOR REYNOLDS): ELECTRIC UTILITY SERVICE; TERMINATION OF SERVICE OF CUSTOMERS WITH A SERIOUS MEDICAL CONDITION

This Act requires that the State Corporation Commission limit electric utility service shutoffs for individuals with a serious medical condition. It provides that the SCC shall conduct a proceeding for establishing such limitations as well as adopting regulations to implement such limitations. The regulations shall be effective no later than October 31, 2011.

This bill is identical to House Bill 2159 (Delegate Iaquinto).

SENATE BILL 1166 (SENATOR REYNOLDS): JUVENILE JUSTICE, DEPARTMENT OF; CONFIDENTIALITY OF RECORDS

This bill amends section 16.1-300 of the Code of Virginia. The bill permits the Department of Juvenile Justice to share confidential juvenile records with persons, agencies, and institutions having a

legitimate interest. The Department may also share confidential information with a requesting party who has custody if the confidential information is in the interest of maintaining security in a secure facility in a state other than Virginia so long as it meets the state's definition of "secure facility".

This bill is identical to House Bill 1783 (Delegate Gilbert).

**SENATE BILL 1168 (SENATOR MARSDEN): JUVENILE; MAY BE DETAINED IN SECURE FACILITY FOR VIOLATION IF FAIL TO ADHERE TO CONDITIONS OF COURT**

This bill amends section 16.1-248.1 of the Code of Virginia. The bill clarifies that a juvenile may be detained for violating conditions for release upon a Class 1 misdemeanor charge or a felony charge under such conditions as may be imposed by the court, intake officer or magistrate.

**SENATE BILL 1170 (SENATOR MARSDEN): COMMITMENT ON PAROLE SUPERVISION; COURT SERVICES UNIT TO CONSULT WITH LOCAL DEPARTMENT**

This bill amends section 16.1-293 of the Code of Virginia. This bill increases the amount of time before a person's release from commitment on parole supervision from four weeks to 90 days. During those 90 days, the court services unit will consult with the local department of social services concerning the persons return to the community. The court and the local department will also collaborate and develop a plan that prepares the person for a successful transition. This plan will identify the necessary services needed for the transition and how the services are going to be provided.

This bill is identical to House Bill 2036 (Delegate Peace).

**SENATE BILL 1171 (SENATOR MARSDEN): COMPREHENSIVE SERVICES FOR AT-RISK YOUTH & FAMILIES, STATE EXECUTIVE COUNCIL FOR; POWERS AND DUTIES.**

This bill amends section 2.2-2648 of the Code of Virginia by adding to the State Executive Council for Comprehensive Services for At-Risk Youth and Families powers and duties the power to deny state funding to a locality in accordance with subdivision 19 of the same law if Community Policy and Management Teams fail to provide services that do not comply with the Comprehensive Services Act (section 2.2-5200 et seq.) or any other state policy or law as well as any federal law related to a service funded in accordance with the Comprehensive Services Act.

This bill is identical to House Bill 1679 (Delegate Bell).

SENATE BILL 1178 (SENATOR MARSDEN): CHILD WELFARE; PLACEMENT OF CHILDREN

This bill amends section 63.2-900 of the Code of Virginia by expanding the language concerning the placement of children in foster care. The bill requires that local boards consider the prospective foster child's best interests and first consider a kinship placement for the child. If a kinship placement is not available or in his best interests, the board should then consider the best placement and services that is the best alternative for the child. Placements the board can consider are specifically enumerated and include family foster care, treatment foster care, and residential care. Services are also specifically enumerated and include assessment and stabilization, diligent family search, intensive in-home service, intensive wraparound service, respite care, mentoring, family mentoring, adoption support, supported adoption, and crisis stabilization.

This bill is identical to House Bill 1984 (Delegate Kilgore).

SENATE BILL 1182 (SENATOR NORMENT): BAR EXAMINERS, BOARD OF; EXPANDS METHODS OF SUBMITTING AN APPLICATION TO TAKE BAR EXAM

This bill amends section 54.1-3925 of the Code of Virginia. The bill includes third party commercial carriers to the permitted methods for submitting an application to take the bar exam.

**SENATE BILL 1184 (SENATOR NORMENT): CERTIFIES OF ANALYSIS; ADDS FORENSIC DOCUMENT LABORATORY AS AUTHORIZED LAB IN CRIMINAL MATTERS**

This bill amends sections 19.2-187 and 19.2-187.01 of the Code of Virginia. The bill includes the Forensic Document Laboratory of the U.S. Department of Homeland Security to the list of authorized laboratories used in criminal matters.

**SENATE BILL 1185 (SENATOR NORMENT): SEX OFFENDERS; PROHIBITING ENTRY ONTO SCHOOL GROUNDS DURING SCHOOL-RELATED ACTIVITIES**

This bill amends section 18.2-370.5 of the Code of Virginia. This bill includes school buses and public or private property used by a public or private elementary or secondary school to the list of places sex offenders are prohibited from entering or being present. Violation of this bill is punishable as a Class 6 felony.

This bill is identical to House Bill 2066 (Delegate Bell).

**SENATE BILL 1188 (SENATOR NORMENT) AIRCRAFT SALES AND USE TAX; EXEMPTION FOR QUALIFIED COMPANIES HEADQUARTERED IN VIRGINIA**

This bill amends section 58.1-1505 of the Code of Virginia, exempting any aircraft purchased or used by a qualified company, as defined by the code section, from sales and use tax.

**SENATE BILL 1193 (SENATOR NORMENT) TOURISM ZONES; TAX REVENUES FOR TOURISM PROJECTS**

This bill adds section 58.1-3851.1 to the Code of Virginia and creates an entitlement to tax revenues from a tourism project authorized by the Virginia Tourism Authority. The bill lays out the amount, limitations and requirements for this tax entitlement.

**SENATE BILL 1195 (SENATOR OBENSHAIN): ILLEGAL GAMBLING; AMENDS DEFINITION**



This bill amends section 18.2-325 and repeals section 18.2-325.1 of the Code of Virginia. The bill expands the definition of illegal gambling to include purchasing Internet access or any other thing, which credits the purchaser with free points or other measurable units that may be risked for an opportunity to win money.

This bill is identical to House Bill 1584 (Delegate Oder).

**SENATE BILL 1196 (SENATOR OBENSHAIN): VOTER  
REGISTRATION SYSTEM; STATE BOARD OF ELECTIONS  
MAY SHARE VOTER INFORMATION WITH OTHER STATES**

This bill amends sections 24.2-404 and 46.2-208-1 of the Code of Virginia, allowing the State Board of Elections to share any voter information with a Chief Election Officer from another state to maintain voter registration records.

**SENATE BILL 1197 (SENATOR OBENSHAIN): DNA DATA  
BANK; MODIFIES ENTITIES TO WHICH DEPARTMENT OF  
FORENSIC SCIENCE MAY RELEASE INFORMATION**

This bill amends section 19.2-310.5 of the Code of Virginia. The bill adds the duly-authorized members of federal, state, and local law-enforcement agencies, attorneys for the Commonwealth or Attorneys for the United States Department of Justice, and the Office of the Chief Medical Examiner to the list of approved entities to which the Department of Forensic Science may release information from the DNA data bank. The bill also provides that information may be released to further a prosecution and not just an investigation.

This bill is identical to House Bill 2281 (Delegate Cline).

**SENATE BILL 1198 (SENATOR OBENSHAIN):  
COMMUNICATIONS INTERCEPTS; BROADENS COURT  
JURISDICTION OF ORDER SOUGHT BY ATTORNEY  
GENERAL**

This bill amends sections 19.2-66 and 19.2-70 of the Code of Virginia. This bill gives a judge of competent jurisdiction authority to issue an order for a wire or electronic interception if there is prob-

able cause to believe that an offense was committed, is being committed, or will be committed, or if the physical location of where the oral communication is going to be intercepted is within the territorial jurisdiction of the court.

This bill is identical to House Bill 1780 (Delegate Gilbert).

**SENATE BILL 1199 (SENATOR OBENSHAIN): VICTIMS OF DOMESTIC VIOLENCE; EXPANDS ADDRESS CONFIDENTIALITY PROGRAM TO ALL JURISDICTIONS IN STATE**

This bill amends section 2.2-515.2 of the Code of Virginia. The bill expands the Address Confidentiality Program for victims of domestic violence to all jurisdictions within the Commonwealth. The Attorney General shall prepare a statewide implementation of the program by December 31, 2012.

This bill is identical to House Bill 1757 (Delegate Wilt).

**SENATE BILL 1204 (SENATOR OBENSHAIN): CASH PROFFERS; ALLOWS AN AWARD OF FEES, ETC. TO PREVAILING PARTY WHEN CONTESTING CERTAIN ACTIONS**

This bill amends section 15.2303.1:1 of the Code of Virginia by allowing the court to award court and attorney's fees, and related costs, in actions brought under this statute, which regulates cash proffers in the building of residential properties. The bill also extends the expiration date of the statute by one year to July 1, 2015.

**SENATE BILL 1209 (SENATOR OBENSHAIN): PERSONAL JURISDICTION OF DEFECTIVE PROCESS; WAIVER OF OBJECTION**

This bill adds section 8.01-277.1 to the Code of Virginia. This bill clarifies what affirmative conduct constitutes a waiver of any objection a party may have to personal jurisdiction or defective process and what conduct does not constitute such a waiver. This bill was recommended by the Boyd-Graves Conference.

SENATE BILL 1211 (SENATOR R. SMITH): MENNEL MILLING COMPANY; DGS TO CONVEY CERTAIN REAL PROPERTY LOCATED IN ROANOKE COUNTY

This bill authorizes the Department of General Services to exchange real property with the Mennel Milling Company for use by VDOT as an area maintenance headquarters to serve the southwestern portion of Roanoke County.

This bill is identical to House Bill 2162 (Delegate Cleaveland).

SENATE BILL 1214 (SENATOR SMITH): ATTORNEY GENERAL; INVESTIGATION OF COMPLAINTS OF ABUSE OF PERSON IN CARE OF OTHERS

This bill amends sections 2.2-3705.5, 32.1-310, and 32.1-320 of the Code of Virginia. It adds to the list of records that may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law, records and information furnished to the Office of the Attorney General in connection with an investigation pursuant to Chapter 9 (§ 32.1-310 et seq.) of Title 32.1. It requires the Attorney General or his authorized representatives to review complaints alleging abuse or neglect of persons in the care or custody of others who receive payments for providing health care services under the state plan for medical assistance. It provides the Attorney General the authority to conduct audits and investigations of providers of medical and other services furnished under medical assistance. Such investigations shall include investigation of complaints alleging abuse or neglect of persons in the care or custody of others who receive payments for providing health care services under the state plan for medical assistance, regardless of whether the patient who is the subject of the complaint is a recipient of medical assistance.

This bill is identical to House Bill 2034 (Delegate Peace).

SENATE BILL 1215 (SENATOR SMITH): MEDICAID FRAUD; RESTITUTION

This bill amends section 32.1-314 of the Code of Virginia to clarify that upon conviction for Medicare fraud, the court shall order restitution to be made to the Department of Medical Assistance Services for any loss caused by the violation.

This bill is identical to House Bill 2035 (Delegate Peace).

**SENATE BILL 1216 (SENATOR SMITH): DELINQUENT SEWER AND WATER FEES; AUTHORITY TO PROVIDE 30 DAYS NOTICE PRIOR TO RECORDING LIEN**

This bill amends sections 15.2-2119 and 15.2-5139 of the Code of Virginia by adding a provision dealing with the property owner's role when there is a nonpayment of locality-provided utilities by a former tenant of the property owner. The property owner may ask the locality to provide it with information on the delinquent tenant's utility debts, and the locality may provide notice after the debt goes unpaid for 15 days. Because the tenant's debt may become a lien on the owner's property, the bill requires the locality to give the owner 30 days to pay the debt. After 30 days, the locality may require the owner to pay the tenant's debt, but that payment may be refunded if the former tenant pays the debt in the future. Finally, a locality cannot refuse to provide water and sewer services to a new tenant when the former tenant moved out without paying the utility bill to the locality before leaving.

This bill is identical to House Bill 2425 (Delegate Ingram).

**SENATE BILL 1220 (SENATOR BARKER): VA. RESIDENTIAL LANDLORD TENANT ACT; LANDLORD TO PROVIDE NOTICE TO TENANT IN EVENT OF FORECLOSURE**

This bill amends section 55-225.10 of the Code of Virginia by stating that in the event of a foreclosure, if the landlord does not give notice to the tenant in accordance with this law, the tenant will have the right to terminate the rental agreement upon written notice to the landlord at a minimum of five days before the termination, and if the

tenant elects to do so, the landlord must return the security deposit as allowed by law or the rental agreement. Furthermore, if a landlord has a rental unit available, the landlord must inform the prospective tenant in writing if the landlord has received notice of mortgage default, mortgage acceleration, or foreclosure relative to the specific rental unit. This last provision does not apply to a managing agent who does not receive such a written notice from the mortgage lender.

**SENATE BILL 1222 (SENATOR BARKER): PROTECTIVE ORDERS; EXPANDS CLASS OF PERSONS ELIGIBLE TO OBTAIN**

This bill amends sections 16.1-69.55, 16.1-228, 16.1-253.1, 16.1-253.4, 16.1-279.1, 17.1-213, 17.1-272, 18.2-60.4, 19.2-81.3, 19.2-120, 19.2-152.8, 19.2-152.9, and 19.2-152.10 and adds section 19.2-152.7:1 to the Code of Virginia. This bill renames “protective orders for stalking” as “protective orders” and expands and details the class of people eligible to obtain a protective order. These protective orders are available based on conduct, regardless of the relationship of the involved parties. The bill redefines “family abuse” to make it more consistent with the new definition of “protective order”. Finally, the bill details the penalties for violating a protective order.

This bill is identical to House Bill 2063 (Delegate Bell).

**SENATE BILL 1223 (SENATOR BARKER): TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) FUNDING POOL; ESTABLISHED**

This bill adds section 63.2-601.1 to the Code of Virginia. This bill establishes a funding pool for the Temporary Assistance for Needy Families (TANF) program; the funding pool will include money from the TANF block grant and will be distributed to service providers for expanded TANF program (including cash assistance, employment services, and child-care benefits.) Up to twelve percent of the total amount of the TANF block grant for the year will be allo-

cated to the funding pool. The Department of Health and Human Services shall issue a request for funding proposals, using a list of criteria enumerated in the statute and designed to create a fair, uniform, and equitable distribution of funds. The Department shall then send the Governor and General Assembly summary of these proposals and a recommended biannual budget; the Governor will determine the final budget. The Department shall also collect information from programs that receive funds and include this information in an annual report to the General Assembly.

SENATE BILL 1224 (SENATOR BARKER): TANF;  
ESTABLISHES FUND, STATE TO SUPPORT AGENCIES, ETC.,  
SEEKING TO ASSIST LOW-INCOME VIRGINIANS

This Act to amends adds section 63.2-601.1 to the Code of Virginia and creates a Virginia state fund to benefit low income state citizens, provides the stated goals of the fund, allots interest accrual, and limits the percentage of the funds that may be used for the administration of the funds. It creates the state treasury a special nonreverting fund to be known as the Temporary Assistance for Needy Families Fund (TANF), with the stated goals of supplementing the assistance provided through the administration of the TANF, assist the state in maximizing the amount of funds available to serve the above stated purposes by leveraging individual, corporate, and charitable donations.

This bill is identical to House Bill 1608 (Delegate Orrock).

SENATE BILL 1226 (SENATOR PETERSEN):  
COMMISSIONERS OF THE REVENUE; POWERS AND DUTIES

This bill amends code sections 58.1-604.2 and 58.1-613 of the Code of Virginia, requiring the lessee of property subject to the use tax to register with the Tax Commissioner or the local commissioner of the revenue, before the property is brought into Virginia for use, if and only if the local commissioner provides such service.

**SENATE BILL 1227 (SENATOR HOWELL): ELECTRONIC VISITATION AND MESSAGING WITH PRISONERS; SHERIFFS, ETC., TO CHARGE FEE FOR USE**

This bill adds section 53.1-127.2 to the Code of Virginia. It allows local correctional departments to charge a fee for using electronic visitation or electronic messaging system between third parties and prisoners. The fee must be used to offset the operational costs of such systems and the amount charged should not exceed the actual cost of operation. The bill does not stipulate an exact amount nor against whom the fee will be assessed.

**SENATE BILL 1231 (SENATOR DEEDS): PUBLIC INFRASTRUCTURE MAINTENANCE BONDS; CITY OF CHARLOTTESVILLE MAY REQUIRE FROM DEVELOPERS, ETC.**

This bill adds section 15.2-2209.2, and it allows the City of Charlottesville to require public infrastructure maintenance bonds from developers and owners involved in certain residential building projects. The bill caps the value of the bonds to the lowest amount required to complete the project without damaging what previously existed, or at a \$5,000 maximum. Any ordinance passed in Charlottesville must provide for timely inspections.

This bill is identical to House Bill 1872 (Delegate Toscano).

**SENATE BILL 1232 (SENATOR DEEDS): LAND PRESERVATION TAX CREDITS; CHANGES TO PROCEDURES**

This bill amends code section 58.1-512 of the Code of Virginia, limiting the maximum amount of land preservation tax credits that may be issued in a given year to \$100 million, plus any credits previously issued that have been disallowed or invalidated.

**SENATE BILL 1235 (SENATOR TICER): CHARITABLE ORGANIZATIONS; EXEMPTIONS TO REPORTING REQUIREMENTS FOR CERTAIN VETERANS' POSTS, ETC.**

This bill amends section 57-60 of the Code of Virginia by no longer allowing veterans posts or veterans organizations that have been granted tax exemption status by 501(c)(19) of the Internal Revenue Code to be exempt from the registration requirements of section 57-49 of the Code of Virginia.

**SENATE BILL 1236 (SENATOR TICER) INCOME TAX, STATE; CLEAN FUEL VEHICLE JOB CREATION TAX CREDIT**

This bill amends section 58.1-439.1 of the Code of Virginia, extending the year end a corporation will be eligible for a tax credit under this code section relating to clean fuel vehicle job creation until December 31, 2014.

**SENATE BILL 1237 (SENATOR TICER): GROUND WATER WITHDRAWAL PERMIT FEES; INCREASES MAXIMUM AMOUNT STATE WATER CONTROL BOARD CAN CHANGE**

This bill would have amended section 62.1-44.15:6 of the Code of Virginia to allow the Water Control Board to set a schedule annualizing the ground water withdrawal permit fee.

This bill did not pass and was defeated in the House Agriculture Committee.

**SENATE BILL 1245 (SENATOR VOGEL): REGISTERED NURSES; PROVISIONAL LICENSURE**

This bill adds section 54.1-3017.1 to the Code of Virginia, permitting the Board to issue a provisional license to an applicant for licensure as a registered nurse who has met the educational and examination requirements for licensure, in order to allow the applicant to obtain clinical experience, as specified by the Board in regulation.

**SENATE BILL 1246 (SENATOR VOGEL): PRESIDENTIAL PRIMARY: MOVES DATE TO FIRST TUESDAY IN MARCH**



This bill amends section 24.2-215, 24.2-544, and 24.2-245 of the Code of Virginia, moving the date of presidential primaries beginning with 2012 back from the second Tuesday in February to the first Tuesday in March, including primaries for general elections to be held in May. The bill also allows the state political parties to select a different method to allocate the candidates and alternates than by those who receive the most votes in the primary.

This bill is identical to House Bill 1843 (Delegate Cole).

SENATE BILL 1247 (SENATOR VOGEL): COMMONWEALTH,  
SECRETARY OF THE; ACCEPTANCE OF CERTAIN  
ELECTRONIC SIGNATURES

This bill amends sections 2.2-423 and 2.2-3118 and adds section 47.1-5.1 to the Code of Virginia by stating that the contents of a registration statement shall include lobbyist's statement signed either on the original or by electronic signature as allowed by the Uniform Electronic Transactions Act (section 59.1-479 et seq.), as well as requiring financial disclosure forms to be used for filing to be signed either original or by electronic signature as allowed by the Uniform Electronic Transactions Act (section 59.1-479 et seq.). The bill states for people already commissioned as notary publics and who are submitting applications for recommission, electronic signatures as allowed by the Uniform Electronic Transactions Act (section 59.1-479 et seq.), as proof that the application has been properly signed and sworn.

This bill is identical to House Bill 2205 (Delegate Comstock).

SENATE BILL 1249 (SENATOR VOGEL): ABC; DESIGNATES  
DISTILLERY LICENSEE CERTIFIED AS AN ORGANIC  
DISTILLERY TO BE AN AGENT OF ABC BOARD

This bill amends section 4.1-119 of the Code of Virginia, related to the alcoholic beverage commission control. It adds certified organic distilleries to the list of authorized agents of the ABC board. Such distilleries must be certified by a USDA-accredited certifying agency.

**SENATE BILL 1255 (SENATOR VOGEL): FREEDOM OF INFORMATION ACT; EXEMPTS CERTAIN RECORDS PROVIDED TO ATTORNEY GENERAL FROM DISCLOSURE**

This bill amends section 2.2-3705.5 and adds section 32.1-321.01 to the Code of Virginia by stating records of information provided to the Attorney General in conjunction with an investigation under Chapter 9 of Title 32.1 shall be protected from disclosure. The bill also states records of information provided to the Attorney General pursuant to article section 32.1 is protected from disclosure by section 2.2-3705.5.

**SENATE BILL 1256 (SENATOR VOGEL): AUTHORITIES FOR DEVELOPMENT OF FORMER FEDERAL AREAS; DISSOLUTION**

This bill amends section 15.2-6319 of the Code of Virginia by providing that when an authority created by the Governor believed its duties to be complete, the Governor must review the authority's report and may conclude whether the authority ought to be dissolved. Previously, the Governor was required evaluate a report on the authority by the governing bodies of the locality before officially declaring the authority dissolved. This legislation allows the Governor to receive the report first, or make the decision to dissolve on his/her own.

This bill is identical to House Bill 2329 (Delegate Lingamfelter).

**SENATE BILL 1257 (SENATOR VOGEL): REAL PROPERTY; DGS TO INVENTORY ALL REAL PROPERTY OWNED AND UPDATE AT LEAST ANNUALLY**

This bill amends code sections 2.2-1136, 2.2-1153, and 2.2-1156 of the Code of Virginia, requiring the Department of Transportation to develop criteria for, conduct an inventory of and review all real property owned by state departments, agencies and institutions by January 1, 2012, and requiring them to update the inventory at least annually.

SENATE BILL 1258 (SENATOR VOGEL): PRISONERS;  
MANDATORY TESTING FOR HUMAN IMMUNODEFICIENCY  
VIRUS

This bill amends section 53.1-33.1 of the Code of Virginia by adding a section that mandates that the Department of Corrections shall offer to test every inmate in a state correctional facility for human immunodeficiency virus (HIV) within 60 days of his or her scheduled discharge. Inmates who have a positive previous record do not have to be tested. The Department must inform the inmate the purpose of the test and any inmate can refuse the test.

This bill is identical to House Bill 1688 (Delegate Dance).

SENATE BILL 1259 (SENATOR VOGEL): VIRGINIA FUSION  
INTELLIGENCE CENTER; CHANGES REQUIREMENT THAT  
DATA BE REVIEWED EVERY THREE YEARS

This bill amends section 52-48 of the Code of Virginia. The bill changes the requirement that the data in the Virginia Fusion Intelligence Center databases be reviewed every year to every three years.

This bill is identical to House Bill 1948 (Villanueva).

SENATE BILL 1260 (SENATOR VOGEL): CHILD  
PORNOGRAPHY; POSSESSION BY LAW-ENFORCEMENT  
AGENCY

This bill amends section 18.2-374.1:1 of the Code of Virginia. The bill permits employees of a law-enforcement agency to lawfully possess child pornography for bona fide law-enforcement purposes.

This bill is identical to House Bill 1747 (Delegate Watts).

SENATE BILL 1262 (SENATOR VOGEL): VA. FRAUD  
AGAINST TAXPAYERS ACT; DESIGNEE OF ATTORNEY  
GENERAL MAY ISSUE CIVIL INVESTIGATIVE DEMANDS

This bill amends sections 8.01-216.2, 8.01-216.3, 8.01-216.8, 8.01-216.9, 8.01-216.10, and 8.01-216.17 of the Code of Virginia. This bill provides the definitions for “claim”, “material”, “obligation” and “official use.” Additionally this bill provides that information obtained by the Attorney General may be shared with any qui tam realtor if the Attorney General determines that the information is necessary as part of any false claims investigation.

**SENATE BILL 1263 (SENATOR VOGEL): VETERANS AFFAIRS AND HOMELAND SECURITY, SECRETARY OF; ESTABLISHES POSITION**

This bill amends section 2.2-200, 2.2-221, 2.2-2004, 2.2-2101, 2.2-2666.1, 2.2-2666.2, 2.2-2666.3, 2.2-2705, 2.2-2715, 15.2-7302, and 58.1-344.3 adds sections 2.2-230 through 2.2-233 to the Code of Virginia. The bill adds to the list of Governor’s Secretaries the Secretary of Veterans Affairs and Homeland Security and no longer requires the Secretary of Public Safety to be responsible for the Department of Veteran’s Service or the Virginia Veterans Services Foundation. The new sections establish the position of the Secretary of Veterans Affairs and Homeland Security and sets forth the agencies the Secretary is responsible for, and the multi-faceted duties and powers of the Secretary. The bill states the vice president of the Virginia Military Advisory Council is to be the Secretary for Veterans Affairs and Homeland Security and establishes a Secure Commonwealth Panel to serve as an advisory panel to the state for the emergency preparedness, response, recovery and prevention efforts of the Commonwealth.

This bill is identical to House Bill 1773 (Delegate Sherwood).

**SENATE BILL 1264 (SENATOR VOGEL): INCOME TAX, STATE; FARM WINERIES AND VINEYARDS TAX CREDIT**

This bill adds section 58.1-339.12 to the Code of Virginia, creating farm wineries and vineyards tax credit and describing how and when that tax credit will be available.

**SENATE BILL 1265 (SENATOR VOGEL): PROFESSIONAL SOIL SCIENTISTS AND WETLAND PROFESSIONALS; BOARD FOR LICENSED SOIL SCIENTISTS**

This bill amends sections 54.2-2200, through 54.1-2203, 54.1-2205, 54.1-2206, 54.1-2207, and 54.1-2208 and repeals section 54.1-22.04 of the Code of Virginia to require licensure rather than certification of soil scientists. The bill also clarifies that the licensing program for professional soil scientists does not prohibit the work of an employee or subordinate of a licensed soil scientist or the work of an engineer, landscape architect or land surveyor whose services include soil evaluation. The bill also delineates the procedure for application for a soil scientist license and the requirements for continuing education to keep a license.

This bill is identical to House Bill 1734 (Delegate Carrico).\

**SENATE BILL 1268 (SENATOR MARTIN): TOBACCO MASTER SETTLEMENT AGREEMENT; BOND REQUIREMENTS AND ESCROW PAYMENTS BY CERTAIN MANUFACTURERS**

This bill amends sections 3.2-4206.1 and 3.2-4211 of the Code of Virginia to allow the Attorney General to require a manufacturer to make escrow payments on a quarterly, rather than annual basis, if the Attorney General finds that the manufacturer has an elevated risk according to subsection C of section 3.2-4206.1. Also, a nonparticipating manufacturer who is designated to have an elevated risk may be required by the Attorney General to submit additional material as is necessary to determine that manufacturer's compliance.

**SENATE BILL 1269 (SENATOR HOUCK): AUTISM ADVISORY COUNCIL; CREATED, REPORT**

This bill adds sections 30-326 through 30-329 to the Code of Virginia, creating the Autism Advisory Council. This entity, comprised of six legislative and two non-legislative members – including a practicing pediatrician and an advocate for autism spectrum disord-

ers, appointed by the Governor – is empowered to promote the coordination of services and resources involved in the delivery of services to Virginians with autism spectrum disorders. This includes monitoring the implementation of, and recommending policies, legislation, and funding in conjunction with, any action plans prepared in response to a recent study by JLARC, the Joint Legislative Audit and Review Commission, entitled “Assessment of Services for Virginians with Autism Spectrum Disorders.”

**SENATE BILL 1270 (SENATOR HOUCK): STANDARDS OF QUALITY; FLEXIBILITY TO USE FUNDS FOR STAFFING RELATED TO MATH, READING, ETC.**

This bill amends section 22.1-253.13:2 of the Code of Virginia to permit schools to use subject related Standards funding to employ mathematics teacher specialists, English language learner teachers, and reading specialists to provide the required intervention services. School divisions using funds in this manner shall employ only instructional personnel licensed by the Board of Education.

This bill is identical to House Bill 1792 (Delegate Tata).

**SENATE BILL 1271 (SENATOR HOUCK) AUDITOR OF PUBLIC ACCOUNTS; REQUIRED TO REVIEW COLLECTION, ETC., OF LOCAL RETAIL SALES & USE TAX**

This bill adds section 30-133.2 to the Code of Virginia, creating an annual review of the collection and distribution of retail sales and use taxes, requiring the Auditor of Public Accounts to perform a review of the collection and distribution of the Retail Sales and Use Tax.

**SENATE BILL 1274 (SENATOR OBENSHAIN): COURT RECORDS; SECURE REMOTE ACCESS RESTRICTIONS DO NOT APPLY TO SECURE ACCESS BY ATTORNEYS, ETC.**

This bill amends section 17.1-293 of the Code of Virginia. This bill allows for attorneys in good standing with the Virginia State Bar, their agents, pro hac vice attorneys authorized by the court of purposes of the practice of law, and governmental agencies authorized by the clerk to have secure remote access to court records.

Senate Bill 1274 is identical to House Bill 1565 (Delegate P. Miller).

**SENATE BILL 1275 (SENATOR OBENSHAIN): SEXUALLY VIOLENT PREDATORS; PROCEDURE FOR RECISSION OF RESPONDENT'S REFUSAL FOR EXAMINATION**

This bill amends sections 37.2-901, 37.2-906, 37.2-907, and 37.2-910 of the Code of Virginia, to clarify the rights available to a respondent who has refused to cooperate with a mental health examination required pursuant to section 37.2-904. The statute still permits a court to admit evidence of refusal to cooperate with the mental health examination and may bar the respondent from introducing his own expert psychiatric or psychological evidence, but now permits the respondent within 21 days of the retention of counsel or appointment of counsel, rescind his refusal and elect to cooperate with the mental health examination.

This bill is identical to House Bill 1698 (Delegate Athey).

**SENATE BILL 1276 (SENATOR RUFF): LOCAL DISABILITY SERVICES; AGENCIES MAY CONVENE LOCAL INTERAGENCY SERVICES TEAMS**

This bill amends section 15.2-1535, adds section 51.5-5.01, and repeals sections 51.5-47 through 51.5-52 of the Code of Virginia. The bill removes from the list of potential positions available to members of the governing body the "member of disability services board" position. The bill also adds the creation of "local interagency services teams," which are tasked with overseeing and evaluating interagency coordination in the care of a disabled individual.

**SENATE BILL 1279 (SENATOR MCWATERS): TUITION, IN-STATE; ELIGIBILITY FOR SPOUSE OF AN ACTIVE DUTY MILITARY SERVICE MEMBER**

This bill amends section 23-7.4 of the Code of Virginia to clarify that continuous residence for at least one year prior to a request for in-state tuition will not be a factor in determining domiciliary intent in the event of the establishment and maintenance of a place of residence in another jurisdiction for the purpose of maintaining a joint household with an active duty United States military spouse. This bill also clarifies that domicile, once established, shall not be affected by the establishment and maintenance of a place of residence in another jurisdiction to maintain a joint household with an active duty United States military spouse.

This bill is identical to House Bill 1848 (Delegate Stolle).

**SENATE BILL 1280 (SENATOR MCWATERS): BOARDS, COMMISSIONS, AND COUNCILS; MAKES POLICY IMPROVEMENTS AND CLARIFICATIONS**

This bill amends sections 2.2-306, 2.2-1503, 2.2-2261, 2.2-2282, 2.2-2400, 2.2-2404, 2.2-2413, 2.2-2666.1, 2.2-2669, 2.2-2696, 2.2-2699.1, 2.2-2699.5, 3.2-1301, 3.2-1401, 3.2-1501, 3.2-1601, 3.2-1700, 3.2-1801, 3.2-1901, 3.2-2101, 3.2-2201, 3.2-2301, 3.2-2401, 3.2-2501, 3.2-3001, 3.2-4022, 9.1-108, 9.1-202, 10.1-1102, 10.1-1800, 10.1-2136, 22.1-164, 22.1-337, 22.1-346.2, 23-30.25, 23-253.1, 54.1-2950.1, 54.1-2956, 54.1-2956.8, 54.1-2956.11, 54.1-2957.5, and 63.2-1735 of the Code of Virginia, adjusting the way numerous committees, commissions, and boards are administered in the Commonwealth.

This Bill is identical to House Bill 1842 (Delegate Cole).

**SENATE BILL 1282 (SENATOR MCWATERS): INCOME TAX, STATE; BARGE AND RAIL USAGE TAX CREDIT**

This bill adds section 58.1-439.12:06 to the Code of Virginia, creating a barge and rail usage tax credit. This bill allows a company



that is an international trade facility to redeem a barge and rail usage tax credit and it describes how and when that credit will be available.

**SENATE BILL 1287 (SENATOR MCWATERS): JAILS;  
LOCALITIES' RESPONSIBILITY TO PAY JAIL EXPENSES**

This bill amends section 53.1-216 of the Code of Virginia. It clarifies that a sheriff or jail superintendent should present invoices for services rendered to the local governing body for payment of the invoice. It also states that the local body responsible for the jail's fiscal administration shall be responsible for paying these invoices.

**SENATE BILL 1292 (SENATOR MCWATERS): ALCOHOLIC  
BEVERAGE CONTROL; CONSUMPTION OF LAWFULLY  
ACQUIRED WINE AT LICENSED ESTABLISHMENTS**

This bill amends section 4.1-201 of the Code of Virginia by allowing consumers to bring their own, lawfully acquired wine to consume at an ABC-licensed restaurant. Under the bill, restaurants have the right to charge customers a corkage fee for opening the wine but cannot charge any other fees for this privilege.

**SENATE BILL 1294 (SENATOR MILLER): VIRGINIA  
CONSUMER PROTECTION ACT; PROHIBITED PRACTICE  
FOR SUPPLIER TO SELL DEFECTIVE DRYWALL**

This legislation amends sections 59.1-198 and 59.1-200 of the Code of Virginia, providing that under the Virginia Consumer Protection Act, it is prohibited for a sell, offer for sale, or use in construction, remodeling, or repair of any residential dwelling in the Commonwealth, any drywall the supplier knows or has reason to know is defective drywall. In addition, the term "defective drywall" is provided as drywall or similar building material composed of dried gypsum-based plaster with certain specifications.

**SENATE BILL 1296 (SENATOR RUFF): FREEDOM OF  
INFORMATION ACT; RECORD AND MEETING EXEMPTION  
FOR CERTAIN COMMISSIONS**

This bill amends sections 2.2-3705.2 and 2.2-3711 of the Code of Virginia by excluding from disclosure records of any commission created through an executive order, for the purpose of examining and making recommendations relating to the preventing closure or realignment of federal military and national security installations and facilities located within Virginia and relocation of military and national security facilities to Virginia.

This bill is identical to House Bill 2401 (Delegate Wright).

**SENATE BILL 1297 (SENATOR RUFF): STATE LAW LIBRARY;  
RESPONSIBILITY FOR PLACEMENT OF CERTAIN LAW  
BOOKS**

This bill amends section 42.1-62 of the Code of Virginia by no longer requiring the Director of the Department of Purchases and Supply to place in the Law Library of Virginia in the Richmond and Staunton branches, a copy of every law book as required by sections 17.1-319 and 30-34.5 of the Code of Virginia.

**SENATE BILL 1298 (SENATOR RUFF): VIRGINIA POLLUTION  
ABATEMENT PERMIT; INSPECTION REQUIREMENTS**

This Act amends section 62.1-44.15 of the Code of Virginia to change the inspection requirements of those facilities that have been issued a Virginia Pollution Abatement permit. The bill removes the requirement that facilities be inspected once every five years and removes the requirement that facilities that house animal feeding operations are inspected annually.

This bill is identical to House Bill 1828 (Delegate Scott).

**SENATE BILL 1299 (SENATOR RUFF): FISHING; IF PERSON IS  
IN INTERJURISDICTIONAL INLAND WATERS HE IS SUBJECT  
TO LAWS OF JURISDICTION**

This bill amends section 29.1-534 of the Code of Virginia to allow a Virginia resident or a resident of an adjoining jurisdiction which has inland water lying adjacent to Virginia land or water may

take fish with hook and line after complying with the requirements of the laws of the jurisdiction where the fishing occurs.

This bill is identical to House Bill 1712 (Delegate Wright).

**SENATE BILL 1300 (SENATOR RUFF): DCR; AUTHORIZED TO DIVEST ITSELF OF CERTAIN PROPERTIES CONVEYED TO IT BY NORFOLK SOUTHERN RAILROAD**

This bill authorizes the Department of Conservation and Recreation to divest itself of properties that have no potential utility to the High Bride Trail State Park.

**SENATE BILL 1301 (SENATOR RUFF): PUBLIC PROCUREMENT ACT; EXEMPTIONS FOR CERTAIN TRANSACTIONS**

This bill amends section 2.2-4345 of the Code of Virginia by increasing the contract amount for construction of any building or improvement to a building by any local government or subdivision of local government for which state funds are to be used from \$30,000 to \$50,000 in order to be let except after competitive sealed bidding or competitive negotiation as provided for under subsection D of section 2.2-4303.

**SENATE BILL 1303 (SENATOR RUFF): AIR POLLUTION; BOARD SHALL DEVELOP A MODEL ORDINANCE TO REGULATE OUTDOOR HYDRONIC HEATERS, ETC.**

This bill would have amended sections 10.1-1308 and 10.1-1321 of the code of Virginia to allow the Board to develop an optional ordinance to be used by localities to regulate the air pollution emissions resulting from the use of outdoor hydronic heaters such as residential wood-fired boilers.

This bill was defeated in the House of Delegates.

**SENATE BILL 1308 (SENATOR RUFF): ALCOHOLIC BEVERAGE CONTROL; REFERENDUM ON MIXED BEVERAGE SALES IN COUNTIES**

This bill changes the procedure for voting on mixed alcoholic beverage sales in restaurants in counties. Voters can file a petition for a referendum on selling these drinks within licensed restaurants in the county. Previously, petition requirement numbers were exclusive of the number of registered voters in any town with a population of more than 1,000 within a county; now, under this bill, petition requirements include the number of registered voters. Additionally, the bill states that residents in a town with a population of more than 1,000 can vote in any referendum held under this section for any county in which the town is located.

**SENATE BILL 1309 (SENATOR COLGAN) VIRGINIA RESOURCES AUTHORITY; MODIFIES PROVISIONS TO CONFORM TO PUBLIC FINANCE ACT**

This bill amends sections 62.1-199, 62.1-203, 62.1-209, and 62.1-216.1 of the Code of Virginia to change language in the definitions of this code section and to amend the language related to the powers of the Virginia Resources Authority.

**SENATE BILL 1310 (SENATOR PUCKETT): COAL MINE SAFETY ACT; UPDATED TO REFLECT CURRENT FEDERAL LAW AND INDUSTRY STANDARDS, PENALTY**

This legislation amends sections 45.1-161.21, 45.1-161.64, 45.1-161.74, 45.1-161.77, 45.1-161.85, 45.1-161.109, 45.1-161.122, 45.1-161.133, 45.1-161.154, 45.1-161.166, 45.1-161.175, 45.1-161.186, 45.1-161.188, 45.1-161.193, 45.1-161.216, 45.1-161.250, 45.1-161.259, and 45.1-161.288, through 45.1-161.291 of the Code of Virginia to reflect current federal law regarding coal mine safety, including requiring the submission of an electronic map of a coal mine prior to commencing mining activity. The bill also requires that funds in the Mine Rescue Fund shall be used only for mine rescue services. In addition, the Department's rescue and recovery plan shall be reviewed annually, and any changes shall be made available

to all mine operators. In addition, if a mining project is under a body of water, the mine operator must submit and receive approval of a plan meeting the requirements of 30 C.F.R. section 75.1716 before commencing mining activity. Mine operators must also submit a safety plan before beginning projects involving a borehole or ventilation hole.

Senate Bill 1310 is identical to House Bill 2471 (Delegate Poindexter).

**SENATE BILL 1315 (SENATOR MCEACHIN): GOVERNOR'S DEVELOPMENT OPPORTUNITY FUND; CONTRACT BETWEEN POLITICAL SUBDIVISION AND BENEFICIARY**

This bill amends section 2.2-115 of the Code of Virginia by adding that for grants distributed under the Governor's Development Opportunity Fund, the contract between any political subdivision and a business beneficiary must include consideration of any job layoffs carried out by the business beneficiary over the time period considered by the contract. If the job layoffs carried out by the business beneficiary over the time period considered by the contract results in the overall total number of jobs to be less than what was agreed to, the business beneficiary must return any part of funds received pursuant to the repayment formula contemplated by the contract.

**SENATE BILL 1318 (SENATOR NEWMAN): SEX OFFENDERS; PROHIBITING ENTRY ONTO SCHOOL GROUNDS DURING SCHOOL-RELATED ACTIVITIES**

This bill amends section 18.2-360.5 of the Code of Virginia. This bill prohibits every adult who has been convicted of a sexually violent offence from entering or being present on school property during school hours, school related activities and school-sponsored activities.

**SENATE BILL 1321 (SENATOR NEWMAN): CERTIFICATE OF PUBLIC NEED; RELOCATION OF NURSING HOME BEDS**

This bill amends section 32.1-102.3:5 of the Code of Virginia to specify that any entity that has relocated beds from one facility to another facility under common ownership or control, pursuant to this section and thereafter given the Commissioner notice of its intention to close the facility may, within 36 months of such closure, relocate the remaining beds to another facility, either existing or new, under common ownership or control, without regard to the criteria set forth in this section, and the Commissioner shall accept the application and may issue a certificate of public need for such relocation.

**SENATE BILL 1323 (SENATOR MARSDEN): COMMON INTEREST COMMUNITIES; PAYMENT OF RESALE DISCLOSURE PACKET FEES**

This bill amends sections 55.79.97:1 and 55-509.6 of the Code of Virginia. The bill decreases the number of days a settlement must occur after the delivery of a resale certificate from 90 to 45 days.

**SENATE BILL 1326 (SENATOR HERRING) INCOME TAX; RESEARCH AND DEVELOPMENT EXPENSES TAX CREDIT**

This bill creates code section 58.1-439.12:06 in the Code of Virginia, creating a research and development expenses tax credit for taxpayers and describing how and when that tax credit will be available.

**SENATE BILL 1327 (SENATOR HERRING): COMMON INTEREST COMMUNITIES; COURT MAY ENTER DEFAULT JUDGMENT AGAINST UNIT OWNER ON SWORN AFFIDAVIT**

This bill amends sections 16.1-77, 55-79.80:2, and 55-513 of the Code of Virginia. This bill allows each general district court to have, within the limits of the territory it serves, civil jurisdiction to try to decide any cases pursuant to section 55-79.80:2 of the Condominium Act (section 55.79.39 et seq.) or section 55-513 of the Proper-

ty Owners' Association Act (section 55-508 et seq.). The bill also contains technical amendments.

Senate Bill 1327 is identical to House Bill 2289 (Delegate Sickles).

**SENATE BILL 1334 (SENATOR HERRING): STATE MILITARY LAWS; SEVERAL TECHNICAL CHANGES AND AMENDMENTS**

This bill amends sections 2.2-2666.1, 9.1-400, 9.1-801, 23-7.4:1, 44-1, 44-2, 44-5, 44-6, 44-16, 44-19, 44-21, 44-27, 44-32.1, 44-36, 44-40.1, 44-42, 44-44, 44-45, 44-46.1, 44-47, 44-48, 44-54.4, 44-54.6, 44-54.8 through 44-54.12, 44-75.2, 44-80 through 44-83, 44-88, 44-93.2, 44-93.3, 44-93.4, 44-96, 44-97.1 through 44-100, 44-102, 44-102.1, 44-104, 44-110, 44-115, 44-120, 46.2-743, 65.2-101, and 65.2-103 of the Code of Virginia. The majority of the changes are technical in nature such as striking references that are now outdated and replacing Virginia State Guard and Virginia State Defense Force, with the umbrella term Virginia Defense Force. The bill also no longer allows lighthouse keepers or customhouse clerks to claim exemptions from service under a statewide call to duty. The bill states all appointments of officers to the National Guard shall be done by the Adjutant General. The bill also sets forth who may convene a special court martial and the punishments applicable under such a court martial. The bill also specifies that anyone who intentionally does not return items such as uniforms or arms after discharge from the National Guard shall be guilty of a misdemeanor.

Senate Bill 1334 is identical to House Bill 1852 (Delegate Stolle).

**SENATE BILL 1335 (SENATOR HERRING) INCOME TAX, CORPORATE; TELEWORK EXPENSES TAX CREDIT**

This bill creates section 58.1-439.12:06 in the Code of Virginia, creating a telework expenses tax credit for employers to use, and delineates how and when this tax credit will be available to employers.

**SENATE BILL 1336 (SENATOR HERRING): AEROSPACE  
ADVISORY COUNCIL**

This bill amends section 2.2-2699.1 of the Code of Virginia, adding the CEO of the Virginia Economic Development Partnership to the Aerospace Advisory Council. Various technical amendments are also included.

**SENATE BILL 1337 (SENATOR HERRING): FREEDOM OF  
INFORMATION ACT; EXEMPTS COMMERCIAL SPACE  
FLIGHT AUTHORITY FROM DISCLOSURE REQUIREMENTS**

This bill amends sections 2.2-3705.6 and 2.2-3711 of the Code of Virginia by protecting records of the Commercial Space Flight Authority from disclosure if the records relating to rate structures for use of projects of, sale of products of, or services rendered by the Authority if it would negatively impact the financial interest or bargaining power of the Authority or a private entity giving records to the Authority. The bill also protects records from private entities to the Authority if such records contain trade secrets, financial records not otherwise publicly accessible, or information that would negatively affect the financial interest or bargaining power of the entity or Authority. The private entity must request that their records be protected from disclosure and the Authority has the final say.

**SENATE BILL 1340 (SENATE PULLER): ELECTIONS;  
ACQUISITION OF VOTING EQUIPMENT BY LOCALITIES**

This bill amends section 24.2-626 of the Code of Virginia, granting local election boards the authority to acquire direct recording electronic machines from any source until June 30, 2012 when the amendment expires. The bill also gives the State Elections Board the authority to approve or reject the acquisition of direct recording electronic machines based on what is necessary to meet the accessible voting requirements.

Senate Bill 1340 is identical to House Bill 2073 (Delegate Ingram).



SENATE BILL 1343 (SENATOR NORMENT) RETAIL SALES AND USE TAX; COMMERCIAL AND INDUSTRIAL EXEMPTIONS

This bill amends code section 58.1-609.3 of the Code of Virginia, extending the commercial and industrial tax exemptions on “raw materials, fuel, power, energy, supplies, machinery or tools or repair parts therefore or replacements thereof, used directly in the drilling, extraction, or processing of natural gas or oil and the reclamation of the well area” until 2016.

SENATE BILL 1344 (SENATOR NORMENT) HISTORIC TRIANGLE AREA; ADDITIONAL TRANSIENT OCCUPANCY TAX

This bill amends code section 58.1-3823 of the Code of Virginia, preventing a person who is a member of the Williamsburg Area Destination Marketing Committee by virtue of the designation of a local governing body and preventing more than one person of the same local government, including the governing body of the locality from serving as a member on the Williamsburg Area Destination Marketing Committee.

SENATE BILL 1348 (SENATOR NORMENT, JR.): ENTERPRISE ZONE INCENTIVE GRANTS; POLICIES AND PROCEDURES FOR ALLOCATION

This legislation amends section 59.1-549 of the Code of Virginia, providing that business firms with base employment of one hundred or fewer permanent full-time positions and that create in a qualification year twenty-five or fewer grant eligible positions shall be exempt from the requirement that the accuracy and validity of information be attested to by an independent certified public accountant licensed in Virginia.

Senate Bill 1348 is identical to House Bill 1599 (Delegate BaCote).

**SENATE BILL 1350 (SENATOR NORMENT) REAL PROPERTY TAX ASSESSMENTS; APPEALS**

This bill amends code sections 58.1-3331, 58.1-3379, and 58.1-3984 of the Code of Virginia, requiring that, when an appeal is made by a taxpayer as an owner of real property containing less than four residential units to the board of equalization or circuit court, pertaining to the assessment of their residential property, the assessing officer must send the taxpayer a written notice provided for in subsection E of the amended code section.

**SENATE BILL 1352 (SENATOR NORMENT) PRIVATE CAPITAL PROJECT; ALLOWS LOCAL GOVERNMENT, ETC., TO ENTER INTO CERTAIN FINANCING AGREEMENTS**

This bill creates sections 15.2-1815, 15.2-1816, and 15.2-1817 in the Code of Virginia, to permit local government to enter into a financing agreement through a competitive selection process or by direct negotiations with a private capital funding source in relation to conduit lending for state and local governmental entities.

**SENATE BILL 1356 (SENATOR STOSCH): LIMITED LIABILITY COMPANIES; DERIVATIVE ACTIONS**

This legislation amends section 13.1-1042 of the Code of Virginia to provide the removal of the “futility” exception provision, which allows a member of a limited liability company (LLC) to bring a derivative action without first demanding that the members or managers bring the action if an action to cause the members or managers to bring the action is unlikely to proceed. Thus, in every case, a member will be required to make a demand on the LLC before bringing a derivative action. Additionally, the bill prohibits a member from commencing or maintaining such a proceeding unless the member fairly and adequately represents the interests of the LLC in enforcing the right of the LLC and is a proper plaintiff.

**SENATE BILL 1359 (SENATOR STOSCH) INSURANCE PREMIUMS TAX; RETALIATORY COSTS TAX CREDIT**

This bill amends section 58.1-2510 of the Code of Virginia, limiting the amount of the retaliatory costs tax credit for qualified companies that did not receive a credit for the taxable year 2000 to 60 percent of their retaliatory costs paid to other states. This bill also deems that certain unused credits, through an insurance company or affiliated insurance group, shall be refunded to that company or group, if they file a refund application with the Commission, and the refund will not exceed \$800,000 annually, and for qualified companies receiving a credit in taxable year 2000, they can file for a refund not exceeding \$7 million annually.

**SENATE BILL 1361 (SENATOR STOSCH): SPOUSE OF MEMBER OF ARMED FORCES; PROVIDES EXTENSION OF EXPIRATION OF CERTAIN LICENSES, ETC.**

This bill amends section 54.1-117 of the Code of Virginia by expanding the law regarding the expiration of documents issued to people serving in diplomatic positions and the armed services to include spouses of a member of the armed service if the spouse joins the military member during periods of service outside the United States.

Senate Bill 1361 is identical to House Bill 1862 (Delegate Cosgrove).

**SENATE BILL 1362 (SENATOR STOSCH): VIRGINIA COLLEGE SAVINGS PLAN; CLARIFIES ROLES OF TWO ADVISORY COMMITTEES TO BOARD, ANNUAL REPORT**

This bill amends section 23-38.79:1 to broaden the duties of the Investment Advisory and Audit and Actuarial Committee to include performing such other duties as the Board may delegate to the Committee. This bill amends section 23-38.84 to require the Board to compile a report to set forth a complete operating and financial statement covering the operation of the College Savings Plan during the financial year, and to post on its website and submit to the Governor, the Senate Committee on Finance, and the House Committees on Appropriations and Finance.

Senate Bill 1362 is identical to House Bill 1619 (Delegate Cox).

**SENATE BILL 1367 (SENATOR SASLAW): MOTOR VEHICLE TITLE LOANS; NONRESIDENTS**

This legislation amends sections 6.2-2201, 6.2-2215, and 6.2-2225 of the Code of Virginia to allow title loans to be made to nonresidents of the Commonwealth, provided the security interest of the lender is added to its certificate of title or by complying with that state's requirements for perfecting a security interest in a motor vehicle.

**SENATE BILL 1368 (SENATOR SASLAW): TELECOMMUNICATIONS SERVICES; REGULATIONS**

This legislation amends sections 56-1, 56-88.1, 56-234, 56-235.1, 56-236, 56-237 through 56-238, 56-240, 56-241, 56-247.1, 56-248, 56-248.1, 56-249.2, 56-481.1, and 56-482.1 and repeals section 56-265.4:3, Article 2 of Chapter 15 of Title 56, and sections 56-478.1 and 56-478 of the Code of Virginia. It provides for the elimination of certain requirements regarding competitive telecommunications services.

Senate Bill 1368 is identical to House Bill 2367 (Delegate Hugo).

**SENATE BILL 1369 (SENATOR LOCKE): CLERKS; MAY PROVIDE OFFICIAL CERTIFICATES AND CERTIFIED RECORDS IN DIGITAL FORM, ETC.**

This bill amends section 17.1-258.3:2 et al. of the Code of Virginia. The bill provides that a clerk of the circuit court of any jurisdiction shall be immune from suits arising from any acts or omissions relating to digital documents maintained by the clerk unless the clerk was grossly negligent or engaged in willful misconduct. Additionally, clerks have authority to perform notarial acts.

**SENATE BILL 1375 (SENATOR WAGNER): ASBESTOS, LEAD, MOLD, AND HOME INSPECTORS, BOARD FOR; REGULATION OF BUILDING ANALYSTS**

This bill amends the Code of Virginia by adding to Chapter 11 of Title 54.1, article 5, consisting of sections numbered 54.1-1144, 54.1-1145, and 54.1-1146. The bill defines an accredited residential building energy analyst training program, a licensed residential building energy analyst, and a residential building energy analysis. The bill also states that no one may work as a residential building energy analyst without being licensed according to the requirements set forth in the same law and gives the State Board of Contractors the powers to establish procedures relating to the accreditation of residential building energy analyst training programs, the licensing of said analysts, and creating standards for residential building energy analysis in line with the U.S. Environmental Protection Agency guidelines.

**SENATE BILL 1379 (WILLIAM M. STANLEY, JR.): GOVERNOR'S DEVELOPMENT OPPORTUNITY FUND; CRITERIA FOR GRANTS OR LOANS FROM FUND**

This bill amends section 2.2-115 of the Code of Virginia by re-establishing and amending the requirements and conditions that will allow a grant or loan to be awarded from the Governor's Development Opportunity Fund for various types of projects such as laying out the minimum private investment needed for the award to be valid under this code section.

Senate Bill 1379 incorporates Senate Bill 1050 (Senator Barker) and is identical to House Bill 1982 (Delegate Kilgore).  
**SENATE BILL 1380 (SENATOR STANLEY): BOARD OF AGRICULTURE AND CONSUMER SERVICES; PRESIDENTS OF VPISU & VSU MAY APPOINT DESIGNEES, ETC.**  
This legislation amends section 3.2-109 of the Code of Virginia to allow the Presidents of Virginia Polytechnic Institute, State University and Virginia State University to appoint designees to the Board of Agriculture and Consumer Services. Such designees shall be ex-officio members with voting privileges.

Senate Bill 1380 is identical to House Bill 1759 (Delegate Wilt).

**SENATE BILL 1384 (SENATOR COLGAN) STATE'S TAX CODE; ADVANCES CONFORMITY WITH FEDERAL LAW**

This bill amends section 58.1-301 of the Code of Virginia to change the date for which the code sections will refer to United States Law to as recent as December 31, 2010. This bill also changes the procedure for the deferral of certain income under section 108 (i) of the Internal Revenue Code, in terms of reporting Virginia income taxes.

**SENATE BILL 1387 (SENATOR WAMPLER, JR.): AUTOMOBILE CLUBS; EXCEPTION**

This legislation amends the Code of Virginia by adding in Chapter 3.1 of Title 13.1 a section numbered 13.1-400.10 to provide an exemption to a legal entity as a result of the entity's contracting with an automobile club licensed under Chapter 3.1, which contract provides for the automobile club to provide towing and emergency road service to the customers of the entity.

**SENATE BILL 1388 (SENATOR BARKER): LIFE INSURANCE; RETAINED ASSET ACCOUNTS**

The legislation amends Chapter 31 of Title 38.2 of the Code of Virginia by adding an article numbered 1.1, consisting of sections numbered 38.2-3117.1 through 38.2-3117.4. It provides that an insurer shall provide the beneficiary, at the time a claim is made, written information describing the settlement options available under the policy. Additionally, if the insurer settles benefits through a retained asset account, it shall provide the beneficiary with a supplemental contract that clearly discloses the rights of the beneficiary and the obligations of the insurer. In addition, the insurer shall provide certain written disclosures to the beneficiary of a policy before the retained asset account is selected or established.

Senate Bill 1388 is identical to House Bill 1458 (Delegate Marshall).

SENATE BILL 1390 (SENATOR HOWELL): LIFE INSURANCE;  
SPECIFIED DISEASE COVERAGE OR LIMITED BENEFIT  
HEALTH COVERAGE

This bill amends section 38.2-102 of the Code of Virginia to provide that the term “life insurance” includes additional benefits providing specified disease coverage or limited benefit health coverage, subject to compliance with minimum standards established by the Commission.

SENATE BILL 1392 (SENATOR PUCKETT): ELECTRIC  
UTILITY RATEMAKING INCENTIVES; COALBED METHANE  
GAS

This bill amends section 56.585-1 of the Code of Virginia to provide that a generation facility is “coalbed methane gas powered” if the facility is fired at least fifty percent by coalbed methane gas, as such term is defined in section 45.1-361.1, and produced from wells located in the Commonwealth. Such definition authorizes investor-owned electric utilities to earn an enhanced rate of return on their investments in facilities.

Senate Bill 1392 is identical to House Bill 2237 (Delegate Morefield).

SENATE BILL 1399 (SENATOR LOCKE): VETERANS  
SERVICES, DEPARTMENT OF; RATIO OF DEPARTMENT  
STAFF TO VETERANS RESIDING IN STATE.

This bill amends section 2.2-2002.1 of the Code of Virginia by stating the number of employees assigned to the processing of benefit claims will be whatever number is sufficient to maintain a ratio of 1 staff member to every 26,212 veterans living within Virginia.

Senate Bill 1392 is identical to House Bill 1557 (Delegate Cox).

SENATE BILL 1396 (SENATOR LUCAS): PODIATRY;  
EXPANDS DEFINITION

This bill amends section 54.1-2900 of the Code of Virginia to expand the definition of podiatry to include the diagnosis and treatment of lower extremity ulcers; however, the treatment of severe lower extremity ulcers proximal to the foot and ankle may only be performed by appropriately trained, credentialed podiatrists in an approved hospital or ambulatory surgery center at which the podiatrist has privileges.

Senate Bill 1396 is identical to House Bill 2193 (Delegate Ebbin).

**SENATE BILL 1400 (SENATOR LOCKE): FORT MONROE AUTHORITY ACT; CREATED.**

This bill adds Chapter 22 of Title 2.2 an article numbered 10, which includes section 2.2-2336 through 2.2-2350 and repeals Chapter 73, which included sections 15.2-7300 through 15.2-7315. The reason for the Fort Monroe Authority Act is that this year, Fort Monroe will be given back to Virginia by the U.S. Army, and the state is endeavoring to provide for its protection as a cultural landmark. The bill creates the Fort Monroe Authority, which will be the government authority for the area, and it will be the successor in interest to the Fort Monroe Federal Development Authority. The Authority will have a Board of Trustees, whose powers and duties are set forth by section 2.2-2338, whereas the powers and duties of the Fort Monroe Authority is set forth in sections 2.2-2339 and 2.2-2340. The bill specifies that payments in general may be made to the state of Virginia, but it lists certain enumerated payments due to the City of Hampton. The Authority is also granted the ability to borrow money, accept various types of monetary support from various bodies of government, issue bonds, and charge rents and fees. The role of the executive director and legal services are also described in sections 2.2-2345 and 2.2-2346. The bill also contains clauses of sovereign immunity, and tax exemptions.

**SENATE BILL 1408 (SENATOR RUFF, JR.): BUSINESS, PROFESSIONAL, OCCUPATIONAL LICENSE TAX; EXEMPTION FOR UNPROFITABLE BUSINESS**



This bill amends section 58.1-3703 of the Code of Virginia to allow any locality to exempt license fees or license taxes for any business that does not have an after-tax profit for that year and that turns over its income tax return to the local commissioner, beginning on or after January 1, 2012.

**SENATE BILL 1412 (SENATOR MARTIN): VIRGINIA SOIL AND WATER CONSERVATION BOARD; INCREASES VOTING MEMBERSHIP**

This bill amends section 10.1-502 of the Code of Virginia to allow the Director of the Department of Conservation and Recreation, or the Director's appointed designee, to act as an ex-officio, nonvoting, member of the Virginia Soil and Water Conservation Board. The bill also increases the number of at-large Board members from three to six, and requires that at least three of the at-large Board members be knowledgeable of storm water management and representative of local business and government interests.

Senate Bill 1412 is identical to House Bill 1829 (Delegate Scott).

**SENATE BILL 1423 (SENATOR EDWARDS): WILLS & TRUSTS; FORMULA CLAUSES REFERRING TO FEDERAL ESTATE & GENERATION-SKIPPING TRANSFER TAX LAW**

This bill amends section 64.1-62.4 of the Code of Virginia. The bill provides that a decision made by a decedent's personal representative not to have the estate tax apply to the decedent's estate in 2010 does not affect the meaning of formula clauses for calculating transfers or devises based on federal estate or generation-skipping transfer tax law for a will or other instrument. Additionally, fiduciaries or beneficiaries may petition for judicial determination for how the decedent would want such formula clauses to be construed. The fiduciaries or beneficiaries may also enter into a non-judicial agreement regarding the construction of such clauses. The bill contains an emergency clause and its provisions will be effective upon its passage.

**SENATE BILL 1426 (SENATOR DEEDS): CHILD  
PORNOGRAPHY; RESTITUTION FOR VICTIMS**

This bill amends section 19.2-305.1 of the Code of Virginia. This bill provides that a defendant convicted of an offense relating to child pornography shall be ordered to pay mandatory restitution to the victim of the offense in an amount determined by the court. Additionally, the Commonwealth shall make reasonable efforts to notify victims of these offenses.

Senate Bill 1426 is identical to House Bill 1995 (Delegate Janis).

**SENATE BILL 1427 (SENATOR HANGER): WATER REUSE;  
SECRETARY OF NATURAL RESOURCES TO DEVELOP  
GUIDELINES THAT INCLUDE CRITERIA & INCENTIVE**

This bill amends section 10.1-2129 of the Code of Virginia to require several State agencies to work together to define criteria and financial incentives for water reuse. The bill also adds the State Health Commissioner to the list of persons who shall coordinate with other state agencies regarding water reuse.

**SENATE BILL 1431 (SENATOR WAGNER) RETAILERS OF  
MOTOR VEHICLES; SUFFICIENT ACTIVITY TO REQUIRE  
COLLECTION OF CERTAIN STATE TAXES**

This bill amends section 58.1-640 of the Code of Virginia to include in the definition of “retailer of tires” any person who installs tires in Virginia as the result of an agreement with a retail tire seller, but who does not collect the tax.

**SENATE BILL 1434 (SENATOR SMITH): CERTIFICATE OF  
PUBLIC NEED; ADDITION OF NURSING FACILITY BEDS IN  
PLANNING DISTRICT 11**

This bill requires the Commissioner of Health to accept applications for a certificate of public need, including applications filed prior to the passage of this act, and may issue a certificate of public need authorizing an increase of no more than 50 nursing home beds

for the establishment of a new 90-bed nursing home in Planning District 11.

**SENATE BILL 1436 (SENATOR R. SMITH): EMINENT DOMAIN; CONDEMNOR IS REQUIRED TO PROVIDE AN APPRAISAL TO OWNER OF CONDEMNED PROPERTY**

This bill amends section 25.1-100, 25.1-108, 25.1-204, 25.1-400, 25.1-410, 25.1-411, 25.1-414, and 25.1-417 of the Code of Virginia by defining the meanings of "Appraisal" and "State Agency." This bill also provides that when required to provide an appraisal, a condemnor must provide all copies of appraisals that the condemnor obtained before negotiations for the property. Additionally, the bill makes changes to the procedure for offering to sell condemned property back to the former owner.

Senate Bill 1436 is identical to House Bill 2161 (Delegate Iaquinto).

**SENATE BILL 1437 (SENATOR MCDUGLE): MOTOR VEHICLE DEALERS; CLARIFIES TIME A DEALER MAY REQUEST A HEARING BEFORE DMV COMMISSIONER**

This bill amends section 46.2-1573 of the Code of Virginia. The bill provides that a motor vehicle dealer requesting a hearing before the Department of Motor Vehicles Commissioner has the burden of proving by a preponderance of the evidence that the manufacturer, factory branch, distributor, or distributor branch has good cause to take the action for which the dealer has filed the petition for a hearing or that such actions are reasonable if required under the relevant provision.

**SENATE BILL 1439 (SENATOR HERRING): TUITION ASSISTANCE GRANT PROGRAM; AMENDS CRITERIA FOR HIGHER EDUCATIONAL INSTITUTIONS**

This bill amends section 23-38.12 of the Code of Virginia to clarify that for the purposes of this section, the "principal place of business" of a nonprofit institution of collegiate education means the single state in which the natural persons who establish policy for the

direction, control, and coordination of the operations of the institution as a whole primarily exercise that function.

Senate Bill 1439 is identical to House Bill 1960 (Delegate Rust).

**SENATE BILL 1441 (SENATOR OBENSHAIN): IMPAIRED WATERS; REQUIRES PLAN DEVELOPED AND IMPLEMENTED TO RESTORE WATERS BE CONTROLLING**

This bill amends section 62.1-44.19:7 of the Code of Virginia to make the plan adopted by the Board to achieve certain water quality objectives controlling unless, or until, it is amended by or withdrawn by the Board.

Senate Bill 1441 is identical to House Bill 2486 (Delegate Cox).

**SENATE BILL 1447 (SENATOR WAMPLER, JR.) VIRGINIA COMMERCIAL SPACE FLIGHT AUTHORITY; TAX REVENUES GENERATE BY COMMERCIAL SPACEFLIGHT**

This bill creates section 58.1-423 in the Code of Virginia to require that revenue attributable to commercial spaceflight activities and services be transferred to the Virginia Commercial Space Flight Authority.

**SENATE BILL 1448 (SENATOR BARKER): CAMBRIDGE ADVANCED EXAMS; GOVERNING BOARDS TO IMPLEMENT POLICIES REGARDING GRANTING OF CREDIT**

This bill amends section 23-9.2:3.8 of the Code of Virginia to require the governing boards of each public institution of higher education to grant undergraduate course credit to freshman who have successfully taken one or more Cambridge Advanced (A/AS) examinations.

Senate Bill 1448 is identical to House Bill 1910 (Delegate Miller).

**SENATE BILL 1450 (SENATOR DEEDS) FILLABLE TAX FORMS; TAX COMMISSIONER TO ENSURE ALL ARE IN A PORTABLE DOCUMENT FORMAT**

This bill creates section 58.1-202.3 in the Code of Virginia to require the Tax Commissioner to make all required state tax forms into fillable forms that are in a portable document format and to make them available on the Department of Taxation's website, beginning on and after January 1, 2012 and making them available no later than March 1, 2013.

**SENATE BILL 1452 (SENATOR NEWMAN): LOCAL GOVERNMENT, COMMISSION ON; SHALL ASSIST A 5-MEMBER TASK FORCE TO REVIEW STATE MANDATES**

This bill amends section 15.2-2903 by creating another duty for the Commission on Local Government. The Commission is to, by order of the Governor, work with a Governor-created task force to review state mandates and to make recommendations on the continuance or termination of the mandates. The Governor then makes the final decision on the mandates' disposition. The bill also describes the creation and makeup of the task force, the role of local agencies in this procedure, and the expiration date of the section amended in the bill.

**SENATE BILL 1453 (SENATOR NEWMAN): HUMAN TRAFFICKING; DCJS, ETC., REGARDING IDENTIFICATION, ETC., OF OFFENSES USING EXISTING STATUTES**

This bill amends section 9.1-102 of the Code of Virginia by adding to the duties and powers of the Department of Criminal Justice Services the duty to act in united effort with the Virginia Attorney General, in advising police officers and court officers with the identification, investigation, and prosecution of human trafficking offenses using both common law and current criminal statutes within Virginia.

**SENATE BILL 1455 (SENATOR HANGER): AMUSEMENT DEVICE ACT; EXCLUDES SNOW TUBING PARKS, ETC., FROM DEFINITION OF AMUSEMENT DEVICE, ETC.**

This bill amends section 36-98.3 of the Code of Virginia by excluding from the list of amusement devices to be regulated: snow tubing parks and rides, ski terrain parks, ski slopes and ski trails.

**SENATE BILL 1456 (SENATOR HANGER): VIRGINIA SOIL AND WATER CONSERVATION BOARD; REQUIRES OWNERS OF DAMS TO SUBMIT ANNUAL CERTIFICATIONS**

This bill amends sections 10.1-605 and 10.1-605.1 of the Code of Virginia to require dam owners to certify annually by January 15 that an impounding structure complies with spillway requirements. The bill also requires dam owners to make a record of dam certifications available to anyone either in hard copy or on a website. A dam owner who fails to make certifications available may be subject to a civil penalty.

**SENATE BILL 1464 (SENATOR WHIPPLE): MEDICAID; ELIGIBILITY FOR LEGAL PERMANENT RESIDENTS**

This bill would have amended section 32.1-325 of the Code of Virginia to extend Medicaid to permanent residents who have been legally present in the United States for the federally required five-year waiting period and meet all other eligibility requirements. The bill did not pass.

**SENATE BILL 1469 (SENATOR SASLAW): MEDICAL MALPRACTICE PRIVILEGED COMMUNICATIONS OF CERTAIN COMMITTEES**

This bill amends section 8.01-581.17 of the Code of Virginia. The bill provides that privileged communications between certain health committees does not necessarily extend to any health care provider, emergency medical services agency, community services board, or behavioral health authority with respect to any factual information regarding specific patient health care or treatment. How-

ever, the bill does identify the type of information that falls within the privilege of the statute.

Senate Bill 1469 is identical to House Bill 2373 (Delegate Peace).

**SENATE BILL 1471 (SENATOR MARTIN): ADVISORY  
BOARDS, COUNCILS, AND OTHER ADVISORY COLLEGIAL  
BODIES, CERTAIN; ELIMINATION**

This bill amends sections 2.2-4303, 2.2-4308, 2.2-4323, 3.2-2800, 3.2-2805, 3.2-2806, 9.1-108, 9.1-112, 10.1-419, 33.1-221.1:1.1, 44-146.35, 44-146.38, 44-146.40, 60.2-113, and 62.1-44.34:26 of the Code of Virginia. The bill consists mostly of technical amendments but eliminates the following boards and their references within the law: Design-Build/Construction Management Review Board, Virginia Recycling Markets Development Council, Plant Pollination Advisory Board, Lower James River Advisory Committee, Rail Advisory Board, Hazardous Materials Emergency Response Advisory Council, and the Migrant and Seasonal Farmworkers Board.

Senate Bill 1471 is identical to House Bill 2520 (Delegate Peace).

**SENATE BILL 1472 (SENATOR STANLEY, JR.): ELECTRIC  
UTILITIES; BIENNIAL RATE CASES**

This bill amends section 56-585.1 of the Code of Virginia to provide that the Commission's final order regarding biennial rate review proceedings shall be entered not more than eight months after the date of filing.

Senate Bill 1472 is identical to House Bill 2125 (Delegate Poindexter).

**SENATE BILL 1477 (SENATOR STOSCH): INSPECTOR  
GENERAL, OFFICE OF; ESTABLISHED**

This bill amends sections 2.2-211, 2.2-3010, 2.2-3014, 2.2-3705.3, 2.2-3705.6, 2.2-3706, 2.2-3802, 2.2-4344, 30-138, 32.1-127.1:03, 32.1-283, and 58.1-202.2 of the Code of Virginia as well as adds in Title 2.2, a chapter 3.2, containing articles 1 through 6, with sections numbered 2.2-307 through 2.2-322. The bill established the Office of the State Inspector General and lays out the Inspector General's duties and powers. The Inspector General shall investigate state and non-state agencies for whether or not fraud, waste, criminal activity, or corruption is being committed by employees/state officers. The Office of the Inspector General shall take on the responsibilities previously held by the Department of Behavioral Health and Developmental Services, Department of Corrections, Department of Juvenile Justice, and Department of Transportation. The bill also provides for certain records within the Office of the Inspector General to be exempt from the Freedom of Information Act (section 2.2-3705.3).

Senate Bill 1477 is identical to House Bill 2076 (Delegate Landes).

**SENATE BILL 1478 (WALTER A. STOSCH) JUDICIAL SALE OF REAL ESTATE; AUTHORIZES LOCALITY TO INSTITUTE PROCEEDINGS TO SELL CERTAIN PROPERTY**

This bill creates section 58.1-3965.2 in the Code of Virginia to give a given locality additional authority to sell land for certain delinquent special taxes or special assessments on first anniversary that the tax or assessment was due. The authority to do this is limited in that this bill prevents the sale of a single-family residence (if the owner is the resident on the first anniversary date) or a single residential unit in a multi-unit structure (if the owner is the resident of the unit on the first anniversary date).

**SENATE BILL 1481 (SENATOR WAGNER) INCOME TAX, CORPORATE; VIRGINIA PORT VOLUME INCREASE TAX CREDIT**

This bill creates section 58.1-439.12:06 in the Code of Virginia to allow taxpayers engaged in manufacturing and/or the distribution of goods through use of port facilities who increase their port



cargo volume by a minimum of five percent in a year over its total port cargo volume, to claim a tax credit.

**SENATE BILL 1482 (SENATOR WAGNER): VIRGINIA LIFE, ACCIDENT, AND SICKNESS INSURANCE GUARANTY ASSOCIATION; SURPLUS FUNDS**

This legislation amends section 38.2-1705 of the Code of Virginia to provide for an establishment of a procedure for the Virginia Life, Accident, and Sickness Insurance Guaranty Association to dispose of surplus funds on hand with respect to an insolvency. The amendment requires that such surplus funds be used to reimburse member insurers for assessment costs not otherwise amortized and offset pursuant to section 38.2-1709 and pay the remaining surplus to the Commission, for deposit with the State Treasurer for credit to the general fund of the Commonwealth.

**SENATE BILL 1483 (SENATOR VOGEL): STATE AND LOCAL GOVERNMENT ENTITIES; LIMITATION OF AUTHORITY OVER CERTAIN CHARITABLE ORGANIZATIONS**

This bill requires that a government agency cannot require a charitable organization to disclose demographic information of employees, directors, trustees, etc of the organization or an entity that has received monetary contributions from or contracted with the organization without prior written consent of the individuals. The bill states a governmental agency cannot require the charitable organization to include an individual on the governing board based solely on his demographic information, nor prohibit or force the organization to allow a board member to sit because he or she has a family connection with the board or donor or officers. The bill also lets an organization distribute their funds or contract with an individual as the organization sees fit excepting a lawful condition on the funds as set forth by the donor.

**SENATE BILL 1485 (SENATOR NEWMAN): INVESTMENT IN RESEARCH AND TECHNOLOGY; EXPANDS COMMONWEALTH RESEARCH COMMERCIALIZATION FUND, ETC.**

This bill amends sections 2.2-2220, 2.2-2221, 2.2-2233.1, and 2.2-3711 of the Code of Virginia by adding to the board of directors that governs the Authority, the Secretary of Education and the Secretary of Commerce and Trade, as well as establishing a Research and Technology Investment Advisory Committee. The bill lays out who is to be a member of the Research and Technology Investment Advisory Committee and what duties the Committee must perform including reviewing applications for the Virginia Commonwealth Research Commercialization Fund. The Authority shall also create a Commonwealth Research and Technology Strategic Roadmap to be used for the purpose of identifying the Commonwealth's industry sectors in which investments in technology should be made, identifying opportunities in those sectors that show commercial promise, encouraging commercialization and economic development activities within the same sectors, and helping ensure investments in research are done practically and cautiously within specific areas for projects with potential for commercialization and economic growth. The bill also allows funds to be given from the Commonwealth Research Commercialization Fund upon approval of the Research and Technology Investment Advisory Committee, if it furthers the goals of the Commonwealth Research and Technology Strategic Roadmap, and creates new categories of programs that can qualify for funds.

Senate Bill 1485 incorporates Senate Bill 1322 (Senator Newman).

