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Notable Bills of the 2012 General Assembly

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NOTABLE BILLS OF THE 2012 GENERAL ASSEMBLY

HOUSE BILLS

HOUSE BILL 1 (DELEGATE MARSHALL): UNBORN CHILDREN; CONSTRUING THE WORD “PERSON” UNDER VIRGINIA LAW TO INCLUDE

This bill defines the word “person” under Virginia law to include unborn children, providing unborn children at all stages of development with the same rights, privileges, and immunities as all other citizens of the Commonwealth.

This bill was continued to 2013 in Education and Health.

HOUSE BILL 3 (DELEGATE MARSHALL): CHILD ABUSE OR NEGLECT; ATHLETIC COACHES, ETC. OF PRIVATE SPORTS TEAMS REQUIRED TO REPORT TO DSS

This bill amends and reenacts section 63.2-1509 of the Code of Virginia. The Act expands the reporting requirement of persons who, in their professional or official capacity, have reason to suspect that a child is an abused or neglected child. It now includes any athletic coach, director, or other persons employed by or volunteering with a private sports organization or team, as well as administrators or employees of public or private day camps, youth centers and youth recreation programs who are 18 years of age and older. The act also changes the age of those required to report from over the age of 18, to 18 years of age or older.

HOUSE BILL 5 (DELEGATE BELL): CONSTITUTIONAL AMENDMENT; TAKING OR DAMAGING OF PRIVATE PROPERTY FOR PUBLIC USE (VOTER REFERENDUM)

This bill provides for a voter referendum at the November 6, 2012, election to approve the General Assembly’s alterations of the Commonwealth’s authority to take or damage private property through eminent domain. The referendum, if passed, would amend section 11 of Article 1 of

the Constitution of Virginia to strike the current eminent domain clause and include the following paragraph: “That the General Assembly shall pass no law whereby private property, the right to which is fundamental, shall be damaged or taken except for public use. No private property shall be damaged or taken for public use without just compensation to the owner thereof. No more private property may be taken than necessary to achieve the stated public use. Just compensation shall be no less than the value of the property taken, lost profits and lost access, and damages to the residue caused by the taking. The terms “lost profits” and “lost access” are to be defined by the General Assembly. A public service company, public service corporation, or railroad exercises the power of eminent domain for public use when such exercise is for the authorized provision of utility, common carrier, or railroad services. In all other cases, a taking or damaging of private property is not for public use if the primary use is for private gain, private benefit, private enterprise, increasing jobs, increasing tax revenue, or economic development, except for the elimination of a public nuisance existing on the property. The condemnor bears the burden of proving that the use is public, without a presumption that it is.”

House Bill 5 is identical to Senate Bill 240 (Senator Obenshain).

HOUSE BILL 10 (DELEGATE COLE): BPOL TAX; MAXIMUM FEE AND TAX RATES ESTABLISHED BY A LOCALITY

This bill prohibits a locality from increasing its fees or taxes for local licenses (BPOL) above the rates imposed in 2011. This prohibition will end in 2015. Localities may impose BPOL taxes on (1) gross receipts or (2) the state-taxable income of a corporation, net income of a sole proprietorship, and the net income of a pass-through entity.

This bill was continued to 2013 in Finance.

HOUSE BILL 13 (DELEGATE INGRAM): REDISTRICTING LOCAL DISTRICTS; LOCAL GOVERNMENT MAY EXCLUDE PRISON POPULATIONS FROM ITS CALCULATION

This bill amends section 24.2-304.1 of the Code of Virginia. This bill adds federal and regional adult correctional facilities to the list of adult

correctional facilities which may be excluded from the census in its calculations in drawing local districts, provided that the population of these facilities exceeds 12 percent of the ideal population of an election district.

HOUSE BILL 20 (DELEGATE WILT): EMERGENCY SERVICES AND DISASTER LAW; CONSTITUTIONAL RIGHT OF CITIZENS TO KEEP AND BEAR ARMS

This bill amends section 44-156.15 of the Code of Virginia by providing that nothing in the Emergency Services and Disaster law shall prohibit the otherwise lawful possession of firearms.

House Bill 20 is Identical to Senate Bill 245 (Senator Obenshain).

HOUSE BILL 22 (DELEGATE COLE): FIREARMS; DISPOSITION THEREOF ACQUIRED BY LOCALITIES

This bill adds section 15.2-915.5 to the Code of Virginia. Localities may not participate in programs giving a thing of value to individuals surrendering firearms to the locality except where the locality's governing body enacts an ordinance authorizing such participation. Any such ordinance shall provide that such firearms be offered at public auction or sealed bid, so long as the person to whom sealed bids are given is licensed as a dealer.

HOUSE BILL 26 (DELEGATE COLE): CONCEALED HANDGUN PERMITS; PENALTY FOR FAILURE TO PRODUCE UPON DEMAND OF LAW-ENFORCEMENT OFFICER, PENALTY

This bill amends section 18.2-308 of the Code of Virginia. Individuals carrying a concealed weapon must present, upon request of a law-enforcement officer, a concealed handgun permit and a government-issue photo identification card or face a \$25 civil penalty. This penalty can be waived upon presentation of proper identification – concealed handgun permit and government-issued photo identification – in court.

**HOUSE BILL 33 (DELEGATE COMSTOCK): PUBLIC
PROCUREMENT; STATE AGENCY AGREEMENTS WITH
LABOR ORGANIZATIONS**

This bill adds section 2.2-4321.2 to the Code of Virginia, addressing contracts with state agencies for public works. The bill prohibits state agencies and construction managers acting on behalf of state agencies from requiring or prohibiting bidders to enter into or adhere to agreements with labor organizations, or discriminate against bidders for becoming, refusing to become, or remaining signatories or otherwise adhere to agreements with labor organizations on public work projects.

House Bill 33 is identical with Senate Bill 242 (Senator Obenshain).

**HOUSE BILL 38 (DELEGATE COLE): ABSENTEE VOTING;
DUTIES OF GENERAL REGISTRAR AND ELECTORAL
BOARD**

This bill amends section 24.2-706 of the Code of Virginia by expanding the list of acceptable mail carriers for absentee ballot materials to include first class mail and expedited mail delivery from the United States postal service or other commercial delivery provider.

**HOUSE BILL 39 (DELEGATE TATA): TELEPHONES OR
DIGITAL PAGERS; SECOND VIOLATION IS A CLASS 2
MISDEMEANOR**

This bill amends section 18.2-429 of the Code of Virginia. A second or subsequent conviction of causing a telephone or digital pager to ring with the intent to annoy is a Class 2 misdemeanor.

**HOUSE BILL 42 (DELEGATE TATA): LINE OF DUTY ACT;
EXPANDS DEFINITION OF A DECEASED PERSON**

This Act amends section 9.1-400 of the Code of Virginia to include in the definition of a "deceased person" for purposes of the Line of Duty Act

2012]

2012 NOTABLE BILLS

89

those persons who are members of any fire company providing fire protection services for facilities of the Virginia National Guard.

This bill is identical to Senate Bill 424 (Senator Ruff).

HOUSE BILL 48 (DELEGATE BELL): CASTLE DOCTRINE; SELF-DEFENSE AND DEFENSE OF OTHERS

This bill adds section 8.01-223.3 to the Code of Virginia, allowing a person in his dwelling to use physical force, including deadly force, against an intruder who has committed acts against the person or another person lawfully residing within the dwelling.

This bill was continued to 2013 in Courts of Justice.

HOUSE BILL 49 (DELEGATE ALBO): DUI; RAISES PENALTY FOR AGGRAVATED INVOLUNTARY MANSLAUGHTER

This bill amends section 18.2-36.1 of the Code of Virginia. This bill “provides that the punishment for DUI manslaughter is to include a one-year mandatory term of confinement and raises the mandatory minimum term for aggravated DUI manslaughter from one to five years.”

This bill was passed by indefinitely in Courts of Justice.

HOUSE BILL 56 (DELEGATE COLE): VOTER REGISTRATION APPLICATIONS; PROTECTION OF CERTAIN RESIDENCE ADDRESS INFORMATION

This bill amends section 24.2-418 of the Code of Virginia relating to voter applications. This bill adds any active or retired Virginia justices or judges and any active or retired attorneys employed by either the Virginia Attorney General or the United States Attorney General to the list of names that may have a post office box listed instead of a residence address on election documents available to the public.

**HOUSE BILL 57 (MARK L. COLE): VOTER REGISTRATION;
REGISTRARS WITH RESPECT TO VOTER REGISTRATION
RECORDS**

This bill amends sections 24.2-404 and 24.2-427 of the Code of Virginia. This bill “provides that the State Board shall distribute the alphabetical lists of registered voters in each precinct to each county, city, and town at least 16, rather than 10, days before an election to give more time for local review. The bill also provides that the general registrar shall process the State Board’s most recent list of convicted felons within 21 to 14 days before an election, cancel the registration of any registered voter shown to be a felon, and notify the registered voter of the cancellation.”

**HOUSE BILL 60 (DELEGATE COLE): ILLEGAL VOTING AND
REGISTRATIONS; PROHIBITION AGAINST VOTING MORE
THAN ONCE**

This bill amends section 24.2-1004 of the Code of Virginia relating to write-in absentee ballots and illegal voting. The bill clarifies that nothing in the prohibition against voting more than once should be construed to apply to military and overseas voters, who are permitted to cast both a state ballot and a write-in absentee ballot according to the Uniformed and Overseas Citizen Absentee Voting Act. If such an individual sends in both of these ballots, the state ballot will override the write-in ballot if both are received prior to the closing of the polls on Election Day.

House Bill 60 is identical to Senate Bill 283 (Senator Smith).

**HOUSE BILL 72 (DELEGATE BELL): HIGHWAY WORK
ZONES; REQUIRED TO BE MARKED WITH WARNING SIGNS
WITH ATTACHED FLASHING LIGHTS**

This bill amends section 46.2-878.1 of the Code of Virginia to require that highway work zones be clearly marked with warning signs. In addition, all projects covered by contracts entered into on or after July 1, 2012 must have flashing lights attached to their warning signs.

HOUSE BILL 73 (DELEGATE BELL): VIEW; SUBSTANCE ABUSE SCREENING AND ASSESSMENT OF PUBLIC ASSISTANCE APPLICANTS AND RECIPIENTS

This bill adds section 63.2-608.1 to the Code of Virginia, which describes the eligibility for VIEW, or the Virginia Initiative for Employment Not Welfare Program. This bill requires the local director to screen each participant to determine whether the participant is engaged in the use of illegal substances. This bill provides the consequences of refusing to participate in a screening or assessment.

House Bill 73 incorporates House Bill 221 (Delegate Head), House Bill 249 (Delegate Cline), House Bill 598 (Delegate Crockett-Stark), and House Bill 955 (Delegate Bell).

This bill was continued to 2013 in Appropriations.

HOUSE BILL 74 (DELEGATE BELL): CHILD ABUSE OR NEGLECT; REDUCES MANDATORY TIME LIMIT FOR REPORTING, REQUIREMENTS OF CERTAIN PERSONS

This bill amends section 62.2-1509 of the Code of Virginia by replacing the 72 hour time requirement for mandatory reports with a new time requirement. This bill provides that such mandatory reporters must report the suspected child abuse or neglect as soon as possible, but not longer than 24 hours after having reason to suspect a reportable offense. The bill also provides that, in cases where the report is made by a mandated reporter to the person in charge of the institution or department where the reporter works, the reporter must be notified when the person in charge makes the report to the local department or department's hotline, and be given the name of the person receiving the report, as well as any actions taken or communications resulting from the report.

HOUSE BILL 83 (DELEGATE ORROCK): MAMMOGRAMS; INFORMATION ON BREAST DENSITY

This bill amends section 32.1-229 of the Code of Virginia. The Act amends the Board of Health duty to establish guidelines for licensed facilities or physician's offices where mammography services are performed. It

mandates that the Board include requirement that the offices provide information on breast density in mammogram letters sent to patients pursuant to regulations implementing the Mammography Quality Standards Act. In addition, they must include in letters sent to patients who have dense breast tissue a notice that explains that the patient may wish to contact their physician for additional information

The bill is identical to Senate Bill 544 (Senator Edwards).

HOUSE BILL 87 (DELEGATE KNIGHT): AIRCRAFT; PERSON WHO PROJECTS POINT OF LIGHT FROM LASER AT AN AIRCRAFT IS GUILTY OF MISDEMEANOR

This bill amends section 5.1-22 of the Code of Virginia to include that any person who knowingly or intentionally projects a laser, or device simulating a laser, at an aircraft is guilty of a Class 1 misdemeanor.

HOUSE BILL 93 (DELEGATE ALBO): PUPIL TRANSPORTATION; INCREASES MINIMUM AMOUNT OF VEHICLE LIABILITY INSURANCE AND MEDICAL COVERAGE

This bill amends section 22.1-190 of the Code of Virginia, increasing the minimum amount of vehicle liability insurance required for public schools in instances of property damage, medical expense coverage, and accidents when all persons are injured. The bill also requires taxicabs to have a minimum amount of vehicle liability insurance when providing transportation of students under contract with a school division.

HOUSE BILL 96 (DELEGATE WILT): ACCREDITATION OF SCHOOLS; DELAYED IMPLEMENTATION OF STATUTES AND REGULATIONS

This bill amends § 1 of Chapter 463 of the Acts of Assembly of 2009, as amended by Chapters 398 and 604 of the Acts of Assembly of 2012, and Chapters 391 and 411 of the acts of Assembly of 2011. The Act relates to the implementation of statutes and regulations relating to the ac-

creditation of schools in the Commonwealth. It extends the delay of implementation of those statutes and regulations which have not already come into effect on June 30, 2008, with the exceptions of the graduation and completion rate index and economics and financial literacy requirement, until July 1, 2013. The statutes or regulations specifically required by federal code, federal regulation, or court action are not included in this delay.

HOUSE BILL 97 (DELEGATE WILT): MOTORCYCLES; DRIVING TWO ABREAST IN A SINGLE LANE

This bill amends section 46.2-857 of the Code of Virginia, removing the provision that construes the act of two motorcycles driving abreast in a single lane as driving recklessly.

HOUSE BILL 121 (DELEGATE MORRISSEY): VIRGINIA HOUSING TRUST FUND AUTHORITY; CREATED, REPORT

This bills adds section 36.147.1 to the Code of Virginia, and amends sections 36.137, 36-141, 36-142, 36-147, 54.1-2113, 55-530.1, and 58.1-344.3 of the Code. These modifications would create the Virginia Housing Trust Fund Authority to administer the Virginia Housing Trust Fund (which would also be created in the bill) which would expand the capacity of community based housing organizations and encourage the private sector to contribute funds to these organizations.

This bill was left in Appropriations.

HOUSE BILL 135 (DELEGATE KILGORE): COMPREHENSIVE SERVICE FOR AT-RISK YOUTH AND FAMILIES, STATE EXECUTIVE COUNCIL FOR; MEMBERSHIP

This bill amends section 2.2-2648 of the Code of Virginia and increases the number of people on the Council for Comprehensive Services for At-Risk Youth and Families from three to five. It also allows that alternates may be designated by and vote on behalf of local government representatives.

This bill is identical to Senate Bill 396 (Senator Hanger).

HOUSE BILL 141 (DELEGATE COLE): FREEDOM OF INFORMATION ACT; EXEMPTS PERSONAL INFORMATION IN CONSTITUENT CORRESPONDENCE

This bill amends section 2.2-3705.7 of the Code of Virginia by providing a Freedom of Information Act exemption for certain personal information contained in correspondence between an individual and a member of the governing body, school board, or other public body of the locality in which the individual is a resident. Such exemption applies unless the correspondence relates to the transaction of public business.

HOUSE BILL 144 (DELEGATE ENGLIN): VIRGINIA PRESCHOOL INITIATIVE LOCAL GRANT PROGRAM; CREATED

This bill adds section 22.1-199.1:1 to the Code of Virginia and amends section 22.1-199.1 of the Code. This bill requires the Department of Education to improve preschool teacher training; increase the number and capacities of preschool classrooms; implement the Virginia Quality Rating and Improvement System; ensure availability of preschool education for children of veterans; and make new and effective programs for rural areas with little access to services.

This bill was left in Appropriations.

HOUSE BILL 147 (DELEGATE TOSCANO): STATEWIDE FRAUD CONTROL PROGRAM; MEDICAL ASSISTANCE OVERPAYMENT MONEYS TO BE PAID INTO FUND

This bill amends and reenacts section 63.2-526 of the Code of Virginia. This bill requires the Department to establish a statewide fraud control program to prevent fraud throughout the Commonwealth. This bill also describes the duties of fraud units and creates a special non-reverting fund in the state treasury to be known as the Fraud Recovery Special Fund.

This bill was left in Appropriations.

**HOUSE BILL 164 (DELEGATE HOPE): VIRGINIA INDOOR
CLEAN AIR ACT; SMOKING IN PUBLIC BUILDINGS
PROHIBITED, PENALTY**

This Act amends sections 15.2-2820, 15.2-2824, 15.2-2826, 15.2-2829, and 15.2-2830 of the Code of Virginia, and makes basic technical changes to the Indoor Clean Air Act, including expanding the definition of public place and slightly altering when and where people may and may not smoke.

This bill was passed by indefinitely in General Laws.

**HOUSE BILL 170 (DELEGATE COSGROVE): ZONING
ADMINISTRATOR; DECISIONS REVIEWED BY GOVERNING
BODY SHALL BE APPEALABLE TO CIRCUIT COURT**

This legislation amends section 15.2-2301 of the Code of Virginia, permitting any zoning applicant who is aggrieved by a decision of the zoning administrator and has had their decision reviewed by the governing body may petition the circuit court for review of the decision of the governing body.

**HOUSE BILL 171 (DELEGATE COSGROVE): MOTOR VEHICLE
TRANSACTION RECOVERY FUND; BONDING
REQUIREMENTS**

This bill amends section 46.2-1527.1 and 46.2-1527.2 of the Code of Virginia by removing the requirement that the Motor Vehicle Transaction Recovery Fund maintain a minimum \$250,000 balance. The bill still requires that the Fund maintain a positive balance.

**HOUSE BILL 177 (DELEGATE O'BANNON): HEALTH
RECORDS PRIVACY; DISCLOSURE TO EMERGENCY
MEDICAL SERVICES COUNCILS**

This bill amends sections 32.1-116.1 and 32.1-127.1:03 of the Code of Virginia. The bill amends pre-hospital patient care reporting procedure,

trauma registry, and confidentiality. It requires that licensed hospitals shall make available to regional emergency medical services councils, upon request, abstracts of the records of all patients admitted to the institutions with diagnoses related to trauma for the limited use of monitoring and improving the quality of emergency medical services.

HOUSE BILL 181 (DELEGATE O'BANNON): REGISTERED NURSE OR PHYSICIAN ASSISTANT; AUTHORITY TO PRONOUNCE DEATH

This bill amends section 54.1-2972 of the Code of Virginia. The Act changes the criteria for registered nurses or physicians assistants to pronounce death to include those employed at continuing care retirement communities registered with the State Corporation Commission.

HOUSE BILL 183 (DELEGATE O'BANNON): FAMILY ACCESS TO MEDICAL INSURANCE SECURITY PLAN; COVERAGE FOR CERTAIN CHILDREN AND PREGNANT WOMEN

This bill amends sections 32.1-325 and 32.1-351 of the Code of Virginia relating to medical assistance. The Act calls for the inclusion of a provision for the payment of medical assistance for otherwise eligible pregnant women during the first five years of lawful residence in the United States pursuant to section 214 of the Children's Health Insurance Program Reauthorization Act of 2009. It also states that the Department of Medical Assistance Services shall provide coverage for children and pregnant women who meet criteria set forth in clauses (1) and (v) of subsection A of this portion of the Code during the first five years of lawful residence in the United States.

This bill is identical to Senate bill 568 (Senator Ebbin).

HOUSE BILL 184 (DELEGATE O'BANNON): MEDICAL ASSISTANCE SERVICES, BOARD OF; REQUIRES TWO MEMBERS OF BOARD TO BE FRAUD INVESTIGATORS

This bill amends section 32.1-324 of the Code of Virginia relating to

the Board of Medical Assistance Services. The Act gives the Governor the power to select all 11 members of the Board. It also requires that at least two of the selected members be individuals with significant professional experience in the detection, investigation, or prosecution of health care fraud.

HOUSE BILL 189 (DELEGATE GILBERT): CHILD PLACING AGENCY; SHALL NOT BE REQUIRED TO PARTICIPATE IN THE PLACEMENT OF CHILD FOR FOSTER CARE

This bill adds section 63.2-1709.3 to the Code of Virginia which relieves any private child-placing agency from the duty of participating in the placement of a child in foster care or adoption when it would violate the agency's written religious or moral convictions. The bill also prohibits the Commissioner from denying or revoking a license of such private child-placing agency on the basis of their objection from participation in such placements. Furthermore, a state agency or local government may not deny a grant, contract, or participation in a government program for such objection. Finally, an objection to participation in placement for foster care or adoption shall not form the basis of any claim for damages against a private child placing agency.

This bill is identical to Senate bill 349 (Senator McWaters).

HOUSE BILL 192 (DELEGATE LEWIS): STATE FACILITIES; REPORTING REQUIREMENTS OF CRITICAL INCIDENTS INVOLVING CONSUMERS

This bill adds a section 37.2-709.1 to the Code of Virginia that relates to the reporting of critical incidents involving consumers in state facilities. The Act requires that in every case where a consumer receiving services at a state hospital or state training is involved in a critical incident, the consumer's authorized representative or person identified according to subdivision (A)(11), section 37.2-400 shall be contacted within 24 hours. The contacted person shall be given information regarding the incident, any injury to the consumer resulting from the incident, and any actions that were taken to address factors leading to the incident and injuries from the accident. If the contact is not made within 24 hours then a letter shall be sent via registered mail to the last known address of the consumer's authorized rep-

representative containing the information that would have been transmitted via the telephone call. It also defines “critical incident” as serious bodily injury or loss of consciousness requiring medical treatment.

HOUSE BILL 195 (DELEGATE LEWIS): HIGHER EDUCATION INSTITUTIONS; COURSE CREDIT FOR MILITARY SERVICE

This bill amends section 23.9.2:3.7 of the Code of Virginia relating to higher education. The Act requires that the governing boards of each public institution for higher education shall implement policies which award academic credit to students for the educational experience gained from service in the armed forces of the United States. The policies must follow the guidelines created by the State Council of Higher Education for Virginia.

HOUSE BILL 206 (DELEGATE MILLER): REAL ESTATE BOARD; CONTINUING EDUCATION, DUTIES OF REAL ESTATE BROKERS AND SALESPERSONS

This bill amends sections 54.1-2105, 54.1-2105.3, 54.1-2106.1, 54.1-2130 through 54.1-2134, 54.1-2137, 54.1-2138, 54.1-2138.1, 54.1-2139, 54.1-2139.1, and 54.1-2141 of the Code of Virginia, adds sections 54.1-2106.2, 54.1-2110.1, and 54.1-2139.01 to the Code, and repeals sections 54.1-2139.2 and 54.1-2139.3 of the Code of Virginia. The bill authorizes the Real Estate Board to establish the permitted activities of unlicensed individuals employed by real estate licensees under the supervision of real estate brokers. This bill also requires firms to certify that they have audited or caused to be audited the operations, policies, and procedures of the firm to assure compliance with the law. The bill further provides that (i) when seeking license renewal, real estate firms must certify that their firms have been audited and that their operations are in compliance with relevant law, (ii) that each branch office must be supervised by a supervising broker, who must exercise reasonable care and adequate supervision of real estate services by associate brokers and salespersons within that office, and (iii) that licensees need not disclose whether settlements services will be provided by an attorney or a non-attorney settlement agent.

HOUSE BILL 211 (DELEGATE MILLER): FORWARD ENERGY PRICING; AUTHORIZES ANY PUBLIC BODY TO USE MECHANISMS FOR BUDGET RISK REDUCTION

This act adds section 2.2-4329.1 to the Code of Virginia, which outlines the use of energy forward pricing mechanisms. This Act allows any public body to use forward pricing mechanisms for budget risk reduction. This use will be subject to available appropriation.

This bill is identical to Senate Bill 539 (Senator Puller).

HOUSE BILL 212 (DELEGATE MILLER): ASSET FORFEITURE; FORFEITED DRUG ASSETS ARE TO BE DISTRIBUTED IN ACCORDANCE WITH CONSTITUTION

This bill amends sections 19.2-386.2, 19.2-386.14, 19.2-386.19, and 19.2-386.30 of the Code of Virginia. The bill allows for the distribution of forfeited drug assets, in accordance with Article VIII, Section 8 of the Virginia Constitution. Under the bill, the seizing agency may request the destruction of the forfeited drug by circuit court order. The bill also provides that gambling asset forfeitures be governed by Chapter 22.1 (§ 19.2-386.1 et seq.) of Title 19.2 of the Code of Virginia and removes section-specific procedures.

This bill was passed by indefinitely in Courts of Justice.

HOUSE BILL 217 (DELEGATE BELL): GOVERNMENT DATA COLLECTION AND DISSEMINATION PRACTICES; NOT APPLICABLE TO CERTAIN RECORDS

This bill amends section 2.2-3802 of the Code of Virginia by providing that requests for information through the Government Data Collection and Dissemination Practices Act maintained by the Department of Social Services and related to adult services, adult protective services, or public assistance programs, when made to the Department of Social Services, should not be granted according to the Act. Requests for such information must be made through the department that is the custodian of the record sought.

HOUSE BILL 218 (DELEGATE BELL): DEAF AND HARD-OF-HEARING CHILDREN; SPECIAL EDUCATION

This bill adds section 22.1-217.02 to the Code of Virginia. This bill sets the guidelines for the Individualized Education Plan (IEP) to determine the deaf and hard-of-hearing children's needs.

This bill was continued to 2013 in Education and Health.

HOUSE BILL 220 (DELEGATE HEAD): HOME CARE ORGANIZATIONS; LICENSURE

This bill amends section 32.1-162.9 of the Code of Virginia, relating to the licensure of home care organizations. The Act requires that no license to establish or operate a home care organization shall be issued to persons who have been sanctioned pursuant to 42 U.S.C. § 1320a-7b, which details criminal penalties for certain acts which involve federal health care programs.

HOUSE BILL 224 (DELEGATE HABEEB): STANDARDS OF LEARNING; BOARD OF EDUCATION TO ADOPT REGULATIONS ALLOWING STUDENTS TO RETAKE

This bill, which does not apply directly to any current provision of the Code of Virginia, requires the Board of Education to adopt regulations allowing all students to whom the Standards of Learning tests are administered to be permitted to retake the test if the student does not achieve a passing score. These regulations shall provide that a student may take the Standards of Learning test at any time during the school year. Testing will be done at a teacher's discretion.

This bill was left in Appropriations.

HOUSE BILL 229 (DELEGATE HABEEB): DOCTRINE OF NECESSARIES; LIEN NOT TO ATTACH ON RESIDENCE HELD BY SPOUSES AS TENANTS BY ENTIRETIES

This bill amends section 55-37 of the Code of Virginia and provides that a lien judgment under the doctrine of necessities shall not be attached to the principal residence of a husband and wife that was held by the spouses as tenants by the entirety where such tenancy was terminated by the death of either spouse.

HOUSE BILL 232 (DELEGATE COSGROVE): RENEWABLE ENERGY; EXPANDS DEFINITION

This bill amends sections 56-576 and 56-585.2 of the Code of Virginia to include landfill gas into the definition of renewable energy sources. In addition, the terms “renewable thermal energy” and “renewable thermal energy equivalent” were added to the existing definition. A renewable thermal energy equivalent will count toward a utility’s RPS goals.

This bill is identical to Senate Bill 492 (Senator Watkins).

HOUSE BILL 238 (DELEGATE KNIGHT): BLUE CRABS; MARINE RESOURCES COMMISSION TO MANAGE HARVESTING IN ALBEMARLE AND CURRITUCK COUNTIES

This bill amends sections 28.2-101 and 29.1-109 of the Code of Virginia, limiting the Marine Resources Commission's management jurisdiction in the Albemarle and Currituck watersheds to the recreational and commercial harvest of blue crabs.

HOUSE BILL 239 (DELEGATE KNIGHT): FORESTRY, DEPARTMENT OF; USE OF METHYL BROMIDE GAS FUMIGATION

This bill amends section 10.1-1114 of the Code of Virginia, declaring the preferred method of Department of Forestry treatment of seedling

plant beds prior to seeding is methyl bromide fumigation. The bill also allows the Commissioner of Agriculture Services to issue an inspection certificate for intra- and interstate shipments of conifer and hardwood seedlings certifying they are apparently free of pests and diseases.

This bill is identical to Senate Bill 126 (Senator Watkins).

HOUSE BILL 250 (DELEGATE CLINE): INSTRUCTIONAL SPENDING; DOE TO INCLUDE IN SCHOOL PERFORMANCE REPORT CARD FOR SCHOOL DIVISIONS

This bill adds section 22.1-90.1 to the Code of Virginia, relating to the instruction spending in the classroom. The bill requires that the Department of Education include in the annual School Performance Report Card for school divisions the percentage of each division's allocated instructional costs included in annual operating budget. The Department of Education will develop a system for the allocation of the school division's expenditures to instructional and noninstructional costs in a manner that is consistent with the funding of the Standards of Quality as approved by the General Assembly.

This bill incorporates House Bill 78 (Delegate Habeeb).

HOUSE BILL 251 (DELEGATE BELL): CONGRESSIONAL DISTRICTS; CHANGES IN BOUNDARIES

This bill amends section 2.2-508 of the Code of Virginia by adding a section 24.2-302.2 and repealing section 24.2-302.1. This bill restructures the boundaries of the 11 congressional districts.

HOUSE BILL 253 (DELEGATE STOLLE): VIRGINIA PERSONNEL ACT; HIRING PREFERENCE FOR VETERANS, SURVIVING SPOUSES, AND CHILDREN

This bill amends section 2.2-2903 of the Code of Virginia by expanding the hiring preference for veterans in state employment to include surviving spouses and children under the age of 27 of veterans killed in the line of duty. The bill also contains various technical amendments.

HOUSE BILL 257 (DELEGATE STOLLE): DEFINED CONTRIBUTION RETIREMENT PLAN; PERMITS ANY LOCALITY OR SCHOOL BOARD TO ESTABLISH

This bill amends section 51.1-800 of the Code of Virginia and adds section 51.1-801.01. This bill requires every county, city, and town to establish and maintain a retirement system for certain officers and employees listed, with some exceptions. This bill provides descriptions of an “eligible employee.”

This bill was left in Appropriations.

HOUSE BILL 266 (DELEGATE PEACE): SURGERY; DEFINITION AND WHO MAY PERFORM

This bill adds section 54.1-2400.01:1 to the Code of Virginia, relating to the definition of surgery and who may perform it. The bill defines surgery as the structural alteration of the human body by the incision or cutting into of tissue for the purpose of diagnostic or therapeutic treatment of conditions or disease processes by any instrument causing localized alteration or transposition of live human tissue. The definition goes further and states that procedures for the removal of superficial foreign bodies from the human body, punctures, injections, dry needling, acupuncture, or removal of dead tissue, do not belong under the definition for surgery. It states that surgery may only be performed by a person who is either licensed by the Board of Medicine as a doctor of medicine, osteopathy, or podiatry; jointly licensed by the Board of Medicine and Nursing as a nurse practitioner; a physician’s assistant acting under the supervision of a doctor of medicine, osteopathy, or podiatry; a licensed midwife in the performance of episiotomies during childbirth; or acting pursuant to the orders and under the appropriate supervision of a licensed doctor of medicine, osteopathy, podiatry, or dentistry.

The bill is identical to Senate Bill 543 (Senator Martin).

HOUSE BILL 268 (DELEGATE PEACE): OCCUPATIONAL THERAPY; DEFINITION

This bill amends section 54.1-2900 of the Code of Virginia, relating

to the practice of occupational therapy. The bill changes the definition of the practice of occupational therapy to mean the therapeutic use of occupations for habilitation and rehabilitation to enhance physical health, mental health, and cognitive functioning. It also added training in basic and instrumental activities of daily living to the definition as well as the use of assistive technologies.

The bill is identical to Senate Bill 340 (Senator Newman).

HOUSE BILL 269 (DELEGATE PEACE): CERTIFICATE OF PUBLIC NEED; PROCESS FOR REVIEW & APPROVAL OF PSYCHIATRIC SUBSTANCE ABUSE SERVICES

This bill amends sections 32.1-102.1 and 32.1-102.3:2 of the Code of Virginia, relating to the certificate of public need process for review and approval of psychiatric and substance abuse services. The bill removes the requirement that a Request for Applications must be issued before the Commissioner of Health may accept and consider applications for a certificate of public need for establishment of psychiatric or substance abuse treatment beds or services. The bill also contains various technical amendments.

HOUSE BILL 270 (DELEGATE PEACE) PUBLIC GUARDIANSHIP AND CONSERVATOR PROGRAM; VDA TO ADOPT PERSON CENTERED PRACTICE PROCEDURES

This bill amends section 2.2-712 of the Code of Virginia by adding a provision requiring the Department for the Aging to adopt person centered practice procedures that focus on the preferences and needs of individuals that receive public guardianship service. This bill also requires the Department to empower and support individuals receiving such services in defining the direction of their lives and promoting self-determination and community involvement.

HOUSE BILL 271 (DELEGATE PEACE): SUBSTANCE ABUSE RECOVERY SUPPORT SERVICES GRANT PROGRAM; ESTABLISHED, REPORT

This bill amends section 37.2-310.1 of the Code of Virginia relating to the Substance Abuse Recovery Support Services Grant Program. The grants will be funded through private grants, gifts, and donations that will be maintained by the state treasury in a specific fund. This provision also requires an annual report on the status of the grant program to be presented to the General Assembly.

HOUSE BILL 272 (DELEGATE PEACE): DEATH, MARRIAGE, OR DIVORCE RECORDS; CHANGES TIME PERIOD BEFORE BECOMES PUBLIC

This bill amends section 32.1-271 of the Code of Virginia, relating to when certain records are to be made public. The bill requires that after 25 years have elapsed after the date of death, marriage, divorce, or annulment the records of these events available in the state Registrar may become public information and made available in accordance with regulations that shall provide for the continued safekeeping of the records. The previous standard for such records becoming public was 50 years.

HOUSE BILL 275 (DELEGATE PEACE): ACCOUNTANCY, BOARD OF; CONFIDENTIALITY OF CERTAIN INFORMATION

This bill adds section 54.1-4424 to the Code of Virginia, which provides the Virginia Freedom of Information shall not be applied to tax returns, financial statements, and other financial information not generally available to the public through regulatory disclosure or otherwise, subdivision 3 of section 54.1-108 notwithstanding, which are provided to the Board by a complainant or as a result of an investigation of a licensee by the Board in response to a complaint.

**HOUSE BILL 282 (DELEGATE IAQUINTO): DIVORCE OR
ANNULMENT; REVOCATION OF DEATH BENEFITS**

This bill amends section 20-111.1 of the Code of Virginia and requires that every decree of divorce or annulment contain a notice that that the decree may not necessarily revoke the designation of the other party as a death benefit beneficiary.

**HOUSE BILL 285 (DELEGATE IAQUINTO): FOREIGN
ADOPTION; PROCEDURE TO OBTAIN STATE CERTIFICATE
OF BIRTH**

This bill amends section 63.2-1200.1 of the Code of Virginia by providing that, in foreign adoptions where the adoptive parents seek a Virginia certificate of birth for the adopted child, the parents may submit an affidavit of proof that they received supervision from a licensed or approved child-placing agency to satisfy the requirement. The affidavit must indicate that the adoptive parents received supervision from a licensed or approved child placing agency in the United States and have satisfied all post-adoption requirements of the foreign country from which the child is adopted.

**HOUSE BILL 287 (DELEGATE IAQUINTO): GANG-FREE
ZONES; EXPANSION OF ZONE AREAS**

This bill amends section 18.2-46.3:3 of the Code of Virginia. The bill adds school bus stops, while active, to the list of properties on which 18.2-46.2 violations trigger enhanced punishments.

**HOUSE BILL 293 (DELEGATE SCOTT): DAM SAFETY;
CONSULTATION WITH DEPARTMENT OF EMERGENCY
MANAGEMENT**

This bill amends section 10.611 of the Code of Virginia to require the Virginia Soil and Water Conservation Board to coordinate its planning for dam impoundment safety and its preparation, updating, and execution of

dam safety action plans with the Department of Emergency Management.

This bill is identical to Senate bill 253 (Senator Reeves).

HOUSE BILL 300 (DELEGATE SCOTT): BEEHIVE GRANT FUND AND BEEHIVE GRANT PROGRAM, CREATED

This bill adds sections 3.2-4415 and 3.2-4416 to the Code of Virginia. Section 3.2-4415 establishes a permanent fund designated as the Beehive Grant Fund which will be administered by the Department of Agriculture and Consumer Services. Under section 3.2-4416 anyone who purchases a new beehive or materials to construct a new beehive may apply for a \$200 grant per hive for up to twelve hives per calendar year. The Department of Agriculture and Consumer Services is also required to create, maintain, and distribute a guide to provide information about beekeeping to all beekeepers.

This bill is identical to Senate Bill 354 (Senator Deeds).

HOUSE BILL 305 (DELEGATE CROCKETT-STARK): HIGHER EDUCATIONAL INSTITUTIONS; CRISIS AND EMERGENCY MANAGEMENT PLANS

This bill amends section 23-9.2:9 of the Code of Virginia, relating to institutional crisis and emergency management plans. The bill requires that the president and vice-president of each public institution of higher education shall certify in writing to the Department of Emergency Management that the president and vice president have reviewed their respective institution's crisis and emergency management plan. It also requires that each public institution of higher education shall certify in writing to the Department of Emergency Management that an annual functional exercise has been conducted in accordance with the protocols established in the institution's crisis and emergency management plan.

This bill is identical to Senate Bill 346 (Senator McDougle).

**HOUSE BILL 316 (DELEGATE INGRAM): CEMETERIES,
DEFINITION FOR PURPOSES OF ZONING**

This bill adds section 15.2-2288.5 to the Code of Virginia. The bill borrows the meaning of “cemetery” set forth in Virginia Code section 54.1-2310 and prohibits a licensed funeral home or cemetery from being exempt under an applicable zoning regulation. The bill also lists the permissible uses of a cemetery for which no additional local zoning approval is required, including all uses normally associated with the interment of human remains.

This bill is identical to Senate Bill 430 (Senator Ruff).

**HOUSE BILL 318 (DELEGATE INGRAM): VIRGINIA
RETIREMENT SYSTEM; EXCEPTION FOR EARLY
RETIREMENT FOR GENERAL REGISTRARS**

This bill amends section 51.1-155.2 of the Code of Virginia. This bill provides that general registrars may retire at age 50 without a reduced allowance if they are involuntarily separated and have 20 or more years of service.

This bill was left in Appropriations.

**HOUSE BILL 321 (DELEGATE MASSIE): INCOME TAX,
CORPORATE; TAX CREDITS FOR DONATIONS TO NON-
PROFIT ORGANIZATIONS, ETC.**

This bill amends sections 58.1-439.18 through 58.1-439.21 and 58.1-439.24 of the Code of Virginia. The bill creates a tax credit available to individuals and business that donate to nonprofit groups providing education scholarships to low-income families. The bill also increases the total cap and applicability for the Neighborhood Assistance Act Tax Credit.

**HOUSE BILL 325 (DELEGATE MASSIE): STUDENTS WITH
AUTISM SPECTRUM DISORDERS; SCHOOL BOARD TO
REQUIRE TRAINING OF PERSONNEL**

This bill adds section 22.1-298.3 to the Code of Virginia, relating to

public school personnel who deal with students in the autism spectrum. The bill requires that by September 1, 2014, aides assigned to work with students with autism spectrum disorder receive training in behavior management. The bill also allows the Board to train other employees, including transportation employees.

HOUSE BILL 326 (DELEGATE MASSIE): PROFFERED CONDITIONS; AMENDMENTS OR VARIATIONS

This legislation amends section 15.2-2302 of the Code of Virginia, and allows landowners subject to proffered conditions to apply for amendments to or variations of the proffered conditions. The bill requires that, before an amendment is allowed, written notice of the application and a public hearing must be provided.

This bill is identical to Senate Bill 36 (Senator Black).

HOUSE BILL 327 (DELEGATE PEACE): HISTORIC STRUCTURES; DEMOLITION

This bill amends section 36-105 of the Code of Virginia by limiting the ability to demolish or move “contributing landmarks.” The bill provides that localities may require by ordinance that any such landmarks not be demolished or moved until approval has been obtained from the review board, unless the local maintenance code official determines that the landmark constitutes such a hazard that it needs to be razed, demolished, or moved.

HOUSE BILL 329 (DELEGATE VILLANUEVA): GOVERNMENT DATA COLLECTION AND DISSEMINATION PRACTICES ACT; EXEMPTIONS

This bill amends section 2.2-3802 of the Code of Virginia by exempting personal information systems maintained by the auditors of a local governing body who deal with local investigations.

**HOUSE BILL 331 (DELEGATE VILLANUEVA): OBSCENITY;
MODIFIES EDUCATIONAL, ARTISTIC, AND THEATRICAL
EXEMPTION TO OBSCENITY LAWS**

This bill amends section 18.2-383 of the Code of Virginia by modifying the educational, artistic, and theatrical exemption to obscenity. The act specifies that child pornography and use of communications systems to facilitate certain offenses involving children are not permitted by the existing exemption.

This bill was passed by indefinitely in Courts of Justice.

**HOUSE BILL 336 (DELEGATE WILT): VIRGINIA LAND
CONSERVATION FUND; DISTRIBUTION OF REVENUES**

This bill amends section 58.1-513 of the Code of Virginia to provide that residual revenues in the Virginia Land Conservation Fund from the two-percent fee imposed on the sale of tax credits from land donated or transferred for conservation cannot be distributed to federal government entities. This section still allows for the residual funds to be distributed to public or private conservation agencies and organizations that are not federal government entities.

**HOUSE BILL 339 (DELEGATE WILT): BUDGET
DEVELOPMENT; EACH STATE AGENCY TO SUBMIT A
PRIORITIZED LIST OF ITS PROGRAMS TO GOVERNOR**

This bill amends section 2.2-1504 of the Code of Virginia to require each of the state agencies to submit a prioritized list to the Governor detailing their programs delivering goods and services to the Commonwealth's citizens.

This bill was left in Appropriations.

HOUSE BILL 343 (DELEGATE O'BANNON): VIRGINIA ALL-PAYER CLAIMS DATABASE; CREATED, REPORT

This bill amends sections 2.2-3705.6, 32.1-276.2, and 32.1-276.4 of the Code of Virginia, adds sections 32.1-276.7:1 and 32.1-276.9:1 of the Code, and repeals section 32.1-276.5:1 of the Code. The bill establishes the Virginia All-Payer Claims Database, designed to improve access, quality, and cost of health care via evidence of expenditure patterns and the operation of the overall healthcare system.

This bill is identical to Senate bill 135 (Senator Puller).

HOUSE BILL 344 (DELEGATE O'BANNON): DENTAL AND DENTAL HYGIENE SCHOOL FACULTY; LICENSURE

This bill amends sections 54.1-2709, 54.1-2711.1, 54.1-2712, 54.1-2713, 54.1-2714, and 54.1-2725 of the Code of Virginia and repeals section 54.1-2714.1, relating to licensure and dental faculty. The bill clarifies exactly what types of patient-care activities are allowed for a person enrolled in a Virginia dental education program with a temporary license. It also amends requirements for the issuance of faculty licenses to qualified out-of-state individuals seeking to teach dentistry or dental hygiene at a Virginia dental program. The bill also specifies that a restricted license for a foreign dentist to teach dentistry in Virginia expires after two years.

This bill is identical to Senate Bill 384 (Senator McEachin).

HOUSE BILL 346 (DELEGATE O'BANNON): NURSE PRACTITIONERS; PRACTICE AS PART OF PATIENT CARE TEAMS THAT INCLUDES [SIC] A PHYSICIAN

This bill amends sections 34.1-263, 54.1-2900, 54.1-2901, 54.1-2957.01, 54.1-3000, 54.1-3005, 54.1-3301, and 54.1-3401 of the Code of Virginia, relating to practices of nurse practitioners and their patient care teams. The bill states that nurse practitioners may only practice as part of a patient care team, which must include at least one physician. As part of the patient care team, nurse practitioners must use a written or electronic practice agreement to provide evidence of collaboration and consultation. The bill states that nurse practitioners will practice under the supervision of a

licensed doctor of medicine, osteopathy, podiatry, or dentistry. Nurse practitioners are also required to be covered by professional malpractice insurance.

HOUSE BILL 347 (DELEGATE MILLER): PRESCRIPTION MONITORING PROGRAM; DISCLOSURES

This bill amends sections 54.1-2521, 54.1-2523, 54.1-2523.1, and 54.1-2523.2 of the Code of Virginia, relating to the Prescription Monitoring Program. The bill requires that the method of payment for the prescription shall be reported. It also requires that the Director of the Department of Health Professions report any information regarding an investigation of a prescription recipient, prescriber, or dispenser to the relevant federal law-enforcement agency. It also states that the director may disclose information that might indicate potential misuses by recipients of covered substances for the purpose of an investigation into possible drug diversion. Finally, the bill provides that any prescriber who is authorized to access the information in the possession of the Prescription Monitoring Program pursuant to this chapter may delegate such authority to an unlimited number of healthcare professionals that meet the additional requirements stated, rather limiting the number to two, which was the earlier standard.

This bill is identical to Senate Bill 321 (Senator Carrico, Sr.).

HOUSE BILL 350 (DELEGATE COX): VIRGINIA RETIREMENT SYSTEM; MODIFIES DISABILITY BENEFITS PROVIDED TO STATE EMPLOYEES

This bill amends sections 51.1-1110, 51.1-1114, 51.1-1121, 51.1-1125, and 51.1-1127 of the Code of Virginia. This bill alters state employees' disability benefits by disregarding the amount of military disability an individual receives and by including the changes made by the 2009 General Assembly that limit a recipient to sixty percent of his or her creditable compensation for the first sixty months of employment. The bill also sets the beginning period of short-term disability benefits for participating employees and details the results of commencing employment or reemployment.

**HOUSE BILL 352 (DELEGATE COX) EMERGENCY
MANAGEMENT PLANS; VICTIMS RIGHTS**

This bill amends sections 22.1-279.8, 23-9.2:9, 32.1-111.3, 32.1-111.11, 44-146.18, and 44-146.19 of the Code of Virginia. This bill requires that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund oversee the treatment of people determined to be victims of crisis events and emergency management plans developed by educational institutions, state emergency medical boards, and other government agencies.

This bill incorporates House bill 380 (Delegate Pogge).

**HOUSE BILL 359 (DELEGATE MCCLELLAN): ALCOHOLIC
BEVERAGE CONTROL BOARD; PRESCRIBE TERMS UNDER
WHICH LICENSED BREWERY MAY MANUFACTURE BEER**

This bill amends sections 4.1-111 and 4.1-201 of the Code of Virginia by providing that the Alcoholic Beverage Control Board must create regulations under which a licensed brewery may manufacture beer to be sold and delivered to a different brand owner. This bill requires that the brand owners in such agreements must be distinct entities licensed as a breweries or beer wholesalers. The bill also requires that any any agreement of this nature must be in writing.

**HOUSE BILL 361 (DELEGATE MCCLELLAN): STALKING;
ENHANCED PENALTIES**

This bill amends sections 18.2-60.3 and 18.2-308.1:4 of the Code of Virginia. This bill provides that a second (rather than a third, as previously required) or subsequent stalking offense occurring within five years of a prior conviction would amount to a Class 6 felony. This bill also provides procedures for convictions under this type of offense. The bill also prescribes a Class 6 felony for stalking when a court order prohibits contact between the parties at the time of the incident.

This bill was left in Appropriations.

**HOUSE BILL 367 (DELEGATE MCLELLAN): EDUCATION,
DEPARTMENT OF; SHALL ANNUALLY PUBLISH
DISCIPLINARY OFFENSE AND OUTCOME DATA**

This bill amends section 22.1-253.13:3 of the Code of Virginia and requires the Department of Education to report certain disciplinary offense and outcome data. The bill requires that the Department of Education publish disciplinary offense and outcome data by race, ethnicity, gender, and disability for each public school in the Commonwealth on an annual basis.

**HOUSE BILL 384 (DELEGATE COLE): VIRGINIA PERSONNEL
ACT; HIRING PREFERENCES IN STATE EMPLOYMENT FOR
MEMBERS OF NATIONAL GUARD, ETC.**

This bill amends section 2.2-2903 of the Code of Virginia by establishing a state hiring preference for current and former members of the Virginia National Guard and veterans that have satisfactorily completed required initial active-duty service. The preference does not apply when all other applicants are veterans or former prisoners of war, or when the position is limited to state employees.

**HOUSE BILL 385 (DELEGATE COLE): INDUSTRIAL
DEVELOPMENT AUTHORITIES; REMOVES PROHIBITION
FOR REFINANCING DEBT OF ORGANIZATIONS**

This legislation amends section 15.2-4901, permitting industrial development authorities to assist in the acquisition, construction, equipping, expansion, enlargement, improvement, financing, and refinancing of educational organizations. Industrial development authorities were previously restricted from refinancing the debt of both religious organizations and educational institutions.

HOUSE BILL 386 (DELEGATE GILBERT): VIRGINIA RETIREMENT SYSTEM; INVESTMENTS IN CERTAIN COMPANIES RELATED TO IRAN

This bill, which does not reference a particular Code section, provides that, under certain circumstances, the Virginia Retirement System would have had to divest itself of investments in companies deemed to be in support of Iran, pursuant to criteria provided in the bill.

This bill was left in Appropriations.

HOUSE BILL 389 (DELEGATE GILBERT): CRIMINAL LAW; REDEFINITION OF TRIGGERMAN RULE, PENALTY

This bill amends section 18.2-18 of the Code of Virginia by redefining the "triggerman rule," which currently allows the death penalty only for actual perpetrators of a capital murder, while accessories and principals in the second degree can only be punished as if guilty of first degree murder. This bill allows principals in the second degree and accessories before the fact to be charged as principals in the first degree in cases of murder for hire, murder involving a continuing criminal enterprise, and terrorism. In all other cases of capital murder, a principal in the second degree is tried as a principal in the first degree if he had the same intent to kill as the principal in the first degree. An accessory before the fact may also be tried as a principal in the first degree if he ordered or directed the willful, deliberate, and premeditated killing.

This bill incorporates House Bill 954 (Delegate Bell).

This bill was defeated in the Senate in Courts of Justice.

HOUSE BILL 391 (DELEGATE GILBERT): CONFIDENTIAL JUVENILE RECORDS; SHARING WITH STATE AND LOCAL CORRECTIONAL FACILITIES, CONFIDENTIAL

This bill amends section 16.1-300 of the Code of Virginia and provides that juvenile records will be shared with state and local correctional facili-

ties when the facility has custody or supervision of the individual in question and the individual was convicted as an adult.

HOUSE BILL 399 (DELEGATE HOPE): CONGENITAL CYANOTIC HEART DISEASE, CRITICAL; VDH TO IMPLEMENT PROGRAM FOR SCREENING INFANTS

This bill requires the Department of Health to organize a work group designed to create a system for screening infants for critical congenital cyanotic heart disease.

This bill was vetoed by the Governor; the veto was sustained in the House.

HOUSE BILL 410 (DELEGATE WATTS): CONDOMINIUM AND PROPERTY OWNERS' ASSOCIATION ACTS; RECOVERY OF ATTORNEY FEES, COSTS, AND INTEREST

This bill amends sections 55-79.53, 55-79.73, and 55-515 of the Code of Virginia. The bill provides that, in actions where a unit owner is sued by his owner's association for nonpayment of assessments levied by the association, and the association wins, the association will be awarded attorney fees and the delinquent owner will be responsible for the association's attorney fees and reasonable costs, whether or not judicial proceedings are filed.

HOUSE BILL 420 (DELEGATE WATTS): ELIGIBILITY FOR TANF; DRUG-RELATED FELONIES

This bill adds section 63.2-607.1 to the Code of Virginia. The bill provides that an individual convicted of a felony for possession of a controlled substance will not be ineligible for Temporary Assistance for Needy Families ("TANF") assistance, provided he or she complies with the related court order and completes any obligations prescribed by the court.

This bill was left in Appropriations.

2012]

2012 NOTABLE BILLS

117

HOUSE BILL 421 (DELEGATE WATTS): STANDARDS OF QUALITY; APPORTIONMENT OF STATE AND LOCAL SHARE

This bill adds section 22.1-253.13:10 to the Code of Virginia. The bill provides that, beginning July 1, 2012, the General Assembly will “implement a formula that determines each locality’s ability to pay” its share of the costs for meeting the Standards of Quality. The ability to pay is based on the ratios provided in the bill.

This bill was left in Appropriations.

HOUSE BILL 423 (DELEGATE BULOVA): COMMON INTEREST COMMUNITY BOARD; DUTIES

This bill amends section 54.1-2349 of the Code of Virginia by requiring the Common Interest Community Board determine best practices for declarations. These best practices will be published, and the Board will develop a model declaration using these best practices alongside the requirements of the Condominium Act, the Real Estate Cooperative Act, and the Property Owners Association Act.

This bill was vetoed by the Governor; the veto was sustained in the House.

HOUSE BILL 428 (DELEGATE BULOVA): VIRGINIA RETIREMENT SYSTEM; BENEFITS FOR CERTAIN LOCAL EMPLOYEES

This bill amends section 51.1-138 of the Code of Virginia. This bill provides that employees applicable under this title would be entitled to benefits under the retirement system. This bill further lists the variations of benefits an employer may grant to its employees, regarding the retirement of employees.

This bill was continued to 2013 in Appropriations.

**HOUSE BILL 441 (DELEGATE TATA): UNIFORM
CERTIFICATE OF GENERAL STUDIES; CREDITS EARNED IN
ACADEMIC SUBJECT AREA COURSEWORK**

This bill amends sections 23-9.2:3.02 and 23-9.6:1 of the Code of Virginia, relating to the Uniform Certificate of General Studies. It clarifies that any credits earned in an academic subject area coursework by students who are attending a two-year college and complete an approved one-year certificate of general studies program are transferrable to a four-year higher-education institution, in accordance with the State Council of Higher Education guidelines.

**HOUSE BILL 445 (DELEGATE TOSCANO): ADOPTION;
VARIOUS CHANGES TO PROCEDURES**

This bill amends sections 16.1-241, 16.1-243, 63.2-1202, 63.2-1222, 63.2-1241, 63.2-1250, and 63.2-1251 of the Code of Virginia, and adds section 63.2-1220.01. The bill updates many adoption procedures. It creates a review process to handle petitions to juvenile courts requesting consent to adoption executed through a sister state. It allows any city or county in Virginia to fall within the venue for consent hearings regarding parental placement adoptions so long as a good-faith effort is made to have the hearing in the location where the child was born, where the birth parents live, or where the adoptive parents live. The bill also provides that parental consent is not needed in adoption cases in which the birth parent has not visited or contacted their child for at least six months leading up to the petition for adoption. The bill provides new requirements for creating a birth date for foreign-adoption children and clears up the requirements for stepparent adoptions. Finally, the bill updates the process for registering with the Putative Father Registry.

**HOUSE BILL 447 (DELEGATE TOSCANO): APPROPRIATION
BILLS; HOUSE APPROPRIATIONS AND SENATE FINANCE
ISSUE REPORTS WITH BUDGET CONFERENCE**

This bill adds section 30-19.10:1 to the Code of Virginia, which requires the Chairman of the House Appropriations Committee and the Chairman of the Senate Finance Committee to issue a report separate from

the conference committee report on any general appropriation bill, specifying “nonstate” appropriations, items not included in general bill but referenced in the conference report, and any item that references failed legislation.

This bill was left in Appropriations.

HOUSE BILL 451 (DELEGATE TOSCANO) ADOPTION; APPOINTMENT OF COUNSEL IF PARENT IS DETERMINED TO BE INDIGENT

This bill amends section 63.2-1203 of the Code of Virginia. The bill allows birth parents who are determined indigent to be appointed counsel if they request such representation and who do not consent to the adoption of their child. If the court determines that a parent does not have a right to counsel, he or she will be provided with written notice in advance of any hearing or decision regarding the petition for adoption.

HOUSE BILL 452 (DELEGATE WARE) VIRGINIA EMPLOYMENT COMMISSION; TRANSCRIPTS

This bill amends section 60.623 of the Virginia Code to provide that, with the consent of the parties involved, the Virginia Employment Commission may provide a digital or other recording of testimony taken at a hearing in lieu of a printed transcript. The recording may be transmitted in any medium as long as it is protected by reasonable security measures.

HOUSE BILL 459 (DELEGATE BACOTE): PAWNBROKERS AND PRECIOUS METALS DEALERS; PHOTOGRAPHS REQUIRED OF PERSON PAWNING, SELLING, ETC.

This Act amends sections 54.1-4009 and 54.1-4101 of the Code of Virginia, which relates to pawnbrokers and precious metal dealers. The bill requires that such persons keep a digital image of the photo identification of anyone who pawns or sells something, and a digital image of whatever was pawned or sold.

This bill was continued to 2013 in General Laws and Technology.

**HOUSE BILL 462 (DELEGATE BYRON): ABORTION,
INFORMED CONSENT, SHALL UNDERGO ULTRASOUND
IMAGING, EXCEPTIONS.**

This bill amends section 18.2-76 of the Code of Virginia, relating to ultrasound requirement as part of informed consent for abortion. The Act requires that women undergo a transabdominal ultrasound to determine the gestational age of the fetus at least 24 hours before the performance of an abortion. The ultrasound must be performed by a qualified medical professional trained in sonography and working under the supervision of a physician licensed in the Commonwealth. It further provides that if gestational age cannot be determined by a transabdominal ultrasound, the patient shall be verbally offered other ultrasound imaging to determine gestational age, which may be refused. The woman receiving the abortion shall be verbally offered an opportunity to view the ultrasound image, receive a printed copy of the image and hear the fetal heart tones pursuant to standard medical practice in the community. Women seeking an abortion who are the victims of rape or incest are exempted from this Act so long as the incident has been reported to law-enforcement authorities.

This bill incorporates House Bill 261 (Delegate Cole).

**HOUSE BILL 480 (DELEGATE ALBO): FOIA; ATTENDANCE BY
CERTAIN MEMBERS IN A CLOSED MEETING**

This Act amends section 2.2-3712 of the Code of Virginia which now allows members of the public body to attend closed meetings held by committees and subcommittees, as long as these members of the public do not participate and the committee of subcommittee includes the names of the people that attended the meeting.

**HOUSE BILL 491 (DELEGATE DANCE): DERELICT AND
BLIGHTED BUILDINGS; AUTHORIZES LOCALITY TO SERVE AS
RECEIVER TO REPAIR**

This legislation amends the Code of Virginia by adding section 15.2-907.2, allowing an authority of a locality to be appointed as a receiver to repair derelict and blighted buildings in limited circumstances. The locality

may petition the circuit court for the appointment. The appointment will be subject to the conditions of current spot blight provisions.

This bill is identical to Senate Bill 122 (Senator Watkins).

HOUSE BILL 500 (DELEGATE DANCE): FOSTER CARE; DSS POLICIES AND PROCEDURES TO PROTECT PERSONAL IDENTIFYING INFORMATION OF CHILDREN

This bill adds section 63.2-905.2 to the Code of Virginia. The bill requires Department of Social Service to conduct credit checks on children 16 years or older that are in foster care in order to determine any cases of identity theft or the misuse of identifying information, and to resolve, to the extent possible, identity theft or misuse discovered through such credit checks. The bill further requires the Department of Social Services to implement and maintain policies and procedures designed “to protect personal identifying information of children aged 16 years and older in foster care.” Finally, the bill requires the Department to report to the General Assembly on its activities to enforce this act.

HOUSE BILL 502 (DELEGATE DANCE): LANDLORD AND TENANT LAWS; RECEIPT REQUIRED FOR PAYMENTS IN FORM OF CASH OR MONEY ORDER

This bill adds section 55-248.7 to the Code of Virginia, which requires that landlords must provide tenants with written receipts if the tenant pays rent in the form of cash or money order and requests a receipt.

HOUSE BILL 504 (DELEGATE DANCE): VIRGINIA CENTER FOR SCHOOL SAFETY; PROVIDE TRAINING TO PUBLIC SCHOOL PERSONNEL ON ANTIBULLYING

This bill amends section 9.1-184 of the Code of Virginia, relating to the Virginia Center for School Safety. The bill provides that Virginia public school personnel must be trained in school safety, on evidence-based antibullying tactics, and in the effective identification of students who may be at risk for violent behavior and in need of special services or assistance. It

also requires that the Virginia Center for School Safety serve as a resource and referral center for Virginia school divisions by providing information regarding current school safety concerns such as bullying, among other things.

This bill is identical to Senate Bill 271 (Senator Marsh).

HOUSE BILL 507 (DELEGATE GARRETT): CHILD ABUSE; INCREASES REPORTING PERIOD BY HEALTH CARE PROVIDERS ON SUBSTANCE EXPOSED INFANTS

This bill amends sections 16.1-241.3 and 63.2-1509 of the Code of Virginia, relating to suspected child abuse; substance exposed infants; reporting by health care providers. The Act changes the definition of “reason to suspect that a child is abused or neglect” to include a finding made by a health care provider within six weeks of the birth of a child that results in a toxicology study of the child indicating the presence of a controlled substance not prescribed for the mother by a physician. It also includes a finding made by a health care provider within six weeks of the birth of the child that the child was born dependent upon a controlled substance not prescribed by a physician for the mother and has demonstrated withdrawal symptoms. A diagnosis made by a health care provider at any time following a child’s birth that the child has an illness, disease or condition, including fetal alcohol syndrome, which to a reasonable degree of certainty, is attributable to in utero exposure to a controlled substance or alcohol shall be included in the definition of “reason to suspect that child is abused or neglected.”

This bill is identical to Senate Bill 448 (Senator Vogel).

HOUSE BILL 508 (DELEGATE GARRETT): CANNABINOIDS, SYNTHETIC; AMENDS PROVISIONS REGARDING CRIMINALIZATION

This bill amends sections 18.2-248.1:1 and 54.1-3446 of the Code of Virginia and amends provisions added to the Code last year regarding the criminalization of synthetic cannabinoids and chemicals known as "bath salts" to add newly identified chemical combinations. The bill also adds a more generic chemical description so new chemical compounds of synthetic

cannabinoids will fall under the Code definition, even if they do not possess the specific chemical compound listed.

This bill is identical to Senate Bill 273 (Senator Smith).

HOUSE BILL 522 (DELEGATE FARRELL): STATEWIDE SYSTEM OF TRAILS, USE OF WHEELCHAIRS OR OTHER POWER-DRIVEN MOBILITY DEVICES PERMITTED

This bill amends section 10.1-204 of the Code of Virginia to include a definition of "wheelchair" and "other power-driven mobility device". This bill also adds language that allows devices falling within these definitions to travel on the statewide system of trails, consistent with the Americans with Disabilities Act of 1990.

HOUSE BILL 537 (DELEGATE ORROCK, SR.): DANGEROUS DOG REGISTRY; CHANGES PROCEDURE FOR REGISTERING

This bill amends sections 3.2-6540 and 3.2-6542 of the Code of Virginia, relating to the dangerous dog registry. This bill amends section 3.2-6540 to require the owner of a dog found to be dangerous will register him as such within 45 days of such finding rather than 10 days, for a fee of \$150 rather than \$50; these certificates must be renewed annually by January 31 for a fee of \$85, and the owner shall post the registration information on the Virginia Dangerous Dog Registry. This bill amends section 3.2-6542 to require that the Virginia Dangerous Dog Registry be maintained by the Office of Animal Care and Health Policy rather than the Office of Veterinary Services, that local animal control officers update the registry with annual renewal registration information, and that each county and city shall submit \$90 to each dog initially registered that calendar year and \$25 for each renewed registration in that calendar year to the State Veterinarian.

House Bill 537 is identical to Senate Bill 305 (Senator Blevins).

HOUSE BILL 538 (DELEGATE ORROCK, SR.): HUNTER EDUCATION PROGRAM; ESTABLISHES ONE FULL-TIME POSITION FOR EACH REGION WITH DGIF

This bill amends section 29.1-300.2 of the Code of Virginia to require one full-time hunter education coordinator for each administrative region, rather than six full-time hunter education coordinator positions across the state.

HOUSE BILL 546 (BARBARA J. COMSTOCK): GANG CRIMES; INCLUDES DEFINITION OF PREDICATE CRIMINAL ACT

This bill amends and reenacts section 18.2-46.1 of the Code of Virginia to include taking or detaining a person in a place of prostitution as well as receiving money from any prostitutes' earnings under the definition of "predicate criminal act."

HOUSE BILL 548 (DELEGATE COMSTOCK): HIGHER EDUCATIONAL INSTITUTION; IMPLEMENT POLICIES THAT RECOGNIZE SCHEDULING OBLIGATION BY MILITARY

This bill amends section 23-9.2:3.7 of the Code of Virginia, relating to higher education; active duty military. The Act requires that the governing boards of each public institution of higher education implement policies that recognize the scheduling difficulties and obligations of active duty members of the United States armed forces.

HOUSE BILL 552 (DELEGATE GARRETT): MENTAL HEALTH AND DEVELOPMENTAL SERVICES; REPLACES CERTAIN TERMINOLOGY, TECHNICAL AMENDMENTS

This Act amends 2.2-701, et al. of the Code of Virginia in order to replace a number of terms regarding intellectual insufficiencies with more generally accepted terminology.

This bill is identical to Senate Bill 387 (Senator Martin).

**HOUSE BILL 553 (DELEGATE KNIGHT): AIRPORTS,
PRIVATELY OWNED; DUTY OF CARE AND LIABILITY OF
LANDOWNERS**

This bill amends section 5.1-7.3 of the Code of Virginia to limit the liability of the owners of private airports so that they will be held liable only for ordinary negligence.

**HOUSE BILL 556 (DELEGATE ALBO): INTERNET;
PUBLICATION OF PERSONAL INFORMATION OF CERTAIN
PUBLIC OFFICIALS PROHIBITED**

This bill amends section 18.2-186.4:1 of the Code of Virginia and adds certain public officials to a current provision that prohibits state or local agencies from publicly posting on the Internet the home address or personal telephone numbers of law-enforcement officers. Officers have to make a written demand and obtain a court order for the provision to be enforced. The bill now no longer requires a hearing for enforcement and also adds e-mail addresses to the list of information that cannot be posted.

**HOUSE BILL 557 (DELEGATE MARSHALL): VIRGINIA
HOUSING DEVELOPMENT AUTHORITY; POWERS**

This act amends section 63-55.30 of the Code of Virginia, which outlines the powers of the Virginia Housing Development Authority. The amendments will indemnify other parties against liabilities, etc. as may be appropriate to exercise the powers granted within the section.

**HOUSE BILL 558 (DELEGATE MARSHALL) VIRGINIA
HOUSING DEVELOPMENT AUTHORITY; MORTGAGE
CREDIT CERTIFICATES**

This bill amends section 15.2-5003 of the Code of Virginia by allowing the Virginia Housing Development Authority to use mortgage credit certificates under its bond authority.

HOUSE BILL 559 (DELEGATE MARSHALL) NATURAL GAS UTILITIES; QUALIFIED PROJECTS

This legislation amends the Code of Virginia by adding chapter 27 to Title 26. This chapter permits infrastructure for natural gas utilities storage of various forms of natural gas. To qualify for the project, the developer must have made the good faith determinations that the project is located in an area where natural gas infrastructure is not currently available, that eligible infrastructure will provide opportunities for increased natural gas usage and economic benefit, and that a binding commitment to the utility regarding capacity needs is made available. Additionally, the gas utility who constructs eligible infrastructure will be permitted to recover eligible infrastructure development costs (EIDC). The utility must account for the actual monthly EIDC incurred on the investment.

This bill is identical to Senate Bill 511 (Senator Wagner).

HOUSE BILL 567 (DELEGATE MARSHALL): LOCALITIES; WATER AND SEWAGE LIENS

This legislation amends sections 15.2-2119 and 15.2-5139 permitting a locality providing water and sewer services to place a lien on the property in the amount of up to three months of delinquent water and sewer charges, any applicable penalties and interest of such delinquent charges, and reasonable attorney fees and other costs of collection not exceeding 20 percent of the delinquent charges. A lien shall be for no less than \$25.

This bill is identical to Senate Bill 102 (Senator Edwards).

HOUSE BILL 569 (DELEGATE MARSHALL): ELECTIONS; IDENTIFICATION TO REGISTER TO VOTE AND TO VOTE AT POLLS

This bill amends sections 24.2-404, 24.2-418, 24.2-643, 24.2-651, 24.2-651.1, 24.2-653, 24.2-701, and 46.2-208.1 of the Code of Virginia to require those wishing to vote to provide proof of residency when registering to vote as well as identification at their voting precinct. Voters who do not have proper identification may submit a provisional ballot. Additionally,

voting qualifications must be posted in two languages at local precincts.

This bill was left in Appropriations.

HOUSE BILL 571 (DELEGATE MARSHALL): HOUSING CRISIS; EXTENDS SUNSET DATE FOR SEVERAL MEASURES RELATED TO VARIOUS LAND USE APPROVALS, ETC.

This legislation amends sections 15.2-2209.1 and 15.202303.1:1 of the Code of Virginia by extending the sunset dates for sections 15.2-2260 for various land use approvals from July 1, 2014 to July 1, 2017. This extension is in response to the continued problems from the Housing Crisis.

HOUSE BILL 572 (DELEGATE MARSHALL): OWNER FINANCING FOR REAL PROPERTY; LICENSING

This Act amends sections 6.2-1600 and 6.2-1602 of the Code of Virginia, which exempts people who make loans or extends credit for the purchase of real property from the licensing requirements under the national registry.

This act is identical to Senate Bill 76 (Senator Watkins).

HOUSE BILL 573 (DELEGATE MARSHALL): UNIFORM FLAG ACT; FLAGS SHALL BE FLOWN AT HALF-MAST FOR ONE DAY TO HONOR FALLEN VIRGINIANS

This act amends section 18.2-490 and adds section 18.2-488.1 to the Code of Virginia. This act provides that state and local flags flown at any building owned by the Commonwealth shall be flown at half-staff or mast for one day whenever a member of the U.S. armed forces, police officer, firefighter, or emergency medical services provider who is a resident of Virginia is killed in the line of duty. The practice was instated to honor and acknowledge respect for those who sacrificed their life while working serving our state and country.

HOUSE BILL 577 (DELEGATE BELL): TEACHERS OF ONLINE COURSES AND COLLEGE PARTNERSHIP LABORATORY SCHOOLS; BACKGROUND CHECKS

This bill amends sections 22.1-212.26 and 23-299.8 of the Code of Virginia, relating to teachers of online courses and in college partnership laboratory schools. The Act requires that as a condition of employment, a background check must be performed on Teachers and administrators of online courses and virtual programs as well as teachers working in a college partnership laboratory school. The extent of the background check has been expanded to include a search of the registry of founded complaints of child abuse and neglect maintained by the Department of Social Services.

HOUSE BILL 580 (DELEGATE HELSEL): FORT MONROE AUTHORITY ACT; DECLARATION OF POLICY, GOVERNOR TO APPROVE FORT MONROE MASTER PLAN

This Act amends sections 2.2-2337 and 2.2-2340 of the Code of Virginia by adding sections 2.2-2339.1, 2.2-2341.1 and 2.22349.1. This provides more information regarding the "Fort Monroe Master Plan" which is the long-term vision for the reuse of the Fort Monroe area of operation. It includes a provision stating that the completed and final Master Plan must be approved by the governor.

This bill is identical to Senate Bill 473 (Senator Locke).

HOUSE BILL 596 (DELEGATE. CROCKETT-STARK): METHAMPHETAMINE LABORATORY; IN SAME PLACE AS CHILD, ETC. IS GUILTY OF A FELONY

This bill amends and reenacts section 18.2-248.02 of the Code of Virginia. This bill provides penalties for allowing a child to witness the manufacturing of methamphetamine.

HOUSE BILL 599 (DELEGATE LEMUNYON): NORTHERN VIRGINIA TRANSPORTATION DISTRICT; RESPONSIBILITIES OF TRANSPORTATION BOARD

This bill amends section 33.1-13.03:1 of the Code of Virginia to define the responsibilities of the Northern Virginia Transportation District.

This bill is identical to Senate Bill 531 (Senator Marsden).

HOUSE BILL 624 (DELEGATE ALBO): SEX OFFENDER REGISTRY; JUVENILE REGISTRATION

This bill amends and reenacts sections 9.1-902 and 9.1-913 of the Code of Virginia and requires registration on the sex offender registry for juveniles older than 13 at the time of committing an offense for which the juvenile was adjudicated delinquent of rape, forcible sodomy or object sexual penetration. The adjudication of delinquency must have occurred on or after July 1, 2005.

HOUSE BILL 637 (DELEGATE IAQUINTO): GRIEVANCE PROCEDURE; ELIMINATES CERTAIN STEPS

This bill amends the State Grievance Procedure for employees by eliminating steps. The steps eliminated include sending appeals of terminations for formal discipline or unsatisfactory job performance directly to a hearing, bypassing the grievance resolution steps.

This bill is identical to Senate Bill 417 (Senator Stanley).

HOUSE BILL 639 (DELEGATE STOLLE): HIGHER EDUCATION, STATE COUNCIL OF; PUBLICATION OF GRADUATE EMPLOYMENT RATES ON ITS WEBSITE

This bill adds a section numbered 23-9.2:3.04 to the Code of Virginia, relating to higher education; publication of student employment rates. The Act requires that the State Council of Higher Education for Virginia must publish data on its website on the proportion of graduates with em-

ployment at 18 months after graduation and five years after graduation for each public institution, and each private nonprofit institution of higher education that is eligible to participate in the Tuition Assistance Grant Program. It states that the data will include the program and the program level for each degree awarded by each institution as well as include the percentage of graduates known to be employed in the Commonwealth, the average salary, and the average higher-education related debt for the graduates on which the data is based. The provisions of this act shall expire on June 30, 2017.

HOUSE BILL 649 (DELEGATE HABEEB): VEHICLES ODOMETERS; INCREASES PENALTIES FOR TAMPERING

This bill amends section 46.2-112 of the Code of Virginia to double the minimum fine for tampering with a vehicle's odometer from \$1,500 to \$3,000.

This bill is identical to Senate Bill 481 (Senator Garrett).

HOUSE BILL 654 (DELEGATE KORY): SMOKING; PROHIBITION ON GROUNDS OF PUBLIC SCHOOLS, ETC.

This Act amends section 15.2-2824 of the Code of Virginia is altered to disallow smoking not only within public school, but also on school ground, the interior of a school administration building, and the interior of any building where a school function is being held.

This bill was passed by indefinitely.

HOUSE BILL 654 (DELEGATE KORY): SMOKING; PROHIBITION ON GROUNDS OF PUBLIC SCHOOLS, ETC.

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HOUSE BILL 658 (DELEGATE TOSCANO): CONFLICTS OF INTERESTS ACT, STATE AND LOCAL; DEFINITION OF PERSONAL INTEREST IN A TRANSACTION

This bill amends section 2.2-3101 of the Code of Virginia by excluding from the category of “personal interest in a transaction,” where it “is a result of the salary, other compensation, fringe benefits, or benefits provided by the local governing body to the officer or employee.”

HOUSE BILL 667 (DELEGATE SUROVELL): POLITICAL CONTRIBUTIONS; PROHIBITIONS DURING PROCUREMENT PROCESS

This Act amends sections 2.2-3104.01, 2.2-4376.1, 56-573.3, and 56-575.17:1 of the Code of Virginia and expands upon those who may not collect contributions over \$50.00 from those who have submitted a bid pursuant to a number of acts to include the mayor or chief executive officer of a locality, a school superintendent, or member of a local governing body, if the contract falls within a certain category. This bill was left in committee in the House.

HOUSE BILL 671 (DELEGATE SUROVELL): TAX ADMINISTRATION; AWARDS FOR DETECTION OF TAX UNDERPAYMENTS

This bill amends the Code of Virginia by adding section 58.1-1809.1. This bill authorizes the Tax Commissioner to award monetary compensation to people who provide information that leads to the successful collection of delinquent taxes.

This bill was left in Appropriations.

HOUSE BILL 682 (DELEGATE SUROVELL): CHILD CUSTODY OR VISITATION; ISSUES MAY BE INCLUDED IN SINGLE PETITION IN JDRC; ETC.

This bill amends and reenacts sections 16.1-260, 16.1-305, and 16.1-306 of the Code of Virginia. This bill provides guidelines for the appearance of a child before an intake officer before obtaining support services from the Department of Social Services. This bill also suggests how an intake officer may proceed where a child may be in need of services.

This bill was left in Appropriations.

HOUSE BILL 684 (DELEGATE O'QUINN): COAL MINE SAFETY: OPERATOR OF COAL MINE TO SUBMIT MAP AND REVISIONS THAT SHOW DIRECTIONAL CHANGES

This bill amends sections 45.1-161.64 and 45.1-161.252 of the Code of Virginia, relating to the Coal Mine Safety Act. This bill amends section 45.1-161-.64 to require that maps of the mines be submitted to the Chief prior to producing coal at the mine, as well as maps that show “directional changes whenever mine projections deviate more than 600 feet from the approved mine map.” This bill amends section 45.1-161.252 to allow instructors, other than a mine inspector, who are certified by the Board of Coal Mining Examiners and authorized by the chief to determine the fitness of a miner to detect explosive gas before being permitted to have “charge of a cutting, loading, drilling, continuous miner, or timbering machines in any mine.”

House Bill 684 is identical to Senate Bill 330 (Senator Carrico).

HOUSE BILL 692 PUBLIC EMPLOYMENT; PROHIBITS DISCRIMINATION BASED ON SEXUAL ORIENTATION, RACE, ETC.

This act amends sections 2.2-3004, 15.2-1507, 15.2-1604, and 22.1-306 of the Code of Virginia to prohibit employment discrimination, and include statuses such as marital status, pregnancy, childbirth or related medical

2012]

2012 NOTABLE BILLS

133

conditions, or sexual orientation.

This bill was left in General Laws.

HOUSE BILL 698 (EILEEN FILLER-CORN): BUDGET; CONFERENCE REPORT TO BE POSTED ON INTERNET

This bill amends the Code of Virginia by adding section 30-19.10:1. This bill requires the Chairman of the House Committee on Appropriations and the Chairman of the Senate Committee on Finance to post on the General Assembly's website a copy of the report of the joint committee of conference on a general appropriation bill under certain circumstances.

This bill was left in Appropriations.

HOUSE BILL 703 (DELEGATE FILLER-CORN): HIGHER EDUCATIONAL INSTITUTIONS; POLICIES RELATED TO STUDENT NONPAYMENT TO BE ESTABLISHED

This bill amends section 23-9.2:3 of the Code of Virginia, relating to higher education and policies related to student nonpayment. The Act prohibits the board of visitors of other governing body of every public institution of higher education from referring a student account to collections for nonpayment before required by the provisions of section 2.2-4806 of the Code. It states that this shall not apply to public institutions of higher education that have entered into Management Agreements with the Commonwealth.

HOUSE BILL 708 (DELEGATE KILGORE) BANK-OWNED REAL ESTATE; REPEALS PROVISION THAT LIMITS PERIOD THAT BANKS MAY HOLD

This legislation amends and reenacts section 6.2-872 of the Code of Virginia to allow all banks incorporated under the laws of Virginia to hold repossessed real estate and mortgages for longer than ten years. The bank may hold the property indefinitely.

House Bill 708 is identical to Senate Bill 121 (Senator Watkins).

**HOUSE BILL 710 (DELEGATE KILGORE): COAL MINING;
RIGHT TO USE SHELL, VOID OPENED UNDERGROUND,
ETC., CREATED BY REMOVAL OF COAL.**

This bill amends sections 45.1-181 and 55-154.2 of the Code of Virginia, providing “unless expressly excepted by the instrument creating the mineral ownership or lease interest,” the owner of the mineral estate “retains the right to any coal remaining in place after removal of surrounding coal” and other rights.

**HOUSE BILL 715 (DELEGATE KILGORE): HEALTH PLAN,
STATE; MAKES CHANGES TO APPEALS PROCESS FOR
COMPLAINTS**

This bill amends section 2.2-2818 of the Code of Virginia by updating the appeals process for the state health plan to be compliant with federal rules and regulations governing nonfederal, self-insured governmental health plans. The bill also identifies independent review organizations as “entities that conduct independent external review of adverse benefit determinations.”

House Bill 715 is identical with Senate Bill 499 (Senator Watkins).

**HOUSE BILL 718 (DELEGATE KILGORE): JUVENILES;
TRANSFER AND TRIAL AS ADULTS CHARGED WITH
CERTAIN OFFENSES**

This bill amends and reenacts section 16.1-269.1 of the Code of Virginia and allows attorneys for the Commonwealth the discretion to have juveniles charged with repeat violations of certain drug offenses to be transferred to the circuit court for trial as an adult.

**HOUSE BILL 719 (DELEGATE YANCEY): HUNTING AND
FISHING LICENSE, SPECIAL: PERMANENTLY DISABLED
VETERAN TO APPLY AND RECEIVE AT NO COST**

This bill amends section 29.1-302 of the Code of Virginia by adjust-

ing the wording defining a permanently disabled veteran and requires the veteran to be certified as such by the U.S. Department of Veterans Affairs rather than the Veterans' Administration. This bill also amends section 29.1-302 to allow the Department to issue a license for hunting and fishing, specifically in freshwater, or for hunting only or freshwater fishing only.

House Bill 719 is identical to Senate Bill 528 (Senator Garrett).

HOUSE BILL 732 (DELEGATE DUDENHEFER): TRANSFER OF DEVELOPMENT RIGHTS; ORDINANCE MAY PERMIT A SENDING PROPERTY TO BE USED FOR PARKS, ETC.

This legislation amends and reenacts section 15.2-2316.2 of the Code of Virginia, permitting localities to allow the transfer of development rights for properties to produce agricultural products or forestall products including parks, campgrounds and related camping facilities. "Campgrounds" for purposes of this section does not include those used by travel trailers, motor homes, and similar vehicular type structures.

HOUSE BILL 736 (DELEGATE JONES): PRIMARY SCHEDULE; MOVES PRIMARY DATE IN ANTICIPATION OF REDISTRICTING PROCESS, ETC.

This bill changes the date for the primary scheduled on June 12, 2012 to August 7, 2012 in response to the redistricting process, and accordingly adjusts dates and deadlines for filings and election preparations. The bill also authorizes the State Board of Elections to adjust other dates and deadlines if the Board finds it necessary to change such deadlines to complete the preclearance process under Section 5 of the Voting Rights Act of 1965. This bill is contingent upon this year's congressional redistricting plan being cleared for implementation on or before April 3, 2012. This act would expire on January 1, 2013.

This bill was vetoed by the governor and the veto was sustained by the House.

HOUSE BILL 743 (DELEGATE FARISS): FARM UTILITY VEHICLES; TAX EXEMPTION

This bill amends and reenacts section 58.1-3505 of the Code of Virginia to include certain motor vehicles used exclusively for farming operations as classifications of farm animals, products, and equipment that may be tax exempt. Governing bodies for counties, cities, and towns may fully exempt farm vehicles falling under this section, or provide a different tax rate. Vehicles which will qualify for this exemption must be either: those used for agricultural purposes, “for which the owner is not required to obtain a registration, certificate, license plate, and decal or pay a registration fee” or; those used by farmers exclusively for transporting animals or farm products.

HOUSE BILL 744 (DELEGATE FARISS): INTERSTATE COMPACT ON PLACEMENT OF CHILDREN; PLACEMENT OF CHILDREN IN RESIDENTIAL FACILITY

This bill amends section 63.2-1104 of the Code of Virginia by providing that the Board of Social Services cannot prohibit the placement of a nonresident child in a children’s residential facility in the Commonwealth by a custodial parent assuming full financial responsibility of the child.

HOUSE BILL 745 (DELEGATE CLINE): SUPREME COURT OF VIRGINIA; REQUIRED TO DEVELOP WEIGHTED CASELOAD SYSTEM TO ASSESS CASELOADS, REPORT

This bill adds section 17.1-100.1 to the Code of Virginia and requires the Supreme Court of Virginia to develop and implement a “weighted caseload system to precisely measure and compare judicial caseloads throughout the Commonwealth on the circuit court,” and other courts.

HOUSE BILL 751 (DELEGATE CLINE) CRIMINAL STREET GANG; RECRUITMENT OF PERSONS BY TELEPHONE OR ELECTRONIC COMMUNICATION, PENALTY

This act amends and reenacts section 18.2-46.3 of the Code of Virginia and provides that “[a]ny person who, by telephone or by any electronically transmitted communication producing a visual or electronic message, solicits, invites, recruits, encourages, or otherwise causes or attempts to cause another to actively participate in or become a member of what he knows to be a criminal street gang is guilty of a Class 5 felony.”

This bill was tabled in Appropriations by voice vote.

HOUSE BILL 752 (DELEGATE CLINE): STRANGULATION OF ANOTHER; PENALTY

This act adds a section numbered 18.2-51.6 to the Code of Virginia. This act defines the characteristics of strangulation under law as a Class 6 felony.

HOUSE BILL 753 (DELEGATE CLINE) JUVENILE OFFENSES; STATE ATTORNEY TO FILE MOTION WITH COURT OF OFFENSES REQUIRING REGISTRATION

This bill amends and reenacts section 9.1-902 of the Code of Virginia and permits the court, using its discretion, to find that circumstances of an offense require registration. A Commonwealth attorney must motion to the court that the juvenile offender tried on or after July 1, 2005, for any offense requiring registration, be required to register. The attorney may make this motion at any time while the juvenile offender is within the jurisdiction of the court.

HOUSE BILL 756 (DELEGATE DANCE): INNOVATION TECHNICAL ADVISORY GROUP; ESTABLISHED

This bill adds a section numbered 22.1-212.8:1 to the Code of Vir-

ginia, relating to the Innovation Technical Advisory Group. The Act gives the Department of Education the authority to create an “innovation Technical Advisory Group” which shall be made up of individuals with experience in the establishment and operation of charter schools, college partnership laboratory schools, and virtual school programs.

HOUSE BILL 764 (DELEGATE PEACE): HIGHER EDUCATIONAL INSTITUTIONS; INDEMNIFICATION AGREEMENTS

This bill amends section 2.2-1837 of the Code of Virginia by providing that no public institution of higher education shall be authorized to enter into indemnification agreements “to indemnify any person or entity against damages arising from a sponsored project conducted by” an institution of higher education.

HOUSE BILL 767 (DELEGATE LANDES): SMALL BUSINESS JOBS GRANT FUND PROGRAM; DEVELOPED TO ASSIST SMALL BUSINESS JOB CREATION

This bill adds a section numbered 2.2-904.01 to the Code of Virginia and repeals section 2.2-904.2 relating to the Small Business Jobs Grant Fund Program. This bill makes several changes to the Jobs Grant Fund Program, including (i) authorizing the secretary of Commerce and Trade to waive eligibility requirements, (ii) requiring eligible small businesses to either be organized under Virginia law or have their principal place of business in Virginia, (iv) prohibiting receiving more than one grant for the same position, and (v) requiring the employee to be employed in the new full time position for a time period of at least ninety days prior to being awarded the grant.

HOUSE BILL 768 (DELEGATE LANDES): VIRGINIA JOBS INVESTMENT PROGRAM; CREATED, DEPT. OF BUSINESS ASSISTANCE TO ADMINISTER PROGRAMS

This bill amends and reenacts sections 2.2-435.8, 2.2-435.8, 2.2-900, 2.2-902, 2.2-904, and 2.2-904.1, adds sections numbered 2.2-903.1,

2.2-903.2, and 2.2-904.01, and repeals section 2.2-904.2 of the Code of Virginia. This act creates the Virginia Jobs Investment Plan. This plan is created to support private sector job creation by encouraging expansion of existing Virginia businesses as well as the start-up of new business operations in Virginia. This Plan has four components: the Virginia New Jobs Program, the Workforce Retraining Program, the Small Business New Jobs Program, and the Small Business Jobs Grant Fund Program. This bill also sets eligibility requirements for obtaining assistance through the Virginia Jobs Investment Plan. The bill also establishes the Virginia Jobs Investment Program Fund, a special fund in the state treasury to be used solely for grants to businesses eligible under the plan. The Small Business New Jobs Program is designed to support the establishment and expansion of Virginia Businesses. The Workforce Retraining Program is designed to improve the efficiency of businesses through retraining. The Small Business Jobs Grant Fund Program shall be designed to assist Virginia small businesses job creation. Eligibility for grants for this fund requires a business to create at least five new full time positions and make a capital investment of at least \$100,000.

HOUSE BILL 771 (DELEGATE LANDES): CAMPUS POLICE OFFICERS; INCLUDED IN DEFINITION OF LAW-ENFORCEMENT OFFICERS

This act amends and reenacts sections 9.1-101, 9.1-187, 18.2-308, 18.2-308.2:2, 19.2-81, 19.2-81.3, 23-7.4:1, 3 52-34.7, 65.2-402, and 65.2-402.1 of the Code of Virginia. This act provides definitions of terms related to correctional status, criminal justice, and various law-enforcement officer categories.

HOUSE BILL 779 (DELEGATE LOPEZ) IN-STATE TUITION; UNDOCUMENTED PERSONS ELIGIBILITY

This act adds a section numbered 23-7.4:01 to the Code of Virginia and establishes that an undocumented person who is unlawfully present in the United States shall not be eligible for in-state tuition unless: (1) he has resided with his parent, guardian, or other person standing in loco parentis while attending a public or private high school in this state; (2) he has graduated from a public or private high school in Virginia or has received a

General Education Development (GED) certificate in Virginia; (3) he has resided in the Commonwealth for at least three years since the date he graduated from high school, or for one year if a veteran or an active duty member of the United States armed forces; (4) he has registered as an entering student in an institution of higher education; (5) he has provided an affidavit to the institution stating that he has filed an application to become a permanent resident of the United States and is actively pursuing such permanent residency or will do so as soon as he is eligible; and (6) he has submitted evidence that he or, in the case of a dependent student, at least one parent, guardian, or person standing in loco parentis, has filed, unless exempted by state law, Virginia income tax returns for at least three years prior to the date of enrollment.

This bill was left in Courts of Justice.

HOUSE BILL 780 (DELEGATE LOPEZ): CONVERTED ELECTRIC VEHICLES; CREATES DEFINITION FOR VEHICLES CONVERTED FROM GAS TO ELECTRIC POWER

This bill amends sections 46.2-100, 46.2-625, 46.2-1048, 46.2-1049, and 46.2-1158 and adds sections numbered 46.2-602.3 and 46.2-1001.1 to the Code of Virginia and defines a converted electric vehicle as any non-motorcycle motor vehicle that is modified to replace an internal combustion engine with an electric propulsion system.

HOUSE BILL 782 (DELEGATE LOPEZ) FAMILY ACCESS TO MEDICAL INSURANCE SECURITY PLAN; COVERAGE FOR CERTAIN CHILDREN AND PREGNANT WOMEN

This bill amends and reenacts sections 32.1-325 and 32.1-351 of the Code of Virginia and provides a provision for “the payment of medical assistance for otherwise eligible pregnant women during the first five years of lawful residence in the United States.” Furthermore, the bill compels the Department of Medical Assistance Services to provide coverage under the Family Access to Medical Insurance Security Plan for children and pregnant women, who meet the criteria of listed provisions.

This bill was tabled in Health, Welfare and Institutions by voice vote.

**HOUSE BILL 791 (DELEGATE TATA): VIRGINIA
RETIREMENT SYSTEM; TECHNICAL CHANGES TO
PROGRAMS ADMINISTERED**

This act amends and reenacts sections 51.1-142.2, 51.1-161, 51.1-207, 51.1-218, 51.1-505, and 51.1-512 and repeals section 51.1-140 of the Code of Virginia. This act makes technical changes to programs administered by the Virginia Retirement System and provides qualifications and requirements for certain members to pay for service credit.

**HOUSE BILL 796 (DELEGATE RUSH): HEALTH, STATE
BOARD OF; GUIDELINES FOR CLEANUP OF RESIDENTIAL
PROPERTY USED AS CLANDESTINE DRUG LAB**

This bill adds a section numbered 32.1-11.7 to the Code of Virginia, relating to the State board of Health providing guidelines for the cleanup of residential property used as “clandestine methamphetamine lab.”

**HOUSE BILL 805 (DELEGATE MAY): MOTOR VEHICLES;
AUTHORIZED ON-ROAD CLEAN SCREEN PROGRAM AND
EMISSIONS INSPECTION**

This bill amends sections 46.2-1176, 46.2-1178, 46.2-1178.1, 46.2-1180, 46.2-1181, 46.2-1182, and 46.2-1182.2 of the Code of Virginia to redefine many of the terms used to define many clean emission standards, tests, equipment, and procedures.

This bill is identical to Senate Bill 502 (Senator Saslaw).

**HOUSE BILL 809 (DELEGATE MAY): INSURANCE;
EMPLOYEES OF POLITICAL SUBDIVISIONS OF STATE MAY
RECEIVE FROM A LOCALITY**

This legislation amends and reenacts section 15.2-1517 of the Code of Virginia, allowing localities to extend group life, accident, and health insurance programs to employees of boards, commissions, agencies, or au-

thorities that are political subdivisions of the Commonwealth and work in close cooperation with the locality.

HOUSE BILL 814 (DELEGATE ORROCK) VIRGINIA PUBLIC HEALTH FOUNDATION; ESTABLISHED, REPORT

This bill adds sections 2.2-2738 through 2.2-2744 to the Code of Virginia. This bill establishes the Virginia Public Health Foundation to “serve as an advisory foundation . . . in the executive branch of state government.”

This bill was continued to 2013 in Appropriations by voice vote.

HOUSE BILL 824 (DELEGATE MARSHALL): HPV VACCINE; STATE SHALL ASSUME LIABILITY FOR ANY INJURY RESULTING FROM ADMINISTRATION

This bill amends and reenacts section 32.1-46 of the Code of Virginia. This bill provides the required immunizations for attendance at a public or private elementary, middle or secondary school, etc. set forth in the State Board of Health Regulations for the Immunization of School Children. This bill lists the Board’s regulations at a minimum.

This bill was left in Appropriations.

HOUSE BILL 830 (DELEGATE CARR): ARTS AND CULTURAL DISTRICTS; ALLOWS A LOCALITY TO CREATE MORE THAN ONE

This legislation amends and reenacts section 15.2-1129.1 of the Code of Virginia, permitting localities to establish within its boundaries more than one art and cultural districts for the purpose of increasing awareness and support for the arts and culture in the locality.

**HOUSE BILL 852 (DELEGATE YOST): HIGHER
EDUCATIONAL INSTITUTIONS; MAY REQUIRE ANY
ACCEPTED STUDENT TO PROVIDE COMPLETE RECORD**

This bill amends section 23-2.1:3 of the Code of Virginia, relating to student records and mental health. The Act states that any public or private institution of higher education may require a complete student record including any mental health records held by any secondary school or any relevant institution of higher education from students accepted to and who have committed to attend, or are attending their institution.

This bill is identical to Senate Bill 375 (Senator Barker).

**HOUSE BILL 855 (DELEGATE YOST): NUISANCE SPECIES;
DEFINITION TO INCLUDE COYOTES AND FERAL SWINE**

This bill amends 29.1-100 of the Code of Virginia to include coyotes and feral swine in the Code's definition of "Nuisance species".

**HOUSE BILL 858 (DELEGATE YOST): TRAMADOL; ADDED
TO LIST OF SCHEDULE IV CONTROLLED SUBSTANCES**

This bill amends and reenacts section 54.1-3452 of the Code of Virginia. This bill lists the controlled substances included in Schedule IV.

This bill was left in Appropriations.

**HOUSE BILL 861 (DELEGATE RUST): VEHICLE AND
TRAILER IMMOBILIZATION; SUBJECT**

This bill amends section 46.2-1216 of the Code of Virginia to include any type of vehicle and trailer within the scope of a motor vehicle for the purposes of immobilizing such vehicle or trailer for outstanding parking violations.

This bill is identical to Senate Bill 228 (Senator Herring).

**HOUSE BILL 869 (DELEGATE RUST): URBAN
DEVELOPMENT AREAS; MAKES DESIGNATION OPTIONAL
RATHER THAN MANDATORY FOR ALL LOCALITIES**

This legislation amends and reenacts section 15.2-2223.1 of the Code of Virginia, providing an option for localities with a population of more than 130,000 persons from providing urban development areas. Prior to this legislation, such areas were mandatory for the localities.

This bill is identical to Senate Bill 274 (Senator Smith).

**HOUSE BILL 875 (DELEGATE RUST): MOTOR VEHICLE
INSURANCE; PLACES TIME LIMITS ON APPEALS TO DMV
FOR SUSPENSION OF DRIVER'S LICENSE**

This bill amends sections 46.2-706 and 46.2-708 of the Code of Virginia to require that any appeal of a suspension of a driver's license must be made within 180 days of the issuance of the suspension, unless the individual qualifies for an exemption due to military service, incarceration, hospitalization, commitment, or travel abroad.

This bill is identical to Senate Bill 280 (Senator Smith).

**HOUSE BILL 878 (DELEGATE SICKLES): MOTOR VEHICLES,
CERTAIN; RAISES AMOUNT LOCALITIES MAY CHARGE
FOR AN ANNUAL LICENSE TAX UPON OWNERS**

This legislation amends and reenacts section 15.2-973 of the Code of Virginia, permitting localities to impose a license tax, not to exceed \$250 annually, upon resident owners of motor vehicles that do not display license plates issued by the Commonwealth and that are not exempted from the requirements of displaying such license plates.

HOUSE BILL 880 (DELEGATE SICKLES): FISHING LICENSE, SPECIAL; ESTABLISHED FOR PARTIALLY DISABLED VETERANS

This bill amends section 29.1-302.02 of the Code of Virginia to include a provision allowing resident veterans rated by the U.S. Department of Veterans' Affairs as having at least a seventy percent service-connected disability to pay half the normal fee for a state resident basic fishing license. This bill also amends section 29.1-302.02 to include a provision allowing nonresident veterans similar certified to pay half the normal fee for a non-resident basic fishing license.

HOUSE BILL 881 (DELEGATE SICKLES): POLITICAL CAMPAIGN ADVERTISEMENTS; DISCLOSURE REQUIREMENTS

This bill amends sections 24.2-956 and 24.2-956.1 of the Code of Virginia relating to political campaign advertisements. This bill provides that any print media sponsored by a candidate campaign committee that is displayed in electronic format must use a minimum font size of point 7 for the disclosure statement. The advertisement may have a link to another page with the disclosure if there is not enough room.

HOUSE BILL 882 (DELEGATE SICKLES) FINANCIAL EXPLOITATION OF ELDERLY OR VULNERABLE ADULTS; PENALTY

This bill amends and reenacts sections 32.1-126.01, 32.1-162.9:1, 37.2-314, and 63.2-1720, and adds section 18.2-178.1 to the Code of Virginia and provides that it is a Class 5 felony to knowingly, by deception, intimidation, undue influence, coercion, harassment, duress, or misrepresentation, use, obtain, convert, or take control of an elderly or vulnerable adult's property or financial resources with the intent to temporarily or permanently deprive the adult of the use, benefit, or possession of the property or financial resources. If the violation is by a caregiver or person with a fiduciary relationship, it is a Class 3 felony. The bill also prohibits a person convicted of the offense from working at a nursing home, home care organ-

ization, hospice, assisted living facility, adult day care center, or state facility of the Department of Behavioral Health and Developmental Services.

HOUSE BILL 885 (DELEGATE HODGES): NURSES; LICENSURE EXEMPTION

This bill amends section 54.1-3001 of the Code of Virginia, relating to nurses; exemption from licensure requirements. The Act states that a nurse may be exempt from licensure provided that they hold a current unrestricted license from another state, or the District of Columbia or a United States possession or territory. To qualify for the exemption the nurse must be in Virginia temporarily and practicing at a summer camp or with clients who are participating in specified recreational or educational activities.

This bill is identical to Senate Bill 415 (Senator Blevins).

HOUSE BILL 886 (DELEGATE ALEXANDER): TRUANCY; BOARD OF EDUCATION SHALL PROMULGATE REGULATIONS TO ADDRESS

This bill amends and reenacts sections 22.1-258, 22.1-260, 22.1-261, 22.1-262, and 22.1-267 of the Code of Virginia and requires that the Board of Education to promulgate regulations to address truancy. The Act requires that regulations address provisions for early intervention at the school level for repeated unexcused absences; identification of an a plan to address a student's academic, social, familial, and other barriers that impede attendance in school; and arrangement of conferences that may be necessary with the appropriate individuals to address plans and strategies to improve student attendance.

This bill was vetoed by the Governor.

**HOUSE BILL 894 (DELEGATE WARE) ELECTRIC AND
NATURAL GAS UTILITIES; ENERGY EFFICIENT PROGRAMS**

This legislation amends sections 56-576 and 56-600 of the Code of Virginia to state that an energy efficient program is in the public interest if the net present value for benefits exceeds the net present value of the costs as determined by State Corporation Commission. The Commission's analysis will be based on four tests and a program cannot be rejected based solely on the results of one of those tests. In addition, a program may be deemed to be in the public interest if the program provides measurable and verifiable energy savings to low-income or elderly customers.

**HOUSE BILL 896 (DELEGATE ALBO): ALCOHOLIC
BEVERAGE CONTROL; SUNDAY OPERATION OF
GOVERNMENT STORES AFTER 1:00 PM**

This bill amends section 4.1-120 of the Code of Virginia by removing limitations about which government stores the Alcoholic Beverage Control Board can permit to open after 1:00 p.m. on Sundays.

**HOUSE BILL 897 (DELEGATE ALBO): VIRGINIA CHILD
PROTECTION ACCOUNTABILITY SYSTEM; REPORTING OF
CERTAIN INFORMATION BY VCSC, ETC.**

This bill amends section 63.2-1530 of the Code of Virginia by requiring the Virginia Criminal Sentencing Commission to report information about sentences imposed for certain criminal offenses. It also requires courts to report information about petitions for emergency and preliminary protective orders filed with the court to the Virginia Child Protection Accountability System.

This bill is identical to Senate Bill 363 (Senator Deeds).

**HOUSE BILL 898 (DELEGATE ALBO): HIGHWAY
MAINTENANCE AND OPERATING FUND; FOR
TRANSPORTATION FUNDING**

This bill amends and reenacts sections 58.1-638 and 58.1-2531 of the Code of Virginia by establishing the percent sales and use tax rate, and the receiver of those payments. This bill also creates a non-reverting fund in the Department of Treasury.

This bill was left in Appropriations.

**HOUSE BILL 900 (DELEGATE BRINK): HIGHER
EDUCATIONAL INSTITUTIONS; MENTAL HEALTH AND
PARENTAL NOTIFICATION POLICIES**

This bill amends section 23-9.2:3 of the Code of Virginia relating to higher education, mental health and parental notification policies. The Act changes the requirement of the governing body of every public institution of higher education in Virginia to establish policies and procedures requiring notification of the parent of a dependent student when such student receives mental health treatment at the institutions student health or counseling center and such treatment becomes part of the student's educational record. It changes the requirement so that any person licensed to diagnose and treat mental, emotional, or behavioral disorders by a health regulatory board within the Department of Health Professions who is treating the student may withhold notification. However, the treating person must have made as part of the student's record a written statement that notification would be reasonably likely to cause substantial harm to the student or another person.

This bill is identical to Senate Bill 374 (Senator Barker).

**HOUSE BILL 932 (DELEGATE LINGAMFELTER):
VOLUNTARY NUTRIENT MANAGEMENT PLAN PROGRAM;
DCR TO DEVELOP TRAINING AND CERTIFICATION
PROGRAM**

This bill amends section 10.1-104.2 of the Code of Virginia, updat-

ing the Department of Conservation and Recreation's voluntary nutrient management program, designed to help owners and operators of agricultural land and turf effectively manage and apply nutrients to their land. This bill amends section 10.1-104.2 to include "turf" in the Program and to begin testing the Program's software by July 1, 2012 and begin full implementation by July 1, 2014.

HOUSE BILL 933 (DELEGATE LINGAMFELTER): REAL ESTATE TAX; EXEMPTION FOR DISABLED VETERANS

This bill amends sections 58.1-3219.5, 58.1-3360, 58.1-3360.1, and 58.1-3360.2, and adds section numbered 58.1-3219.7 to the Code of Virginia. The previous provision established a tax exemption on real property owned by veterans with a 100-percent service-connected disability for tax years beginning on or after January 1, 2011. This has been amended so that real property acquired after January 1, 2011 will also qualify for this exemption with the exemption beginning on the date the property is acquired. Previous owners of property falling within this amended provision may be entitled to a refund of property taxes already paid. The newly enacted section numbered 58.1-3219.7 provides that veterans who qualify for the real property tax exemption will not lose any entitlement to the exemption due to extended stays in hospitals, nursing homes, or other extended care facilities. Veterans who must reside in an extended care facility may still utilize the real property tax exemption so long as the property is not used or leased to anyone else for profit during the time the veteran resides elsewhere.

HOUSE BILL 937 (DELEGATE LINGAMFELTER): SPOUSES OF MILITARY SERVICE MEMBERS; EXPEDITING ISSUANCE OF BUSINESS LICENSES, ETC.

This bill adds section numbered 54.1-118 to the Code of Virginia, requiring the regulatory board within the Department of Professional and Occupational Regulation, the Department of Health Professions, or any board named in Title 54.1 to expedite the issuance of a license, permit, certificate, or other document required for the practice of any business or occupation, where the applicant is a spouse a veteran who has been transferred to Virginia, holds the same or similar license, permit, or other document re-

quired for the practice of any business or occupation issued by another jurisdiction, and left their previous employment to accompany the applicant's spouse to Virginia, if, in the opinion of the board, the requirements for the issuance of license, permit, or other document in such other jurisdiction are substantially equivalent to those required in the Commonwealth. This bill also provides the issuance of a temporary permit, with a limit of six months, under certain circumstances.

HOUSE BILL 938 (DELEGATE LINGAMFELTER): MILITARY TRAINING, ETC.; REGULATORY BOARDS TO ACCEPT AS EQUIVALENT TO REQUIREMENTS FOR LICENSURES

This bill adds section numbered 54.1-118 to the Code of Virginia relating to substantially equivalent military training and education and qualifications for licensure. This bill requires regulatory boards within the Department of Professional and Occupation Regulation, the Department of Health Professions, and any other board mentioned in Title 54.1, with the exception for the Boards of Medicine and Dentistry, to accept military training, education, or experience of a service member returning from active military service, to the extent that the experience is substantially equivalent to the requirements of the respective board for the issuance of any license or other document in the Commonwealth. To the extent that the experience is not substantially equivalent, the respective board shall credit whatever portion of the experience or training that is substantially equivalent towards meeting the requirements for the issuance of a certificate or other document. This bill authorizes the regulatory board to require the service member to provide documentation of his training or experience. This bill also defines "active military service."

HOUSE BILL 944 (DELEGATE VILLANUEVA): SEXUALLY VIOLENT PREDATORS; CONDUCTING PROBABLE CAUSE HEARING

This bill amends sections 37.2-906 and 37.2-915 of the Code of Virginia which regulate the probable cause hearings for sexual predators and proceedings dealing with those subject to commitment. House Bill 944 provides that any such probable cause hearing may be conducted using a two-way electronic video and audio communication system as long as such

system meets requirements laid out by Section 19.2-3.1.

This bill is identical to Senate Bill 461 (Senator Garrett).

**HOUSE BILL 945 (DELEGATE VILLANUEVA): VIRGINIA
PUBLIC PROCUREMENT ACT; PERFORMANCE AND
PAYMENT BONDS ON TRANSPORTATION-RELATED
PROJECTS**

This Act amends section 2.2-4337 of the Code of Virginia, and makes technical changes, but also allows for performance and payment bond requirements to be waived under specific circumstance.

**HOUSE BILL 946 (DELEGATE BELL): POLITICAL ACTION
COMMITTEES; CAMPAIGN FINANCE FILINGS**

This bill amends section 24.2-949.6 of the Code of Virginia relating to campaign finance filings of political action committees. Under current law, political action committees that file a statement of organization between October 1 and the November election day in odd numbered years are required to file a campaign finance report for the committee's activities during that year with its statement of organization, and to file reports within twenty four hours of receiving any contribution of \$500 or greater during the period between October 1 and the Election day. House Bill 946 expands this by requiring any political action committee filing its statement of organization as early as August 15 in any odd-numbered year to meet these requirements.

**HOUSE BILL 950 (DELEGATE BELL): TRANSCRIPTS;
PROVIDED TO DEFENDANT IN ALL FELONY CASES**

This bill amends and reenacts section 19.2-165 of the Code of Virginia. This bill requires in all felony cases, a transcript of any related prior proceedings to the defendant under certain circumstances.

This bill was left in Appropriations.

**HOUSE BILL 957 (DELEGATE BELL) ZERO TOLERANCE;
SHALL CONTINUE FOR TWO YEARS FOLLOWING
RESTORATION OF DRIVING PRIVILEGES FOR DUI**

This bill was to impose a zero tolerance blood alcohol level for a period of two years following the restoration of driving privileges for those convicted of driving under the influence.

This bill was left in Appropriations.

**HOUSE BILL 963 (DELEGATE BELL) CHILD PORNOGRAPHY;
POSSESSION, DISTRIBUTION, SOLICITATION, ETC.,
PENALTY**

This bill amends and reenacts section 18.2-374.1:1 of the Code of Virginia. This bill provides that any person who knowingly possesses child pornography, attempts to reproduce, by electronic or other means, with lascivious intent, or attempts to induce another person to give them any child pornography in an attempt join a group, association or assembly of persons that share child pornography will be sentenced to no less than five years, but no more than twenty years in a state adult correctional facility. A mandatory five year sentence shall be given for a successive violation

**HOUSE BILL 964 (DELEGATE BELL): CHILD
PORNOGRAPHY; OR GROOMING VIDEO; PERSON 18 YEARS
OF AGE OR OLDER DISPLAYING TO A MINOR; PENALTY**

This act adds section 18.2-374.4 to the Code of Virginia. This act provides that any person 18 years of age or older who “displays” child pornography, or similar materials, to a child under 13 years of age with particular intent listed, would be guilty of a Class 6 felony.

**HOUSE BILL 965 (DELEGATE BELL): CAMPUS POLICE;
MUTUAL AID AGREEMENTS WITH LOCAL LAW-
ENFORCEMENT AGENCIES AND STATE POLICE**

This bill amends section 23-234 of the Code of Virginia, relating to mutual aid agreements between campus police and local law-enforcement agencies. The Act requires that campus police at all public or private institutions of higher education must enter into mutual aid agreements with one or more of the following: an adjacent local law-enforcement agency, or the department of state police. The reason for the agreement being for the use of their joint forces when needed in the investigation of any felony criminal sexual assault or deaths occurring on the property of the institution of higher education.

This bill is identical to Senate Bill 302 (Senator Howell).

**HOUSE BILL 966 (DELEGATE BELL) GUARDIAN AD LITEM;
SHALL NOT BE APPOINTED TO REPRESENT CHILD, ETC. IF
COMMITTED DELINQUENT ACT**

This bill was to amend section 16.1-266 of the Code of Virginia to reject the appointment of a guardian ad litem when a conflict of interest between the child at issue and a showing of good cause by any parent or person claiming a right to custody.

This bill has passed a House block vote. It was dispensed to the Senate where it was referred to the Committee for Courts of Justice, then later continued to 2013 in Courts of Justice.

**HOUSE BILL 969 (DELEGATE BELL): SEXUAL ASSAULT
RESPONSE TEAMS; STATE ATTORNEY TO INVITE CHIEFS
OF CAMPUS POLICE TO ANNUAL MEETING**

This bill amends and reenacts section 15.2-1627.4 of the Code of Virginia, requiring that the chief of each campus police department of any institution of higher education be invited to participate in an annual meeting to discuss implementation of protocols and policies for sexual assault re-

sponse teams and establish and review guidelines for the community's response to sexual assault including the collection, preservation, and storage of evidence from Physical Evidence Recovery Kit examinations.

This bill 969 is identical to Senate Bill 301 (Senator Howell).

HOUSE BILL 970 (DELEGATE BELL): CHILD ABUSE AND NEGLECT; MANDATORY REPORTING, PENALTIES

This bill amends section 63.2-1509 of the Code of Virginia by adding employees of any public or private institutions of higher education to the list of mandatory reporters for reporting suspected child abuse. The bill excludes attorneys employed by institutions of higher education who obtain information about suspected abuse in the course of providing legal representation to a client.

HOUSE BILL 971 (DELEGATE BELL): BARRIER CRIMES; ADDS EXTORTION AND FELONY VIOLATIONS OF PROTECTIVE ORDERS TO STATUTE

This bill amends sections 32.1-126.01, 32.1-162.9:1, 37.2-408.1, 63.2-1719, and 63.2-1726 of the Code of Virginia by including extortion by threat, and felony violation of a protective order to the list of barrier crimes.

HOUSE BILL 973 (ROBERT B. BELL): SEX CRIMES; PENALTIES FOR OFFENDER WHO IS 18 OR OLDER FOR RAPE, ETC. OF CHILD UNDER AGE 13

This act amends and reenacts sections 18.2-61, 18.2-67.1, and 18.2-67.2 of the Code of Virginia. This act defines rape and provides the sanctions for the offense to no less than 25 years imprisonment.

HOUSE BILL 974 (DELEGATE BELL): CAMPAIGN FINANCE DISCLOSURE REPORTS; REQUIRES SBE TO REPLACE RESIDENCE ADDRESS OF CERTAIN VOTERS

This bill amends 24.2-946.2 of the Code of Virginia, relating to campaign finance disclosure reports. This bill requires the State Board of Elections to replace the addresses in campaign finance disclosure reports for individuals who have been granted protected voter status under section 24.2-418(B) of the Code of Virginia, such as active or retired law enforcement officers, parties granted protective orders, and any party participating in the address confidentiality program.

HOUSE BILL 977 (DELEGATE SCOTT): VIRGINIA HUMAN RIGHTS ACT; PROHIBITS DISCRIMINATION EMPLOYMENT BASED ON SEXUAL ORIENTATION

This act amends sections 2.2-2639, 2.2-3004, 2.2-3900, 2.2-3901, 15.2-1507, 15.2-1604, and 22.1-306; and adds sections 2.2-2901.1, 15.2-1500.1, and 22.1-295.2 to the Code of Virginia, which would have prohibited employment discrimination due to sexual orientation.

This bill was left in General Laws.

HOUSE BILL 982 (DELEGATE SCOTT) CRIMES AGAINST INCAPACITATED ADULTS; PENALTY

This bill to amend section 18.2-504.2 of the Code of Virginia, providing that certain crimes against incapacitated adults automatically qualify as a class 1 misdemeanor.

This bill was incorporated by Courts of Justice in HB 987 (Delegate Loupassi) by voice vote and was subsequently left in the House.

**HOUSE BILL 990 (DELEGATE MOREFIELD): ELK;
AUTHORIZATION OF NONLETHAL CONTROL MEASURES
AGAINST**

This bill amends sections 29.1-100 and 29.1-529 of the Code of Virginia, relating to the use of nonlethal control measures against elk. This bill amends section 29.1-100 to include in the definition of "Game animals" all cervidae (reindeer, moose, and elk). This bill amends section 29.1-529 to allow owners or lessees of property to report damage to such property caused by an elk, in addition to deer and bears, in the hopes of gaining approval to kill such animal. This bill also amends section 29.1-529 to allow, in the wake of such reported property damage, for the Director to give permission for nonlethal control measures against elk, in addition to bear.

**HOUSE BILL 984 (DELEGATE SCOTT): DEPARTMENT OF
STATE POLICE; ESTABLISHMENT OF COLD CASE
SEARCHABLE DATABASE**

This bill adds section 52-34.10 to the Code of Virginia to establish the Cold Case Searchable Database for unsolved homicide, missing persons and unidentified persons cases.

This bill was left in Appropriations.

**HOUSE BILL 987 (DELEGATE LOUPASSI): FINANCIAL
EXPLOITATION OF INCAPACITATED ADULTS; PENALTY**

This bill amends and reenacts section 18.2-178 of the Code of Virginia. This bill defines the intent to defraud and the consequences as a Class 5 felony while defining exploitation by a caregiver as a Class 3 felony.

This bill was left in Appropriations.

HOUSE BILL 997 (DELEGATE RANSONE): PUBLIC ASSISTANCE; WRITTEN AND ORAL INFORMATION TO APPLICANT

This bill amends section 63.2-501 of the Code of Virginia by providing that local boards must provide each applicant for public assistance with information about their rights and responsibilities related to their continued eligibility for public assistance. This information must be provided either in a written format or electronically in an easily understandable manner. Further, the local department must orally provide the applicant this information and require the applicant to acknowledge this information has been provided to them.

HOUSE BILL 1016 (DELEGATE POINDEXTER): ALTERNATIVE FUEL CONVERSION FUND; ESTABLISHED

This Act adds section 2.2-1176.1 to the Code of Virginia, which establishes the Alternative Fuel Conversion Fund, which sets aside money for funding state-owned, alternative fuel vehicles.

HOUSE BILL 1021 (DELEGATE ENGLIN): CONSTITUTIONAL AMENDMENT; GENERAL ASSEMBLY TO DELAY RECONVENED SESSION (VOTER REFERENDUM)

This bill provides for a voter referendum at the November 6, 2012 election to approve an amendment to the Constitution of Virginia that would allow the general assembly to postpone the reconvened session to a date after the sixth Wednesday after adjournment of the regular or special session but no later than the seventh Wednesday after adjournment.

HOUSE BILL 1035 (DELEGATE JOANNOU) EMINENT DOMAIN; DEFINITIONS OF LOST ACCESS AND LOST PROFITS, DETERMINING COMPENSATION

This bill amends section 25.1-100 and adds numbered section 25.1-230.1 to the Code of Virginia, both sections to be enacted by the General

Assembly of Virginia. The bill adds the language of section 25.1-230.1 to define term “Lost access” as a material impairment of direct access to property, a portion of which has been taken or damaged, pursuant to subsection B of section 25.1-230.1. This bill also adds the language of section 25.1-230.1 to define “Lost profits” as a loss of business profits, subject to adjustment using generally accepted accounting principles consistently applied, from a business or farm operation for a period not to exceed three years from the date of valuation that is suffered as a result of the taking of the property on which the business or farm is located, provided (i) the business is owned by the owner of the property taken or by a tenant whose leasehold interest grants the tenant exclusive possession of substantially all of the property taken or (ii) or the farm operation is operated by the owner of the property taken, or by the tenant using a farm operation the property taken, to the extent that the loss is determined and proven pursuant to subsection C of section 25.1-230.1. These definitions do not foster any new rights, remedies or diminish the rights of other than allowing the ruling body to determine just compensation to consider “Lost access” or “Lost profits”.

This bill incorporates House Bill 597 (Delegate Crockett-Stark) and Senate Bill 437 (Senator Obenshain).

HOUSE BILL 1042 (DELEGATE KEAM): DRIVER’S LICENSES; EXTENDS EXPIRATION DATE FOR CERTAIN ACTIVE MILITARY PERSONNEL

This bill amends section 46.2-221.2 of the Code of Virginia to increase the grace period for returning active military personnel to renew their driver’s licenses from 90 days to 180 days. The bill also provides this protection for civilian employees of the federal government, a member of the diplomatic service, and for federal agency employees or contractors so long as they served outside the United States.

HOUSE BILL 1043 (DELEGATE KEAM): VEHICLE REGISTRATION; GRACE PERIOD FOR REPLACEMENT OF PLATES, ETC., FOR MEMBERS OF THE ARMED FORCES

This bill amends section 46.2-221.4 of the Code of Virginia to extend the grace period for replacement of license plates by the spouses or children of

active duty military personnel, members of the diplomatic service, civilian employees of the federal government, and federal agency employees and contractors, so long as they served outside the United States.

HOUSE BILL 1059 (DELEGATE ANDERSON): ZONING APPEALS, BOARD OF; JURISDICTIONS IMPOSING CIVIL PENALTIES FOR VIOLATIONS OF ORDINANCES, ETC.

This legislation amends and reenacts section 15.2-2311 of the Code of Virginia, requiring that for jurisdictions that impose civil penalties for violations of the zoning ordinance, that such civil penalties must be assessed by a court having jurisdiction. This civil penalty shall be assessed during the 30-day appeal period.

HOUSE BILL 1062 (DELEGATE BYRON) VIRGINIA EMPLOYMENT COMMISSION; OFFICE OF ATTORNEY GENERAL MAY REPRESENT INTERESTS OF THE STATE

This legislation amends section 60.2-500 of the Code of Virginia to say that the interests of the Commonwealth in Virginia Employment Commission proceedings may be represented by the Commonwealth's Attorney General. The legislation changes the language from "shall" to "may."

This bill is identical to Senate Bill 295 (Senator Puckett).

HOUSE BILL 1076 (DELEGATE HUGO): SPECIAL US PERMIT; LOCALITY MAY REQUIRE PERMIT FOR STORAGE OR DISPOSAL OF CERTAIN WASTE

This act amends and reenacts section 15.2-2288 of the Code of Virginia, expanding the class of agricultural activities for which localities may not require special use permits to include the storage or disposal of non-agricultural excavation material, was and debris if the excavation material, waste and debris are not generated on the farm. This area is subject to the provisions of the Virginia Waste Management Act.

HOUSE BILL 1089 (DELEGATE O'BANNON): PUBLIC SCHOOLS; IMMUNIZATION REQUIREMENTS

This bill amends section 22.1-271.2 of the Code of Virginia, relating to immunization requirements for public school students. The Act changes the conditional enrollment standards to allow students who require more than two doses of hepatitis B vaccine to be enrolled conditionally for 180 calendar days.

HOUSE BILL 1091 (DELEGATE O'BANNON) ALCOHOLIC BEVERAGES; UNLAWFUL POSSESSION

This bill amends section 4.1-305 of the Code of Virginia to provide that underage buyers may purchase alcoholic beverages when acting for law enforcement officers in the performance of their duties.

House Bill 1091 is identical to Senate Bill 406 (Senator Hanger).

HOUSE BILL 1103 (DELEGATE MILLER): CRIMINAL HISTORY RECORD INFORMATION CHECK; MAKING FALSE STATEMENTS; PENALTY

This bill amends and reenacts section 18.2-308.2:2 of the Code of Virginia. This bill sets the procedures for any person purchasing a firearm from a dealer. This bill also lists restrictions on the dealers' transactions in selling firearms.

This bill was left in Appropriations.

HOUSE BILL 1106 (DELEGATE GREASON): BEHAVIOR AND ASSISTANT BEHAVIOR ANALYSTS; LICENSURE BY BOARD OF MEDICINE

This bill amends section 54.1-2900 and adds sections numbered 54.1-2957.16 and 54.1-2957.17 to the Code of Virginia relating to licensure behavior analysts and assistant behavior analysts. The Act defines "practice of behavior analysis" to mean the design, implementation, and evaluation of

environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior, including the use of direct observation, measurement, and functional analysis of the relationship between environment and behavior. It gives the Board of Medicine authority to license behavior analysts and assistant behavior analysts. It also mandates that the Board of Medicine shall promulgate regulations to implement the provisions of this Act to be effective within 280 days of its enactment.

HOUSE BILL 1107 (DELEGATE GREASON): PUBLIC SCHOOLS; POSSESSION AND ADMINISTRATION OF AUTO-INJECTABLE EPINEPHRINE

This bill amends sections 8.01-225, 22.1-274.2 and 54.1-3408 of the Code of Virginia, relating to public schools; administration of epinephrine. The Act protects from liability school nurses, prescribers of epinephrin, and employees of a school board, authorized by a prescriber and trained in the administration of epinephrine who provides, administers, or assists in the administration of epinephrine to a student believed in good faith to be having an anaphylactic reaction. It also states that local school boards shall adopt and implement policies regarding the possession and administration of epinephrine in their schools by authorized and trained school nurses or employees of the school board.

This bill is identical to Senate Bill 656 (Senator McEachin).

HOUSE BILL 1118 (DELEGATE INGRAM): ELECTIONS; PERSONS ELIGIBLE TO OBTAIN LISTS OF PERSONS VOTING

This bill amends section 24.2-406 of the Code of Virginia, relating to eligible persons to obtain lists of persons voting at primaries and elections. This bill extends access of lists of persons voting to include candidates for election or nomination, political party members, political action committees, incumbent officeholders, and members of public and nonprofit organizations. Access to this list is for political purposes only; such promote voter participation and registration without intimidation or pressure, or to report to constituents, and cannot be shared to anyone else.

**HOUSE BILL 1119 (DELEGATE WRIGHT): WAKE SURFING;
UNLAWFUL TO OPERATE CERTAIN WATERCRAFT WITHIN
50 FEET OF DOCKS, ETC., EXCEPTION**

This bill amends section 29.1-744.3 of the Code of Virginia, continuing the prohibition of non-personal motorboats traveling above their slowest possible speed when the boat is within fifty feet of a person in the water. An exception is created for persons being towed by the motorboat or accompanying the motorboat, as long as the boat has an inboard motor.

**HOUSE BILL 1123 (DELEGATE KEAM) CRIMINAL HISTORY
RECORD INFORMATION; ACCESS STATE TREASURER**

This bill amends section 19.2-389 of the Code of Virginia and is to be reenacted by the General Assembly Virginia. This bill permits the state treasurer to inquire about the criminal history of a person receiving compensation for wrongful incarceration in order to determine if that person was convicted of a successive felony.

**HOUSE BILL 1130 (DELEGATE HOWELL): RETIREMENT
SYSTEM; HYBRID RETIREMENT PROGRAM CREATED,
OPTIONAL DEFINED RETIREMENT PLAN CREATED, ETC.**

This act amends and reenacts sections 51.1-124.3, 51.1-126, 51.1-126.5, 51.1-126.6, 51.1-135, 51.1-142.2, 51.1-145, 51.1-153, 51.1-155, 51.1-157, 51.1-166, 51.1-302, 51.1-306, 51.1-308, 51.1-601.1, 51.1-603.1, 51.1-611, 51.1-1100, 51.1-1400 through 51.1-1403, and 51.1-1405 of the Code of Virginia and amends the Code of Virginia by adding in Article 9 of Chapter 1 of Title 51.1 a section numbered 51.1-169, by adding a section numbered 51.1-1131.1, and by adding in Title 51.1 a chapter numbered 11.1, containing articles numbered 1 through 4, consisting of sections numbered 51.1-1150 through 51.1-1183. This act provides definitions of terms, such as “accumulated contributions,” “actuarial equivalent,” “beneficiary,” and “creditable compensation.” It alters and modernizes definitions to accommodate for the creation of a hybrid retirement system.

This Bill is Identical to Senate Bill 498 (Senator Watkins).

**HOUSE BILL 1133 (DELEGATE COLE): CANDIDATE
PETITIONS FOR PRIMARIES AND GENERAL ELECTIONS;
REQUIREMENTS FOR PETITION CIRCULATORS**

This bill amends sections 24.2-506, 24.2-521, and 24.2-543 of the Code of Virginia, relating to candidate petitions in general elections and primaries. Current law provides that candidate petitions in primaries must be witnessed by an individual that is eligible to vote for the office for which the petition is being circulated. This bill changes the requirement by providing that such petitions must be witnessed by a legal resident of the Commonwealth of Virginia who attests that he is neither a minor, nor is he a felon without restored voting rights.

This bill is identical to Senate Bill 613 (Senator Edwards).

**HOUSE BILL 1134 (DELEGATE COSGROVE): LINE OF DUTY
ACT; DEFINITION OF DECEASED PERSON**

This act amends and reenacts section 9.1-400 of the Code of Virginia. This act provides definitions of various terms related to the Line of Duty Act, such as “deceased person,” “beneficiary,” and “disabled person.”

**HOUSE BILL 1140 (DELEGATE HODGES): CARISOPRODOL;
ADDED TO LIST OF SCHEDULE IV CONTROLLED
SUBSTANCES**

This act amends and reenacts section 54.1-3452 of the Code of Virginia. This act includes carisoprodol among the list of Schedule IV controlled substances.

**HOUSE BILL 1141 (DELEGATE HODGES): EZOGABINE;
ADDED TO LIST OF SCHEDULE V CONTROLLED
SUBSTANCES**

This act amends and reenacts section 54.1-3454 of the Code of Virginia. This act adds ezogabine to the list of Schedule V controlled substances.

**HOUSE BILL 1144 (DELEGATE WATSON): CONTRACTORS,
BOARD FOR; WAIVER OF LICENSE REQUIREMENT FOR
HABITAT FOR HUMANITY**

This Act amends section 54.1-1103 of the Code of Virginia, which now allows that the exemptions given to Habitat for Humanity for building homes also apply to rehabilitating single-family dwellings.

**HOUSE BILL 1158 (DELEGATE BULOVA): VIRGINIA WATER
PROTECTION PERMIT, ISSUANCE OF PERMIT BY STATE
WATER CONTROL BOARD.**

This bill amends section 62.1-44.15:20 of the Code of Virginia, requiring that relevant information about the state water supply plan be considered in determining whether to grant a Virginia Water Protection Permit. This does not include limiting the operation or expansion of an electric-generation facility on a man-made lake for the purpose of providing cooling water to such facility (referring to the Lake Anna Power Plant).

**HOUSE BILL 1160 (DELEGATE MARSHALL) UNLAWFUL
DETENTION OF U.S. CITIZENS; PREVENTS ANY AGENCY,
ETC., FROM ASSISTING IN INVESTIGATION**

This bill amends section 8.01-385 of the Code of Virginia and restricts the agencies and political organizations of the Commonwealth listed in section 8.01-385 of the Code of Virginia and current employees and members of the Virginia National Guard or Virginia Defense Force, while on official duty, from assisting the United States armed forces in investigative or detaining acts against U.S. citizens that would place the Commonwealth's agencies, organizations or employees in violation of U.S. Constitution, the Virginia Constitution, a provision of the Code of the General Assembly or Virginia Administrative Code.

HOUSE BILL 1165 (DELEGATE MCCLELLAN): RICHMOND METROPOLITAN AUTHORITY; MAY ESTABLISH AND MAINTAIN POLICE DEPARTMENT, ETC.

This bill amends and reenacts section 15.2-7017 of the Code of Virginia. This bill also requires the Authority to prepare a report of its activities and audit its books and accounts at least once each year.

This bill was continued to 2013 in Appropriations by voice vote

HOUSE BILL 1166 (DELEGATE MCLELLAN) RENEWABLE ENERGY PORTFOLIO STANDARD PROGRAM; REPORTING REQUIREMENTS TO STATE CORPORATION COMMISSION

This legislation amends section 56-585.2 of the Code of Virginia by requiring investor-owned utilities to submit an annual report to the State Corporation Commission including a list of all states where the purchased or owned renewable energy was generated, a list of the decades in which the purchased or owned renewable energy generating units were placed in services, and a list of fuel types used to generate the purchased or owned renewable energy. In addition the State Corporation Commission is required to post these reports on their website.

This bill is identical to Senate Bill 382 (Senator McEachin).

HOUSE BILL 1167 (DELEGATE JONES): HIGH PERFORMANCE BUILDINGS ACT; CREATED

This act adds 2.2-1182 and 2.2-1183 to the Code of Virginia, which creates a High Performance Buildings Act. This Act requires those constructing buildings over 5,000 square feet in size or renovating at least fifty percent of a building of that size work with executive branch agencies to be certain they are conforming with Virginia Energy Conservation and Environmental Standards.

This bill incorporates House Bill 788 (Delegate Lopez).

**HOUSE BILL 1178 (DELEGATE WEBERT): SEX OFFENDER
AND CRIMES AGAINST MINORS REGISTRY; OFFENDERS**

This bill amends sections 46.2-341.9, 46.2-341.10, and 46.2-341.18:3 of the Code of Virginia to place restrictions on the ability of a registered Sex Offender to obtain or maintain a commercial driver's license.

**HOUSE BILL 1179 (DELEGATE YOST): PUBLIC SCHOOLS;
PROVIDING CHARACTER EDUCATION PROGRAM DURING
REGULAR SCHOOL YEAR OR SUMMER**

This act amends and reenacts section 22.1-208.01 of the Code of Virginia. This act requires each school board to establish a character education program in its schools. This act also requires the Department of Education to develop curricular guidelines for school divisions to use in establishing a character education program. This act also lists the purposes of this program.

**HOUSE BILL 1181 (DELEGATE LANDES): PUBLIC SCHOOLS;
READING INTERVENTION**

This bill amends section 22.1-253.13:1 of the Code of Virginia, relating to public schools; reading intervention. The Act mandates that local school divisions shall provide reading intervention services to students in the third grade who lack necessary reading and comprehension skills based on their personal performance on the Standards of Learning reading test or any reading test that meets criteria established by the Department of Education. The school may provide such reading intervention services before promoting a student from the third to fourth grade.

**HOUSE BILL 1182 (DELEGATE COX): TOBACCO
INDEMNIFICATION AND COMMUNITY REVITALIZATION
FUND; USES**

This bill amends section 3.2-3108 of the Code of Virginia, adding research performed by one of the Commonwealth's National Cancer Insti-

tute-designated research institutes, concerning the treatment and prevention of cancers that impact the citizens of tobacco-dependent communities in the south and southwest regions of Virginia, to receive distributions from the Tobacco Indemnification and Community Revitalization Fund.

HOUSE BILL 1183 (DELEGATE COSGROVE): VIRGINIA PORT AUTHORITY; AMENDS SEVERAL PROVISIONS GOVERNING CONDUCT OF BUSINESS

This bill amends sections 10.1-1188, 58.1-439.12:06, 58.1-439.12:09, 58.1-439.12:10, 62.1-129, 62.1-132.6, and 62.1-139 of the Code of Virginia to amend several provisions governing the conduct of business with the Virginia Port Authority.

This bill is identical to Senate Bill 578 (Senator Wagner).

HOUSE BILL 1184 (DELEGATE RUST): PUBLIC EDUCATION; DUAL ENROLLMENT FOR HIGH SCHOOL STUDENTS

This bill amends sections 22.1-253:13:1, 22.1-253:13:9, and 23-9.2:3.02 of the Code of Virginia relating to public education dual enrollment for high school students. The Act mandates that local school boards implement a written articulation agreement for postsecondary degree attainment with a community college in the Commonwealth that specifies options for students to pursue either an associate's degree or a one-year Uniform Certificate of General Studies from a community college concurrent with a high school diploma.

HOUSE BILL 1188 (DELEGATE WATTS): HUMAN TRAFFICKING; BOARD OF EDUCATION TO PROVIDE INFORMATION FOR PUBLIC SCHOOLS

This bill adds a section numbered 22.1-16.5 and 63.2-214.3 to the Code of Virginia, relating to information regarding human trafficking. The Act states that the Board of Education, in collaboration with the Department of Social Services, shall provide awareness and training materials for local school teachers and staff on human trafficking. This information will in-

clude strategies for the prevention of child trafficking.

This bill is identical to Senate Bill 259 (Senator Ebbin).

HOUSE BILL 1199 (DELEGATE HERRING): ADMINISTRATIVE PROCESS ACT; RIGHT TO COUNSEL IN RULE-MAKING PROCEEDINGS

This bill amends and reenacts sections 2.2-4007.02 and 2.2-4009 of the Code of Virginia and clarifies that when the agency formulates any regulations, it must afford interested persons an opportunity to submit data, views and arguments either orally or in writing, to the agency, and these interested persons may be accompanied and represented by counsel or another qualified representative.

HOUSE BILL 1204 (DELEGATE O'QUINN): DOMESTIC TOBACCO; INCENTIVE PAYMENTS FOR USE BY NONPARTICIPATING MANUFACTURERS

This bill amends and reenacts section 58.1-439.15:01 of the Code of Virginia. This bill provides definitions to terms related to domestic tobacco use and manufacturing.

This bill was left in Appropriations.

HOUSE BILL 1208 (DELEGATE POGGE): HOME INSTRUCTION OF CHILDREN; LIMITS REQUIRED DESCRIPTION OF CURRICULUM

This bill amends section 22.1-254.1 of the Code of Virginia, relating to home instruction of children and curriculum description. The Act mandates that any parent who decides to home school their children shall annually notify the division of superintendent in August of their intention to do so. It states that the parent must provide a description of the curriculum, limited to a list of subjects to be studied during the coming year.

This bill is identical to Senate Bill 564 (Senator Black).

HOUSE BILL 1210 (DELEGATE LINGAMFELTER): LAWN MAINTENANCE FERTILIZER; NITROGEN APPLICATION RATES, LABELING

This bill amends section 3.2-3607 and adds a section numbered 10.1-104.2:1 to the Code of Virginia, both relating to nitrogen application rates and labeling of lawn maintenance fertilizer. This bill amends section 3.2-3607 so that only lawn maintenance fertilizers with nitrogen rates consistent with those recommended by the Virginia Nutrient Management Standards and Criteria will be offered for sale, distribution, or use in the Commonwealth, and allowing existing inventories to be sold until July 1, 2014. This bill adds section 10.1-104.2:1, which amends the application rates in the Virginia Nutrient Management Standards and Criteria by incorporating the application rates for nitrogen in lawn fertilizer, lawn maintenance fertilizer, "slow or controlled release fertilizer," and "enhanced efficiency lawn fertilizer" as defined, adopted, or proposed for adoption by the American Association of Plant Food Control Officials.

HOUSE BILL 1215 (DELEGATE BELL): VIRTUAL SCHOOLS, PUBLIC; BOARD OF EDUCATION SHALL ESTABLISH STANDARDS FOR ACCREDITATION

This bill amends section 22.1-253.13:3 of the Code of Virginia, relating to accreditation of public virtual schools. The Act states that the Board of Education shall promulgate regulations establish the standards for the accreditation of public virtual schools under the authority of the local school board that enroll students full time.

HOUSE BILL 1218 (DELEGATE MOREFIELD): STREAM MITIGATION BANKS; ESTABLISHED

This bill amends section 62.1-44.15:23 of the Code of Virginia by combining the Tennessee River Basin and the Big Sandy River Basin into one river watershed for the purpose of establishing a stream mitigation bank.

**HOUSE BILL 1234 (DELEGATE KILGORE): VIRGINIA
ECONOMIC DEVELOPMENT PARTNERSHIP AUTHORITY;
APPOINTMENT OF EXECUTIVE DIRECTOR**

This act amends section 2.2-2235 of the Code of Virginia, which now provides that Governor will appoint the chief executive officer of the Virginia Economic Development Partnership Authority and that the officer serves at the pleasure of the Governor.

This bill was continued to the 2013 session in General Laws and Technology.

**HOUSE BILL 1237 (DELEGATE SCOTT): CHILD ABUSE AND
NEGLECT; MANDATORY REPORTING, PENALTIES**

This bill amends section 63.2-1509 of the Code of Virginia which requires that certain suspected child abuse be reported by physicians, teachers, etc. House Bill 1237 adds to this requirement that any person required to file a report pursuant to this section do so “as soon as possible, but no longer than 24 hours after having reason to suspect...” a reportable offense of abuse or neglect has occurred. This is a departure from the previous requirement of a report within 72 hours. House Bill 1237 also increases the penalties for failure to disclose, with fines of “not less than \$1,000” for any subsequent failures and in cases evidencing rape where there is a knowing or intentional failure to report, that person may be found guilty of a Class 1 misdemeanor.

**HOUSE BILL 1244 (DELEGATE JOHNSON): ARREST; ADULT
CHARGED WHEN A JUVENILE MAY BE RELEASED ON BAIL
OR RECOGNIZANCE**

This bill amends section 16.1-247 of the Code of Virginia to permit a magistrate to release on bail or recognizance, an adult who was arrested for a warrant or detained for an offending act that the person committed as a juvenile, pursuant to chapter 9 of Title 19.2 of the Code of Virginia.

**HOUSE BILL 1248 (DELEGATE LINGAMFELTER):
TRANSPORTATION; PROVIDES REVENUES FOR
CONSTRUCTION, MAINTENANCE, AND FUNDING**

This bill amends section 2.2-1514 of the Code of Virginia to provide new means of raising revenues for construction, maintenance, and funding of transportation.

This bill is identical to Senate Bill 639 (Senator Wagner).

**HOUSE BILL 1271 (DELEGATE JONES) SEXUALLY VIOLENT
PREDATORS; DIRECTOR OF DOC SHALL DEVELOP
PROTOCOL FOR ASSESSING PRISONER, ETC.**

This bill amends sections 19.2-169.3, 37.2-903, and 37.2-904 of the Code of Virginia. This bill permits the Department of Corrections to determine whether prisoners should be classified as sexually violent predators. This bill permits the Director of Department of Corrections to develop the assessment procedures in conjunction with the Department of Behavioral Health and Developmental Services.

**HOUSE BILL 1273 (DELEGATE PEACE): CHEMOTHERAPY;
REQUIREMENTS FOR ORALLY ADMINISTERED CANCER
DRUGS**

This act amends and reenacts section 38.2-4214 and 38.2-4319 and adds a section numbered 38.2-3407.18 to the Code of Virginia. This act outlines the requirements for orally administered cancer chemotherapy drugs. This act also lists the entities to which the provisions listed therein apply.

**HOUSE BILL 1277 (DELEGATE LEMUNYON):
CONTRACTORS; LICENSING BY LOCALITIES, CIVIL
PENALTY**

This act amends section 54.1-1117 of the Code of Virginia, which provides for a number of technical amendments, but also provides that a locali-

ty may establish a civil penalty that will be asserted when an entity falsely represents that they have a valid contractor's license, but that penalty may not exceed \$2,500.

HOUSE BILL 1283 (DELEGATE CLINE) CHILD CUSTODY OR VISITATION; PERSON WITH A LEGITIMATE INTEREST

This bill amends section 20-124.1 of the Code of Virginia and limits the “persons with a legitimate interest” able to petition for custody or visitation of a child that is not their own, to grandparents, stepparents, former stepparents, blood relatives, and family members.

This bill was continued to 2013 in Courts of Justice by voice vote.

HOUSE BILL 1285 (DELEGATE ANDERSON): VIRGINIA PAIN-CAPABLE UNBORN CHILD PROTECTION ACT; CREATED, PENALTY

This bill adds sections 18.2-76.3 through 18.2-76.13 to the Code of Virginia and would prevent an abortion after 20 weeks of gestation unless medically necessary for the mother.

This bill was continued to 2013 in Courts of Justice by voice vote.

HOUSE BILL 1294 (DELEGATE SPRUILL): CHURCHES, SYNAGOGUES, ETC.; LOCALITIES SHALL NOT CHARGE ANY FEE UNLESS AUTHORIZED BY GENERAL LAW

This bill adds a section numbered 15.2-108.1 to the Code of Virginia and prohibits localities from charging any fees other than fire prevention inspection fees to any place of worship unless authorized by general law or special act of the General Assembly.

2012]

2012 NOTABLE BILLS

173

**HOUSE BILL 1295 (DELEGATE BYRON): STATE MANDATES;
ELIMINATING ON LOCAL AND REGIONAL GOVERNMENT
ENTITIES RELATING TO EDUCATION, ETC.**

This act amends section 2.2-1124, 2.2-4303, 2.2-4343, 5.1-40, 15.2-986.1, 15.2-1643, 15.5-2223.1, 22.1-18.1, 22.1-92, 22.1-129, 22.1-275.1, 37.2-508, 42.1-36.1, and 51.5-89 of the Code of Virginia, eliminating certain state mandates on local entities.

This act is identical to Senate Bill 679 (Senator Newman).

174 RICHMOND JOURNAL OF LAW AND THE PUBLIC INTEREST [Vol. XVI:i]

SENATE BILLS**SENATE BILL 1 (SENATOR MARTIN): VOTER PROCEDURES;
VOTER SHALL BE OFFERED PROVISIONAL BALLOT, ETC.**

This bill amends sections 24.2-643, 24.2-651, 24.2-651.1, and 24.2-701 of the Code of Virginia. This bill provides that voters who do not show a valid form of identification may no longer sign an oath that they are who they claim in place of showing a valid form of identification. However, they will be allowed to vote if one of the voting officers recognizes the person. If they do not have a proper form of identification and are not recognized, they may take a provisional ballot and submit identification to the electoral board according to section 24.2-653. Necessary forms of identification have been extended to include valid student identification of any four year institution of higher education in the Commonwealth of Virginia, a copy of current utility bill, or a bank statement.

This bill incorporates Senate Bill 55 and is identical to House Bill 9 (Delegate Cole).

**SENATE BILL 31 (SENATOR COLGAN): HIGHER
EDUCATIONAL INSTITUTIONS BOND ACT OF 2012;
CREATED**

This act authorizes the issuance of bonds at a maximum of \$125,594,000 plus financing costs for “acquiring, constructing, and equipping revenue-producing capital projects at institutions of higher learning of the Commonwealth.” The Treasury Board is authorized to do so with the consent of the Governor.

This bill is identical to House Bill 54 (Delegate Putney).

**SENATE BILL 34 (SENATOR LOCKE): RENTAL PAYMENTS;
LANDLORD ACCOUNTING OF TENANT CREDITS AND
DEBITS UPON WRITTEN REQUEST**

This bill amends section 55-249.7 of the Code of Virginia by providing that upon written request, landlords must provide their tenants with a written statement showing all debits and credits over the past twelve months of the tenancy, and the landlord must provide this statement within ten business days of receiving the request.

**SENATE BILL 35 (SENATOR LOCKE): LANDLORDS
RECOVERY OF POSSESSION LIMITED, CHANGES
DEFINITION OF DWELLING UNIT, ETC.**

This bill amends sections 55-225.1 and 44-225.8 of the Code of Virginia. The bill limits the ability of landlords to take possession of a dwelling unit by refusing to permit the tenant access unless the refusal is pursuant to a valid unlawful detainer action and the execution of a writ of possession is issued pursuant to such action. The bill also further restricts the definition of a dwelling unit to a single-family residence and provides a number of exclusions.

**SENATE BILL 51 (SENATOR WATKINS): UNIFORM
COMMERCIAL CODE; SECURED TRANSACTIONS**

This legislation amends sections 4.1-212, et seq. of the Code of Virginia by incorporating amendments to the secured transactions title of the Uniform Commercial Code that have been adopted by the National Conference of Commissioners on Uniform State Laws. The amended sections update or add the definitions of “authenticate,” “certificate of title,” “public organic record,” and “registered organization.” In addition, the legislation changes the rules applying to collateral to which a security interest attaches within four months after the debtor changes its location to another jurisdiction: a financing statement filed before the change is effective to perfect a security interest in the collateral; and if a security interest perfected by a financing statement becomes perfected under the law of the other jurisdiction before the earlier time the financing statement would have become ineffective, it remains perfected. Additionally, if a financing statement naming an

original debtor is filed pursuant to the law of the relevant jurisdiction and the new debtor is located in another state, the financing statement is effective to perfect a security.

SENATE BILL 77 (SENATOR WATKINS): NUTRIENT CREDIT CERTIFICATIONS; REGULATIONS, NUTRIENT TRADING ACT IS ESTABLISHED, PENALTY.

This bill amends sections 10.1-603.4:1, 10.1-603.8:1, 62.1-44.19:13, 62.1-44.19:15, and 62.1-44.19:18 of the Code of Virginia, and amends the Code of Virginia by adding in Chapter 6 of Title 10.1 an article numbered 1.1:1, consisting of sections numbered 10.1-603.15:1 through 15:5, and by adding in Article 4.02 of Chapter 3.1 of Title 62.1 a section numbered 62.1-44.19:20, all relating to the expansion of the nutrient credit exchange program and the development of a credit registry. This bill amends section 10.1-603.4:1 to include the payment of all civil penalties collected pursuant to section 10.1-603.15:4 to be credited to the Virginia Stormwater Management Fund. This bill amends section 10.2-603.8:1 by removing the definitions for "Nonpoint nutrient offset" and "Permit issuing authority" and adding a definition for "Nutrient credit" or "credit" and "Virginia Stormwater Management Program" or "VSMP".

This bill creates Article 1.1:1 of Title 10.1, Chapter 6, called the "Nutrient Trading Act", creating a credit system surrounding agricultural and urban stormwater best management practices, the use and management of manure, managed turf, land use conversion, stream or wetland projects, shellfish aquaculture, algal harvesting, and other methods of nutrient control or removal. This bill directs the Department of Conservation and Recreation to establish an online registry of certified credits, provides for enforcement and appeals, and provides that an operator of a credit-generating facility found to be in violation of the Nutrient Trading Act shall be subject to a civil penalty not exceeding \$10,000.

This bill is identical to House Bill 176 (Delegate Knight).

**SENATE BILL 84 (SENATOR FAVOLA): FOSTER CARE;
EXTENDS OPTION OF INDEPENDENT LIVING SERVICES TO
PERSON BETWEEN 18 AND 21 YEARS OLD**

This bill amends and reenacts section 63.2-905.1 of the Code of Virginia. This bill provides that local departments and licensed child-placing agencies may provide independent living services to any person between 18 and 21 years of age during the process of “transitioning from foster care to self-sufficiency.”

**SENATE BILL 86 (SENATOR SASLAW): SOLICITATION OF
CONTRIBUTIONS; REGISTRATION OF CHARITABLE
ORGANIZATIONS**

This bill amends section 57-49 of the Code of Virginia relating to solicitation of contributions and registration of charitable organizations. This bill provides that any charitable organization whose annual gross revenue would qualify it to file Form 990-N (also known as an e-Postcard) with the IRS may submit a balance sheet and income and expense statement verified under oath or affirmation by the treasurer of the organization.

**SENATE BILL 104 (SENATOR EDWARDS): DEPENDENT
CHILDREN OF UNIVERSITY AND COLLEGE FACULTY
REDUCED TUITION PROGRAM; CREATED**

This bill adds sections 23-7.4:7 and 23-7.4:8 to the Code of Virginia. This bill creates the Dependent Children of University and College Faculty Reduced Tuition Program, to be administered by the State Council of Higher Education for Virginia. This program allows the dependent children of current full-time faculty members to receive a 50 percent tuition waiver under certain circumstances.

SENATE BILL 106 (SENATOR EDWARDS): PHYSICIAN ASSISTANTS; USE OF FLUOROSCOPY

This bill amends section 54.1-2951 of the Code of Virginia which regulates the supervision of assistants by licensed physicians and podiatrists and lays out the services that may be rendered by such assistants. Senate Bill 106 adds section C which states a physician's assistant who is licensed, under the supervision of a licensed doctor of medicine, trained in the proper use of the equipment, and has successfully completed an exam for physician's assistants may use fluoroscopy for guidance of diagnostic and therapeutic procedures.

SENATE BILL 128 (SENATOR STANLEY): GOVERNORS AGRICULTURE AND FORESTRY INDUSTRIES DEVELOPMENT FUND; ESTABLISHED, REPORT

This bill adds sections numbered 3.2-303 through 3.2-309 to the Code of Virginia, relating to the creation of the Governor's Agriculture and Forestry Industries Development Fund. The Fund establishes a grant program that specifically targets agricultural and forestry operations, including supporting localities' efforts to attract value-added or processing facilities using Virginia-grown products. Localities will only apply for the grants established by this bill after they have established a relationship with a new or expanding business.

This bill is identical to House Bill 766 (Delegate Landes).

SENATE BILL 133 (SENATOR STANLEY): FIRE INVESTIGATION WARRANT; STATE POLICE ARSON INVESTIGATORS MAY OBTAIN

This bill amends section 27-32.2 of the Code of Virginia relating to fire investigation warrants. This bill allows State Police arson investigators in addition to fire marshals to enter the premises under investigation and to request a fire investigation warrant.

This bill is identical to House Bill 941 (Delegate Lingamfelter).

**SENATE BILL 140 (SENATOR PUCKETT): FIRE POLICY;
SHALL PROVIDE COVERAGE FOR COST CHARGED BY A
VOLUNTEER FIRE DEPARTMENT, ETC.**

This bill adds a section numbered 38.2-2129 to the Code of Virginia. This bill requires fire insurance companies to provide coverage for at least \$250 to pay volunteer fire departments that are not fully funded by taxes and that are called to save or protect property that is insured.

This bill is identical to House Bill 1202 (Delegate Johnson).

**SENATE BILL 146 (SENATOR PUCKETT): DENTAL
HYGIENISTS; REMOTE SUPERVISION BY A PUBLIC HEALTH
DENTIST**

This bill amends section 54.1-2722 of the Code of Virginia and repeals the third enactments of Chapters 99 and 561 of the Acts of Assembly of 2009, as amended by Chapter 289 of the Acts of Assembly of 2011, relating to dental hygienists' scope of practice. The Act expands the definition of "remote supervision" to mean that a public health dentist has regular, periodic communications with a public health dental hygienist regarding patient treatment. It also states that such dentist may not have done an initial examination of the patients who are to be seen and treated by the dental hygienist and may not be present with the dental hygienist when the dental hygiene services are being provided. The Act also requires that there be an annual report of the services provided by dental hygienists, including their impact upon the oral health of the citizens of the Commonwealth which is prepared by the Department of Health, and submitted to the Virginia Secretary of Health and Human Resources.

**SENATE BILL 147 (SENATOR PUCKETT): BEAR HOUND
TRAINING; ALLOWS TRAINING OF DOGS TO HUNT BEAR
TO OCCUR FROM 4:00 A.M. UNTIL 10:00 P.M.**

This bill amends section 29.1-520 of the Code of Virginia to change the permissible times for training bear hounds. This bill amends section 29.1-520 to allow bears to be hunted without capturing or taking from 4:00 a.m. until 10:00 p.m. during bear hound training season, rather than from one

half hour before sunrise until four and one half hours after sunset.

This bill is identical to House Bill 95 (Delegate Wilt).

**SENATE BILL 148 (SENATOR PUCKETT):
METHAMPHETAMINE LAB CLEANUP COSTS; LOCALITIES
MAY CHARGE FOR REIMBURSEMENT**

This bill adds a section numbered 15.2-1716.2 to the Code of Virginia, permitting any locality to provide by ordinance that a person who is convicted of manufacturing methamphetamine shall be liable to the locality for the expenses associated with cleaning up any methamphetamine lab. This amount shall not exceed the actual expenses associated with such cleanup.

This bill is identical to House Bill 848 (Delegate Johnson).

**SENATE BILL 160 (SENATOR PETERSEN): HIGH
PERFORMANCE BUILDINGS ACT; CREATED**

This bill adds sections numbered 2.2-1182 and 2.2-1183 to the Code of Virginia. This bill requires new public buildings that are at least 5,000 square feet or renovations where the cost of renovation is greater than 50% of its value to conform to the Green Building Initiative "Green Globes" building standard, Virginia Energy Conservation and Environmental Standards, and other appropriate requirements. The Director of the Department of General Services may grant exemptions if he finds special circumstances to make the requirements impracticable.

**SENATE BILL 179 (SENATOR STUART): BOND
ADMINISTRATION; REIMBURSEMENT FOR
ADMINISTRATIVE COSTS**

This bill amends and reenacts section 15.2-2241 of the Code of Virginia, permitting a locality to retain or collect the allowance for administrative costs when an owner or developer defaults on construction of facilities dedicated for public use, and maintained by the locality, the Commonwealth, or other public agency.

SENATE BILL 193 (SENATOR MILLER): FREEDOM OF INFORMATION ACT; EXEMPTION FOR CELL PHONE NUMBERS FOR EMS PERSONNEL AND FIREFIGHTERS

This Act amends section 2.2-3705.2 of the Code of Virginia, which excludes information from the Freedom of Information Act. This is now expanded to include records of salaried or volunteer Fire/EMS company or department, if they disclose telephone numbers for cell phones, pagers, etc. provided to personnel for use in the performance of official duties.

SENATE BILL 209 (SENATOR BARKER): HOV LANES; EXTENDS SUNSET PROVISION ON USE BY VEHICLES WITH CLEAN SPECIAL FUEL LICENSE PLATES

This bill amends section 33.1-46.2 and 46.2-749.3 of the Code of Virginia by removing the sunset provision set to expire on July 1, 2012. Additionally the bill instructs the Commissioner of Highways to provide an annual report on the use of HOV facilities by clean special fuel license plates.

SENATE BILL 217 (SENATOR BARKER): PUBLIC SCHOOLS; RESIDENCY OF CHILDREN IN KINSHIP CARE

This bill amends section 22.1-3 of the Code of Virginia, relating to determining residency of public school students. The Act allows a child who is receiving temporary kinship care from a close relative to enroll in the school division where the care provider resides. It also allows local school divisions to require one legal parent and the care provider to sign affidavits that detail the care arrangement as well as a power of attorney authorizing the close relative to make educational decisions regarding the child. If the arrangement lasts more than one year, a school division may require continued verification from one or both departments of social services as to why the parents are unable to care for the person and that the care arrangement serves a legitimate purpose other than school enrollment.

This bill was vetoed by the Governor.

SENATE BILL 227 (SENATOR HERRING): STORMWATER SERVICE DISTRICT; ALLOCATION OF REVENUES

This bill adds a section numbered 15.2-2403.3 to the Code of Virginia, permitting any town located within a stormwater service district to retain any revenues collected by the service district. In order to qualify, the town must maintain its own MS4 permit or maintains its own stormwater service district.

SENATE BILL 231 (SENATOR HERRING): TAXICABS; LOCAL REGULATION

This bill amends section 46.2-2067 of the Code of Virginia to remove the power from local governments such as counties, towns, and cities to reduce the number of taxicabs for any reason other than non-use or cause, which the section also defines.

This bill is identical to House Bill 865 (Delegate Rust).

SENATE BILL 239 (SENATOR STUART): CHILD ABUSE AND NEGLECT; MANDATORY REPORTING, PENALTIES

This bill amends section 63.2-1509 of the Code of Virginia and requires that “any person employed by a public or private institution of higher education other than an attorney...as it relates to information gathered in the course of providing legal representation to a client” must report any suspected child abuse or neglect immediately. This bill also raises a fine to \$1,000 for anyone who fails to file a report “as soon as possible, but not longer than 24 hours after having reason to suspect a reportable offense...” A person who “knowingly or intentionally” fails to make a report in certain instances can be guilty of a Class 1 misdemeanor.

SENATE BILL 242 (SENATOR OBENSHAIN): PUBLIC PROCUREMENT; STATE AGENCY AGREEMENTS WITH LABOR ORGANIZATIONS

This bill adds a section numbered 2.2-4321.2 to the Code of Virginia. This section addresses contracts with state agencies for public works. The bill prohibits state agencies and construction managers acting on behalf of state agencies from requiring or prohibiting bidders to enter into or adhere to agreements with labor organizations, or discriminate against bidders for “becoming, refusing to become, or remaining signatories or otherwise adhere to agreements with labor organizations” on public work projects.

Senate Bill 242 is identical to House Bill 33 (Delegate Comstock).

SENATE BILL 245 (SENATOR OBENSHAIN): EMERGENCY SERVICES AND DISASTERS LAW; CONSTITUTIONAL RIGHTS OF CITIZENS TO KEEP & BEAR ARMS

This bill amends section 44-146.15 of the Code of Virginia relating to emergency services and disasters. This bill clarifies that this chapter is not to be used to empower the government to prohibit the right to carry and transport firearms lawfully, in addition to lawful possession, sale and transport of firearms.

Senate Bill 245 is identical to House Bill 20 (Delegate Wilt).

SENATE BILL 250 (SENATOR OBENSHAIN): SMALL, WOMEN-OWNED, AND MINORITY-OWNED BUSINESS; ENHANCEMENTS OR REMEDIAL MEASURES

This Act amends section 2.2-4310 of the Code of Virginia, which prohibits discrimination of small, women-, minority-, and service disabled veteran-owned business. This amendment would keep these particular businesses from subcontracting more than 60 percent of the work to non-minority (see above) businesses.

This bill was left in Appropriations.

SENATE BILL 262 (SENATOR EBBIN): MICROENTERPRISE INVESTMENT GRANT FUND AND PROGRAM; CREATED

This Act adds sections numbered 2.2-904.3 and 2.2-904.4 to the Code of Virginia, which create the Microenterprise Investment Grant Program which creates a fund for microenterprises (a business with 10 or fewer employees and is not primarily engaged in real estate, professional services, or financial services).

This bill was left in General Laws.

SENATE BILL 283 (SENATOR SMITH): ILLEGAL VOTING AND REGISTRATIONS; PROHIBITING AGAINST VOTING MORE THAN ONCE

This bill amends section 24.2-1004 of the Code of Virginia by including language clarifying that that the prohibition against voting multiple times does not apply to absentee votes casting both a state ballot and a write-in absentee ballot.

Senate Bill 283 is identical to House Bill 60 (Delegate Cole).

SENATE BILL 293 (SENATOR LUCAS): DCJS; PROVIDES MINIMUM TRAINING STANDARDS FOR JUVENILE CORRECTIONAL OFFICERS

This bill amends section 9.1-102 of the Code of Virginia relating to the Department and the Board of Criminal Justice Services and the minimum training standards for juvenile correctional officers. This bill requires a minimum time required for training and adds juvenile correctional officers employed at a juvenile correctional facility, defined in section 66-25.3, to the list of persons that require training.

This bill is identical to House Bill 273 (Delegate Peace).

SENATE BILL 299 (SENATOR HOWELL): KINSHIP FOSTER CARE PLACEMENTS; COMMISSIONER OF SOCIAL SERVICES MAY GRANT A VARIANCE FROM REQUIREMENT

This bill amends section 63.2-900.1 and 63.2-901.1 of the Code of Virginia by allowing the Commissioner of Social Services to grant a variance from requirements governing approval of kinship foster care placements where the requirement would impose a substantial hardship on the kinship foster care provider and the variance would not adversely affect the safety and wellbeing of the child being placed. The bill also permits child placing agencies or local boards to approve individuals as kinship foster care parents even if they have been convicted of arson, or felony possession of drugs (but not possession with an intent to distribute), so long as the at least ten years have elapsed since their most recent conviction for one of these felonies.

SENATE BILL 308 (SENATOR BLEVINS): BUSINESS LICENSE OR LAND USE AUTHORIZATION, LOCAL; CONDITIONS OF ISSUANCE

This bill amends and reenacts sections 15.2-2286 and 58.1-3700 of the Code of Virginia, providing an authorizing body to require applicants for special use permits, variance, rezoning or other land disturbing permits, including building permits and erosion and sediment control permits to pay any delinquent real estate taxes, nuisance charges, stormwater management utility fees, and any other charges that constitute a lien on the property. These must be paid prior to the final approval of such permit.

This bill is identical to House Bill 842 (Delegate James).

SENATE BILL 344 (SENATOR MCDUGLE): SMALL BUSINESS INVESTMENT GRANT FUND; CREATED

This act adds section numbered 2.2-904.3 to the Code of Virginia which creates a grant fund for small business which will pay out 10% of qualified investment in a small business, if approved by the General Assembly. The bill provides for definitions of such terms as: small business, qualified investment and eligible investor. It also provides for methods in which a par-

ty may apply for such a grant and how such funds will be applied.

This Act is identical to House Bill 585 (Delegate Merricks).

SENATE BILL 348 (SENATOR MCWATERS): AGENCY EFFECTIVENESS REVIEW COMMISSION, ESTABLISHED, REPORT

This bill adds chapter 51 to Title 30 of the Code of Virginia which consists of sections 30-330 through 30-339. This bill provides that the Commission must consist of 11 members, 8 members from the legislature and 3 non-legislative members. This bill requires the Commission to make one of the listed recommendations to the General Assembly after each agency review. The Commission is an advisory commission to the legislative branch charged with reviewing agency effectiveness. The bill also sets policies and procedures such as the composition of the Commission, the number needed for a quorum, and a schedule of reviews.

SENATE BILL 349 (SENATOR MCWATERS): CHILD-PLACING AGENCY; SHALL NOT BE REQUIRED TO PARTICIPATE IN PLACEMENT OF CHILD FOR FOSTER CARE

This bill adds section 63.2-1709.3 to the Code of Virginia. It provides that “to the extent allowed by federal law, no private child-placing is required to perform, assist, counsel, recommend, consent to, refer, or participate in the placement of a child for foster care or adoption when the proposed placement would violate the agency’s moral convictions or policies.” The Commissioner is also prohibited under the bill from denying an application for an initial or renewal license to any private child-placing agency due to such agencies objections to a placement that violates its religious or moral convictions or policies. A state may also not withhold any grant or contract to any private child-placement agency based on the agency’s objection to a placement or policy that violates its written religious or moral convictions or policies.

This bill is identical to House Bill 189 (Delegate Gilbert).

SENATE BILL 363 (SENATOR DEEDS): VIRGINIA CHILD PROTECTION ACCOUNTABILITY SYSTEM; REPORTING OF CERTAIN INFORMATION BY VCSC, ETC.

This bill amends section 63.2-1530 of the Code of Virginia, which regulates the Virginia Child Protection Accountability System. Senate Bill 363 adds the requirements that certain information be included in the system and made available to the public. The bill requires information on sentences imposed for various offenses, such as the name of the sentencing judge, the offense or offenses for which the sentence was imposed, the age of the offender, the relationship of the victim and the offender, and other such information. Senate Bill 363 also requires certain information from the Supreme Court of Virginia regarding Juvenile and Domestic Relations Courts' Case Management System. This includes children alleged to be abused and neglected, the number of cases in which an emergency removal order was filed, and other similar information.

This bill is identical to House Bill 897 (Delegate Albo).

SENATE BILL 364 (SENATOR DEEDS): TOWING; ALLOWS POLICE-REQUESTED TOWING TO BE INITIATED BY EMPLOYEES AUTHORIZED BY LOCAL AGENCY

This bill amends sections 46.2-1209, 46.2-1211, 46.2-1212, 46.2-1213, and 46.2-1215 of the Code of Virginia to include the persons authorized to initiate police-requested towing to include any uniformed law enforcement officer who has been authorized by a local law enforcement agency.

SENATE BILL 367 (SENATOR DEEDS): CONFLICT OF INTERESTS ACT, STATE AND LOCAL GOVERNMENT; DEFINITION OF PERSONAL INTEREST IN A TRANSACTION

This bill amends section 2.2-3101 of the Code of Virginia. This bill clarifies the definition of a "personal interest in a transaction." The bill provides that where an officer, employee, or elected member of a local governing body is appointed to serve on a governmental agency, and the personal interest in a transaction of the agency is the result of "salary, other compensation, fringe benefits, or benefits provided to the local governing body to

the employee or elected member, or a member of his immediate family,” this does not qualify as personal interest in a transaction.

**SENATE BILL 385 (SENATOR MCEACHIN): CANDIDATE
CAMPAIGN COMMITTEES; PROHIBIT INTEREST PAYMENTS
ON CERTAIN LOANS, PENALTY**

This bill adds a section numbered 24.2-947.4:1 to the Code of Virginia, providing that campaign committees are prohibited from paying interest on loans to the committee made by the candidate or his immediate family. Any person who accepts or makes an interest payment will be penalized the larger amount of \$500 or the amount of the prohibited interest payment.

**SENATE BILL 396 (SENATOR HANGER): COMPREHENSIVE
SERVICES FOR AT-RISK YOUTH AND FAMILIES, STATE
EXECUTIVE COUNCIL FOR; MEMBERSHIP**

This bill amends section 2.2-2648 of the Code of Virginia, and increases the number of local government representatives in the State Executive Council for Comprehensive Services for At-Risk Youth and Families from three to five. Alternates may also be designated and vote on behalf of local government representatives.

This bill is identical to House Bill 135 (Delegate Kilgore).

**SENATE BILL 398 (SENATOR HANGER): ALCOHOLIC
BEVERAGE CONTROL; OUTDOOR ADVERTISING
REGULATIONS, ETC.**

This bill amends sections 4.1-111, 4.1-320, 33.1-371.1, and 33.1-375 of the Code of Virginia by clarifying the minimum distance requirement for outdoor advertising of alcoholic beverages near a church, synagogue, mosque, or other place of religious worship, a public, private, or parochial school, college, or university, a public or private playground, or a dwelling used for residential use. This bill also sets out penalties for violating this minimum distance requirement as well as permitting the board to

grant variances. The bill also provides that the minimum distance requirements do not apply to signs included in the Integrated Directional Sign Program administered by the Virginia Department of Transportation.

This bill is identical to House Bill 471 (Delegate Albo).

SENATE BILL 406 (SENATOR HANGER): ALCOHOLIC BEVERAGES; UNLAWFUL POSSESSION

This bill amends section 4.1-305 of the Code of Virginia to provide that underage buyers may purchase alcoholic beverages when acting for law enforcement officers in the performance of their duties.

This bill is identical to House Bill 1091 (Delegate O'Bannon).

SENATE BILL 407 (SENATOR HANGER): EROSION & SEDIMENT CONTROL, STORMWATER, & CHESAPEAKE BAY PRESERVATION ACTS; INTEGRATION OF PROGRAMS

This bill amends sections 10.1-556 through 10.1-571, 10.1-603.2, 10.1-603.2:1 through 10.1-603.8:1, 10.1-603.11 through 10.1-603.12:4, 10.1-603.12:6, 10.1-603.12:7, 10.1-603.13, 10.1-603.14, 10.1-603.14:1, 10.1-603.15, 10.1-659, 10.1-2101, 10.1-2106, 10.1-2107, 10.1-2129, and 62.1-195.1, adds sections numbered 10.1-566.2, 10.1-603.4:2, and 10.1-2104.1, and repeals sections 10.1-572, 10.1-573, 10.1-603.9, 10.1-2102, and 10.1-2112 to the Code of Virginia. This bill's amendments, additions, and repealed sections work to integrate elements of the Erosion and Sediment Control Act, the Stormwater Act, and the Chesapeake Bay Preservation Act to effect greater consistency and efficiency for those being regulated by these acts. In addition, this bill eliminates the Chesapeake Bay Local Assistance Board and relocates its responsibilities to the Virginia Soil and Water Conservation Board.

This bill is identical to House Bill 1065 (Delegate Sherwood).

**SENATE BILL 417 (SENATOR STANLEY): GRIEVANCE
PROCEDURE; ELIMINATES CERTAIN STEPS**

This bill amends sections 2.2-1001, 2.2-3003, 2.2-3004, 2.2-3006, and 51.1-124.13 of the Code of Virginia, eliminating steps in the State Grievance Procedure including sending appeals of terminations for formal discipline or unsatisfactory job performance directly to a hearing, bypassing the grievance resolution steps.

This bill is identical to House Bill 637 (Delegate Iaquinto).

**SENATE BILL 421 (SENATOR MARSDEN): MOTOR VEHICLE
DEALERS; RECOVERING TITLE**

This bill amends sections 46.2-618, 46.2-1527.1, 46.2-1527.2, and 46.2-1527.5 and adds a section numbered 46.2-654.1 to the Code of Virginia, granting a new method of recovery for someone who purchases a vehicle from someone who does not have title to it if a court finds that the petitioner has superior title than that of the person with the title. This bill will also allow said petitioners to receive a temporary registration, who would be unable to do so without said title.

**SENATE BILL 433 (SENATORS REEVES & PULLER):
VETERANS; DETERMINATION OF STATUS OF UNCLAIMED
CREMAINS**

This bill amends section 54.1-2808.1 of the Code of Virginia, which regulates the disposition of cremains of veterans. The bill lengthens the amount of time that must pass from 90 days to 120 days before a funeral director may dispose of cremains that have not been claimed. Furthermore, if after ninety days no one has claimed cremains, the funeral director must provide the names and other identifying information of the unclaimed cremains to the Department of Veterans Services. The Department then has 30 days to notify the funeral director of receipt of such information and if a veteran, whether or not the veteran is eligible for burial in a veterans' cemetery.

**SENATE BILL 448 (SENATOR VOGEL): CHILD ABUSE;
INCREASES REPORTING PERIOD BY HEALTH CARE
PROVIDERS ON SUBSTANCE EXPOSED INFANTS**

This bill amends sections 16.1-241.3 and 63.2-1509 of the Code of Virginia. Section 16.1-241.3 regulates newborn children with regard to substance abuse. Senate Bill 448 eliminates the requirement that a petition must be filed within 21 days of the birth of a child for an investigation for suspected abuse or neglect. Section 63.2-1509 regulates who must report certain injuries to children. Senate Bill 448 changes the language from “physician” to “health care provider” and lengthens the amount of time for a finding to be made from seven days after birth to up to six weeks after the birth of the child. Thus, under new law there is more time for a health care provider to determine if there has been abuse or neglect.

This bill is identical to House Bill 507 (Delegate Garrett).

**SENATE BILL 450 (SENATOR VOGEL): CHEMOTHERAPY;
REQUIREMENTS FOR ORALLY ADMINISTERED CANCER
DRUGS**

This bill amends sections 38.2-4214 and 38.2-4319 and adds a section numbered 38.2-3407.18 to the Code of Virginia. This bill requires insurers, corporations providing insurance, and health maintenance organizations providing health care plans to apply cost sharing procedures consistently for oral and intravenous cancer chemotherapy drugs. This new section does not apply to short term insurance, accident or disease specific insurance, or coverage provided by Medicare. This provision does apply to health coverage provided for state employees and their descendants.

This bill is identical to House Bill 1273 (Delegate Peace).

**SENATE BILL 461 (SENATOR GARRETT): SEXUALLY
VIOLENT PREDATORS; CONDUCTING PROBABLE CAUSE
HEARING**

This bill amends sections 37.2-906 and 37.2-915 of the Code of Virginia, relating to commitment of sexually violent predators, probable cause hearings, and the use of video and audio communication systems.

The Act states that any probable cause hearing or proceeding for those sexually violent predators who should be civilly committed done under this section may be conducted using a two-way electronic video and audio communication system to provide for the appearance of any parties and witnesses.

This bill is identical to House Bill 944 (Delegate Villanueva).

**SENATE BILL 464 (SENATOR NORTHAM): HUNTING;
ALLOWS PERSON TO HUNT WILD BIRD OR WILD ANIMAL
ON SUNDAYS, EXCEPTIONS**

This bill would have amended sections 29.1-521, 29.1-521.1, and 29.1-553 of the Code of Virginia, allowing hunting of wild birds and animals on Sundays under certain limited conditions.

This bill was left in Agriculture, Chesapeake and Natural Resources.

**SENATE BILL 472 (SENATOR LOCKE): COMMON INTEREST
COMMUNITY BOARD; AUTHORIZED TO TERMINATE
INACTIVE CONDOMINIUM, ETC., REGISTRATIONS**

This bill amends sections 54.1-2349, 55-79.93, 55-79.93:1, 55-394.1, 55-504.1, 55-516.1, and 55-530 and adds sections numbered 55-77.93:2 and 55-394.2 to the Code of Virginia. This bill authorizes the Common Interest Community Board to administratively terminate the registration of a condominium where the declarant has not filed an annual report for three or more consecutive years, or the declarant's registration with the State Corporation Commission has not been active for five or more consecutive years.

This bill is identical to House Bill 1219 (Delegate Fariss).

**SENATE BILL 485 (SENATOR MCWATERS): ALTERNATIVE
FUEL VEHICLE CONVERSION FUND; ESTABLISHED**

This bill adds a section numbered 2.2-1176.1 to the Code of Virginia establishing the Alternative Fuel Vehicle Conversion Fund in the state

treasury. This fund, consisting of money appropriated by the general assembly, donations and grants, will be used solely for the purposes of assisting state agencies with the incremental cost of state-owned alternative fuel vehicles.

SENATE BILL 499 (SENATOR WATKINS): HEALTH PLAN, STATE; MAKES CHANGES TO APPEALS PROCESS FOR COMPLAINTS

This bill amends section 2.2-2818 of the Code of Virginia by updating the appeals process for the state health plan to conform Virginia law to federal rules and regulations governing nonfederal, self-insured governmental health plans.

This bill is identical to House Bill 715 (Delegate Kilgore).

SENATE BILL 504 (SENATOR WAGNER): AIR QUALITY, WATER QUALITY OR SOLID WASTE PERMITS; FACILITIES UPGRADING AND REQUIRING NEW PERMIT

This bill amends sections 10.1-1322, 10.1-1408.1, and 62.1-44.15 of the Code of Virginia, allowing “operators of facilities that hold air quality, solid waste, or water quality permits to install new technology, equipment, or apparatus” without applying for a new permit, or having to modify or amend an existing permit if the operator can prove that the addition will result in enhanced energy efficiency, will reduce the emissions of regulated air pollutants, and meets the requirements of Best Available Control Technology. Proof of these enhancements should be provided by the operator not later than thirty days prior to commencing construction.

SENATE BILL 507 (SENATOR WAGNER): REAL ESTATE APPRAISER BOARD; SHALL DEVELOP CONTINUING EDUCATION CURRICULUM FOR LICENSEES, REPORT

This bill amends section 54.1-2014 of the Code of Virginia and directs the Real Estate Appraiser Board to develop a continuing education

curriculum for licensees that includes education on the effects of the use of energy efficiency and renewable energy equipment for determining the fair market value of non-income-producing residential real estate. The Board is ordered to report its findings by November 1, 2012.

This bill is identical to House Bill 433 (Delegate Tata).

SENATE BILL 515 (SENATOR WAGNER): ALCOHOLIC BEVERAGE CONTROL; NO RETAIL LICENSEE SHALL EMPLOY AS MANAGER ANY UNAUTHORIZED ALIEN

This bill adds a section numbered 4.1-203.1 to the Code of Virginia providing that Alcoholic Beverage Control Board may suspend or revoke an alcohol license if it finds that the licensee has been convicted of employing unauthorized aliens on the licensed premise.

SENATE BILL 521 (SENATOR WAGNER): ALCOHOLIC BEVERAGE CONTROL; MIXED BEVERAGE LICENSE FOR CERTAIN MOTOR SPORTS FACILITIES

This bill amends sections 4.1-210, 4.1-123, and 4.1-233 of the Code of Virginia by creating an “annual mixed beverage motor sports facility license” for outdoor motor sports facilities that host a NASCAR national touring race.

This bill is identical to House Bill 555 (Delegate Albo).

SENATE BILL 523 (SENATOR HANGER): MINORITY BUSINESS ENTERPRISE, DEPARTMENT OF; CERTIFICATION OF EMPLOYMENT SERVICES ORGANIZATIONS

This bill amends sections 2.2-1401 and 2.2-1403 of the Code of Virginia by defining “employment services organization” as an organization that provides services to individuals with disabilities that has been approved by a Commission on Accreditation of Rehabilitation Facilities accredited vendor of the Department of Rehabilitative Services. It also allows the Department of Minority Business Enterprise to certify employment service organizations.

**SENATE BILL 527 (SENATOR GARRETT): VIRGINIA
PERSONNEL ACT; HIRING PREFERENCE IN STATE
EMPLOYMENT FOR MEMBERS OF NATIONAL GUARD**

This bill amends section 2.2-2903 of the Code of Virginia. This bill establishes a preference in state hiring for members of the Virginia National Guard though it would not effect a position that is limited to state employees or applicants who are veterans or former prisoners of war. This bill requires the Department of Human Resource Management to create rules to guide agencies on how to comply with the preference requirement.

**SENATE BILL 530 (SENATOR MARSDEN): COLLEGES, ETC.,
PROJECTS, CERTAIN; REQUIRED TO HOLD AT LEAST ONE
PUBLIC HEARING BEFORE UNDERTAKING**

This bill adds a section numbered 33.1-233:2:26 to the Code of Virginia which states that one public hearing is required before VDOT can begin a safety-related or congestion-management related project.

**SENATE BILL 539 (SENATOR PULLER): FORWARD ENERGY
PRICING; AUTHORIZES ANY PUBLIC BODY TO USE
MECHANISMS FOR BUDGET RISK REDUCTION**

This bill adds a section numbered 2.2-4329 to the Code of Virginia, relating to public procurement of energy and forward pricing mechanisms. This bill defines “forward pricing mechanism” as a contract that obligates a public body to buy or sell a quantity of energy at a future date at a set price, or an option to buy or sell the contract. Forward pricing mechanism transactions can only be made if they satisfy the following five qualifications: the quantity of energy affected by the mechanism does not exceed the estimated energy use for the public body for the same period, the period of the mechanism does not exceed 48 months, a separate account is established for operational energy for the public body, the public body develops written policies and procedures, and the public body establishes an oversight process.

This bill is identical to House Bill 211 (Delegate Miller).

**SENATE BILL 551 (SENATOR PULLER): REAL ESTATE TAX;
COUNTIES MAY ESTABLISH DISCOUNT FOR EARLY
PAYMENT OR PAYMENT IN FULL**

This legislation amends and reenacts sections 15.2-1104 and 15.2-1201.2 of the Code of Virginia, permitting counties to allow a discount for early payments of real property taxes in full on or before the due date of such a tax.

**SENATE BILL 556 (SENATOR MILLER): PAWNBROKERS;
HOLDING PERIOD FOR ANY PAWN OR PLEDGE ITEM IS
MINIMUM OF 30 DAYS PLUS GRACE PERIOD**

This act amends section 54.1-4005 of the Code of Virginia which states how long pawnbrokers must hold pawns before they can be sold. It makes a number of technical changes.

**SENATE BILL 565 (SENATOR MARTIN): UNIFORM
MILITARY AND OVERSEAS VOTERS ACT;
ADMINISTRATION OF ELECTION LAWS FOR MILITARY
VOTERS**

This bill amends sections 24.2-419, 24.2-444, 24.2-612, 24.2-700, 24.2-701, 24.2-702.1, 24.2-703, and 24.2-709, adds sections numbered 24.2-451 through 24.2-470, and repeals sections 24.2-440 through 24.2-443 and 24.2-443.1 through 24.2-443.4, of the Code of Virginia. This bill adopts the Uniform Military and Overseas Voters Act to increase efficiency and uniformity of election laws for military and overseas voters. This act sets out responsibilities for the Secretary of the State Board of Elections, such as developing standardized absentee voting materials, prescribing the form for the voters to declare their identity, and coordinating with other states to carry out the Uniform Military and Overseas Act. This Act also permits covered voters to use federal write-in absentee ballots to vote for all offices and ballot measures. The Uniform Military and Overseas Voters Act will be codified in sections 24.2-451 through 24.2-470 of the Code of Virginia.

SENATE BILL 594 (SENATOR FAVOLA): TOWNS; ALLOWED TO ACQUIRE LAND, NOT BY CONDEMNATION, WITHIN THEIR BOUNDARIES OR 3 MILES OUTSIDE

This legislation amends and reenacts section 15.2-1802 of the Code of Virginia, permitting cities and counties to acquire land within their boundaries. This land must be for the development of business and industry and may not be acquired through condemnation. Previously, only towns had this power.

SENATE BILL 603 (SENATOR MCWATERS): DRIVER'S LICENSES; ALLOWS SUSPENSION OF OR REFUSAL TO RENEW OF PRISONERS WHO DO NOT PAY FEES

This bill amends sections 46.2-320 and 63.2-1941 and adds sections numbered 46.2-320.1, 46.2-320.2, 53.1-127.3, 53.1-127.4, and 53.1-127.5 to the Code of Virginia, and provides that persons who are delinquent in their fees to correctional facilities to offset the cost of their stay may have their driver's license suspended or their renewal refused. Persons whose driver's license was suspended or refused to renew may petition the district court for a one-year restricted permit.

SENATE BILL 620 (SENATOR PETERSEN): FEDERAL GOVERNMENT CONTRACTOR GRANT FUND AND PROGRAM; CREATED & ESTABLISHED FOR CERTAIN BUSINESSES

This act adds sections 2.2-904.3 and 2.2-904.4 to the Code of Virginia, which creates the Federal Government Contractor Grant Fund. This fund assists federal contractors (who meet the minimum threshold of 250 employees) who subcontract with small minority-owned, woman-owned, or veteran-owned businesses to perform federal work.

This bill was left in the General Laws.

**SENATE BILL 627 (SENATOR PETERSEN): SOLAR PANELS;
RESTRICTION BY COMMUNITY ASSOCIATIONS**

This act amends section 67-701 of the Code of Virginia, which clarifies the ability of community associations to restrict aspects of solar panels.

**SENATE BILL 628 (SENATOR HERRING): VIRGINIA
PROPERTY OWNERS' ASSOCIATION ACT; LIMITATION ON
CERTAIN CONTRACTS AND LEASES BY DECLARANT**

This bill amends section 55-509.2 and adds section 55-509.1:1 to the Code of Virginia, relating to the Property Owners' Association Act and limitation on certain contracts and leases by declarant. This bill limits management contracts and employment contracts entered into during the period of declarant control to five years. Also any management or employment contract entered into on or after July 1, 2012 can be terminated by the owner's association or its board of directors 60 days after the period of declarant control so long as at least 90 days of written notice is provided. It also provides what the written notice must entail.

**SENATE BILL 629 (SENATOR DEEDS): SANITATION
DISTRICTS; COMMISSION EXPENSES**

This legislation amends and reenacts section 21-239 of the Code of Virginia, permitting members of the commission for sanitation districts to receive a reasonable per diem as determined by the commission for each day or portion thereof that they are engaged in such duties for the commission with a cap of \$1,500. Members of the commission receive no salary.

This bill was vetoed by the Governor.

**SENATE BILL 653 (SENATOR NEWMAN): LOCALITIES;
EMINENT DOMAIN**

This legislation amends and reenacts section 15.2-1902 of the Code of Virginia, providing that lands may be condemned for the installation of

electric utility lines or telephone lines.

**SENATE BILL 660 (SENATOR BLEVINS): VITAL RECORDS;
RECORDS OF PUBLIC INFORMATION SHALL BE TURNED
OVER TO THE LIBRARY OF VA. FOR SAFEKEEPING**

This bill amends section 32.1-271 of the Code of Virginia which regulates the disclosure of information in records and when records are made public. It provides that 25 years after the date of an annulment, marriage, divorce, or death these records shall become public information unless precluded by state law, court order, or police request. The Library of Virginia will be the custodian of this information.

**SENATE BILL 662 (SENATOR SMITH): WATERWORKS &
WASTEWATER WORKS OPERATORS & ONSITE SEWAGE
SYSTEM PROFESSIONALS, BOARD FOR; LICENSURE**

This bill amends section 54.1-2301 of the Code of Virginia by providing that the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professions cannot require applicants for a license as a conventional onsite sewage system installer to pass an exam if the applicant can demonstrate that he has actively performed the duties of a conventional onsite sewage system installer for at least eight of the twelve most recent years.

**SENATE BILL 663 (SENATOR SMITH): VOTER
IDENTIFICATION REQUIREMENTS; CONCEALED HANDGUN
PERMITS AS ACCEPTABLE FORM OF IDENTIFICATION**

This bill amends sections 24.2-643 and 24.2-651.1 of the Code of Virginia by providing that a concealed handgun permit is an acceptable form of voter identification.

SENATE BILL 674 (SENATOR STANLEY): DEATH BY WRONGFUL ACT; WHENEVER FETAL DEATH, NATURAL MOTHER MAY BRING AN ACTION AGAINST PERSON, ETC.

This bill amends section 8.01-50 of the Code of Virginia, relating to action for death by wrongful act; fetal death. The Act creates a cause of action for whenever a fetal death is caused by the wrongful act, neglect, or default of any person, ship, vessel, or corporation. It allows the natural mother of the fetus to bring an action against the tortfeasor. It states that the action shall be brought by and in the name of the natural mother. If the natural mother dies or becomes incapable of bringing the action, the Act provides that the action may be initiated or maintained by the administrator of the natural mother's estate. The Act provides that no cause of action exists for a fetal death against the natural mother of the fetus.

SENATE BILL 678 (SENATOR MCDOUGLE): GOVERNOR'S REORGANIZATION OF EXECUTIVE BRANCH OF STATE GOVERNMENT

This bill reorganizes the executive branch of state government. This bill contains many technical amendments to accomplish this reorganization.

This bill eliminates the Interagency Dispute Resolution Advisory Council, the Virginia Public Buildings Board, the Virginia Council on Human Resources, the Small Business Advisory Board, the Virginia National Defense Industrial Authority, the Hemophilia Advisory Board, the Boating Advisory Committee, the Council on Indians, the Foundation for Virginia's Natural Resources, the Department of Correctional Education, the Virginia Juvenile Enterprise Committee, and the Board of Transportation Safety.

This bill moves part of the duties of the Department of Agriculture and Consumer Services to the Office of the Attorney General, from the Department of Social Services to the Department for Aging and Rehabilitative Services, from the Department of Environmental Quality to the Department of Conservation and Recreation, from the Virginia Soil and Water Conservation Board to the State Water Control Board, from the Governor to the Alcoholic Beverage Control Board

This bill transfers all or part of its responsibility from the Commonwealth Competition Council to the Department of Planning and Budget,

from the Department of Employment Dispute Resolution to the Department of Human Resource Management, from the Human Rights Council to the Council to the Office of the Attorney General, from the Reforestation Board to the Board of Forestry, from the Seed Potato Board to the Potato Board, from the Pesticide Control Board to the Board of Agriculture and Consumer Services, from the Board of Surface Mining Review to the Department of Mines, Minerals and Energy, from the Board of Mineral Mining Examiners to the Department of Mines Minerals and Energy, from the Virginia Public Broadcasting Board to the Board of Education, from the Department for the Aging and Department of Rehabilitative Services to the Department for Aging and Rehabilitative Services, from the Advisory Board on Child Abuse and Neglect to the Board of Trustees of the Family and Children's Trust Fund, from the State Health Department Sewage Handling and Disposal Review Board to the State Health Commissioner, from the Child Day-Care Council to the State Board of Social Services, from the Chippokes Plantation Farm Foundation to the Department of Conservation and Recreation, from the Virginia Scenic River Board to the Board of Conservation and Recreation, from the Board of Towing and Recovery Operators to the Department of State Police and the Department of Motor Vehicles, and from the Virginia War Memorial Foundation to the Virginia War Memorial Board.

This bill merges the Bright Flue-Cured with the Dark-Fired Tobacco Boards, the Board for Hearing Aid Specialists with the Board of Opticians, and the Board for Professional Soil Scientists and Wetland Professionals with the Board for Geology. This bill deregulates hair braiders and hair braiding schools and salons, as well as mold remediators and mold inspectors.

**SENATE BILL 679 (SENATOR NEWMAN): STATE
MANDATES; ELIMINATING ON LOCAL AND REGIONAL
GOVERNMENT ENTITIES RELATING TO EDUCATION, ETC.**

This bill amends sections 2.2-1124, 2.2-4303, 2.2-4343, 5.1-40, 15.2-968.1, 15.2-1643, 15.2-2223.1, 22.1-18.1, 22.1-92, 22.1-129, 22.1-275.1, 37.2-504, 37.2-508, 42.1-36.1, and 51.5-89 of the Code of Virginia, by changing and eliminating a number of statewide mandates on local and regional government entities in the areas of land use, public procurement, and education. With respect to land use, this bill: (i) eliminates the VDOT approval requirement for red light locations, (ii) eliminates the ability of circuit courts to require that additional or replacement courthouses be con-

structed, (iii) eliminates the requirement that political subdivisions or licensed public use airports obtain approval for the Virginia Department of Aviation when leasing land for landing or starting airplanes, replacing it with a requirement that the political subdivision or licensed public use airport certifies that the lease meets the terms and provisions of any and all state and federal grants. In the area of public procurement, this bill allows local public bodies to establish procedures not requiring competitive bidding for contracts for professional services if the sum of all the phases is expected to be below \$60,000. In the area of education, this bill: (i) eliminates the requirement that each school board appoint a local advisory committee on gifted education, (ii) eliminates the requirement that the division superintendents notify each incoming student's parent or guardian of the estimate average per pupil cost for public education in that school division, (iii) removes the requirement that when school boards must put any proceeds retained into a capital improvement fund from a sale of surplus property and (iv) removes the requirement that schools establish a school health advisory board.

This bill is identical to House Bill 1295 (Delegate Byron).

HOUSE JOINT RESOLUTION

HOUSE JOINT RESOLUTION 3 (DELEGATE BELL): CONSTITUTIONAL AMENDMENT; TAKING OR DAMAGING PRIVATE PROPERTY FOR PUBLIC USE

This bill amends the Due Process Clause of the Constitution of Virginia relating to the taking or damaging of private property. The bill provides that the General Assembly cannot pass any law allowing private property to be taken or damaged with a public use exception. The bill also provides that when land is taken for public use, the government cannot take any more than is needed to achieve the stated public use, and the owners are entitled to just compensation, which the bill states shall be no less than the value of the property taken, lost profits and lost access, and damages to the residue caused by the taking. The bill includes in public use the use of eminent domain by a public service company, a public service corporation, or railroad when exercising authorized provisions of the utility.

HOUSE JOINT RESOLUTION 49 (DELEGATE GILBERT): GOVERNOR'S EXECUTIVE REORGANIZATION PLAN; APPROVAL BY EACH HOUSE OF GENERAL ASSEMBLY

This resolution sets out the Governor's executive reorganization plan dated November 25, 2011, for approval by each house of the General Assembly and subject to the enactment of a bill by the 2012 Session of the General Assembly. The resolution sets out the pertinent details of the plan.

This resolution was passed by both houses of the legislature but was not signed or vetoed by the Governor.

2012]

2012 NOTABLE BILLS

205

**HOUSE JOINT RESOLUTION 138 (DELEGATE ENGLIN):
CONSTITUTIONAL AMENDMENT; GENERAL ASSEMBLY TO
DELAY RECONVENED SESSION (SECOND REFERENCE)**

This bill amends Article IV, Section 6 of the Constitution of Virginia and permits the General Assembly, by a joint resolution during a regular or special session by the majority of each house, to reconvene on a date after the sixth Wednesday after adjournment of the regular or special session but no later than the seventh Wednesday after adjournment.

SENATE JOINT RESOLUTION

SENATE JOINT RESOLUTION 3 (SENATOR OBENSHAIN): CONSTITUTIONAL AMENDMENT; TAKING OR DAMAGING OF PRIVATE PROPERTY FOR PUBLIC USE (SECOND REFERENCE)

This bill amends the Due Process Clause of the Constitution of Virginia relating to the taking or damaging of private property. The bill provides that the General Assembly cannot pass any law allowing private property to be taken or damaged, except for public use. The bill also provides that the government cannot take more land than is needed to achieve the stated public use, and the owners are entitled to just compensation, which must be no less than the value of the property taken, lost profits and lost access, and damages to the residue caused by the taking. The bill includes in public use the use of eminent domain by a public service company, a public service corporation, or railroad when exercising authorized provisions of the utility. If the primary use is for private gain, private benefit, private enterprise, increasing jobs, increasing tax revenue, or economic development, the use does not qualify as “public use”. The bill further provides that the condemnor bear the burden of proving that the use is public, and that there will be no presumption that the condemnor’s use is “public use”.

This bill incorporates Senate Joint Resolution 67 (Senator McDougle) and Senate Joint Resolution 117 (Senator Deeds).

SENATE JOINT RESOLUTION 15 (SENATOR WATKINS): ELECTRONIC IDENTITY CREDENTIALS; JCOTS TO STUDY AND DETERMINE POSSIBLE LIABILITY CONCERNS THEREWITH

This bill directs the Joint Commission on Technology and Science to study electronic identity credentials. The Commission is instructed to identify uses of electronic identity credentials, the appropriate role the Commonwealth should play in issuing such credentials, policies for use and distribution of electronic identity credentials, and any potential liability concerns arising from private entities issuing such credentials. Technical

2012]

2012 NOTABLE BILLS

207

assistance to JCOTS will be provided by the Division of Legislative Services with all other agencies providing assistance upon request.

SENATE JOINT RESOLUTION 52 (SENATOR EBBIN): HIGH CAPACITY TRANSIT; TRANSPORTATION BOARD TO MAKE PRIORITY FOR FUNDING BY STATE

This bill requests the Commonwealth Transportation Board to make high capacity transit services in the Northern Virginia and Hampton Roads area a priority for funding by the Commonwealth. Furthermore, the Commonwealth should assist these areas in providing high capacity transit systems, thereby reducing the need to build more roads.

This bill was passed by indefinitely in Senate Rules by voice vote.

SENATE JOINT RESOLUTION 66 (SENATOR MCDUGLE): GOVERNOR'S EXECUTIVE REORGANIZATION PLAN; APPROVAL BY EACH HOUSE OF GENERAL ASSEMBLY

This resolution sets out the Governor's executive reorganization plan dated November 25, 2011, for approval by each house of the General Assembly. The resolution sets out the pertinent details of the plan. This resolution was passed by both houses of the legislature but was not signed into law or vetoed by the Governor.

