



YEAS & NAYS REPORT

**A Summary of
Legislation**

2001 General Assembly Session



Richmond Regional Planning District Commission
2104 West Laburnum Avenue, Suite 101
Richmond, Virginia 23227
Phone: (804) 358-3684
Fax: (804) 358-5386
www.richmondregional.org

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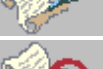

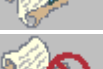







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





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





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







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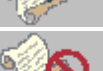




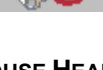
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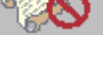
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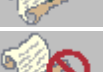
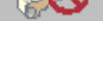
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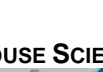
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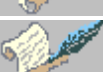


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













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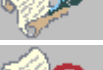


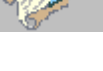
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BUDGET

The House of Delegates and Virginia Senate left Richmond in February without completing work on amendments to the two-year, \$50 billion budget. Lawmakers have been trying to arrange for a special session, but Governor Gilmore has replied that when both houses of the legislature can assure him they're close to agreement on the budget, he'll call them back into session. As of this date (April 11), no special session has yet been called to address the budget impasse. It is possible that General Assembly members may vote for a special session soon, scheduling it for the week after Easter.

The impact to planning district commissions right now, prior to a special session:

The bottom line is that total state funding for PDCs is cut \$277,000 (10%) from the \$2.76 million provided for in the FY 00-01 Appropriations Act. As of this date, there is no mention of how this cut would be apportioned among the PDCs.

The impact to the Regional Competitiveness Act fund right now, prior to a special session:

The funding for the Regional Competitiveness Act fund is also cut \$1.1 million (10%). It does not affect this year's funding.

HOUSE AGRICULTURE



HB 1781 Governor's Development Opportunity Fund; use for transportation.

Summary as introduced:

Governor's Development Opportunity Fund. Requires that the guidelines and criteria developed by the Virginia Economic Development Partnership shall include provisions that give a priority to projects within existing enterprise zones or that promote concentration of development along existing transportation and transit corridors thereby encouraging a reduction in vehicle miles traveled within a region.

Patron: Baskerville



HB 2667 Siting of landfills.

Summary as passed:

Siting of landfills. Authorizes Mecklenburg County to construct a landfill closer to an existing water supply intake or reservoir than is currently allowed by law, if the Director of DEQ finds that the distance would not be detrimental to human health and the environment. The bill also provides that a new landfill in Mecklenburg County may be sited in a wetland. Currently, a landfill cannot be within five miles upgradient of any water supply intake or reservoir and cannot impact 1.25 acres or more of wetlands. This bill is identical to SB 1344 (Ruff).

Patrons: Wright, Blevins and Ingram

SENATE AGRICULTURE, CONSERVATION & NATURAL RESOURCES



SB 821 Expansion of the jurisdiction of Chesapeake Bay Preservation Act.

Summary as introduced:

Expansion of the jurisdiction of the Chesapeake Bay Preservation Act. Expands the coverage of the Chesapeake Bay Preservation Act from Tidewater Virginia to include all localities within the Chesapeake Bay watershed.

Patrons: Williams, Byrne, Lucas, Potts and Puckett; *Delegates:* Bloxom, Christian and Hargrove



SB 1063 Allocation of funds from the Virginia Land Conservation Fund.

Summary as introduced:

Allocation of funds from the Virginia Land Conservation Fund. Provides that the Virginia Land Conservation Foundation may make direct (rather than matching) grants from the Virginia Land Conservation

Fund to counties and municipalities. The bill eliminates the requirements that (i) a public body jointly hold an interest in land with a private holder where the holder acquires an interest in land as a result of a grant or transfer from the Foundation and (ii) a public body hold an open space easement whenever a private holder acquires a fee simple interest in land as a result of a grant or transfer from the Foundation. The bill also provides that 25 percent of the unrestricted funds in the Fund are to be distributed to the Open-Space Lands Preservation Trust Fund and that the remainder is to be distributed in a manner that the Board of Trustees of the Virginia Land Conservation Foundation deems most appropriate to bring about goals of the Fund.

Patron: Quayle



SB 1087 Chesapeake Bay 2000 agreement annual report.

Summary as passed:

Secretary of Natural Resources; Chesapeake Bay 2000 agreement annual report. Requires the Secretary of Natural Resources to submit an annual report on specific progress made toward implementing the provisions of the Chesapeake Bay 2000 agreement. Such report shall include, but not be limited to, a description of the programs, activities, and initiatives of state and local governments developed and implemented to meet each of the goals and commitments contained in the agreement and an assessment of projected state funding necessary to meet those goals and commitments.

Patron: Bolling



SB 1196 Allocation of funds from the Virginia Land Conservation Fund.

Summary as introduced:

Allocation of funds from the Virginia Land Conservation Fund. Provides that the Virginia Land Conservation Foundation may make direct (rather than matching) grants from the Virginia Land Conservation Fund to counties and municipalities. The bill eliminates the requirements that (i) a public body jointly hold an interest in land with a private holder where the holder acquires an interest in land as a result of a grant or transfer from the Foundation and (ii) a public body hold an open space easement whenever a private holder acquires a fee simple interest in land as a result of a grant or transfer from the Foundation. The bill also provides that 25 percent of the unrestricted funds in the Fund are to be distributed to the Open-Space Lands Preservation Trust Fund and that the remainder is to be distributed in a manner that the Board of Trustees of the Virginia Land Conservation Foundation deems most appropriate to bring about goals of the Fund.

Patron: Forbes



SB 1206 Preference for veterans for employment with the Commonwealth.

Summary as passed Senate:

Personnel administration; preference for veterans for employment with the Commonwealth. Provides for a preference for employment with the Commonwealth for veterans awarded the National Defense Medal. This medal is awarded to those who served during the Korean Conflict, the Vietnam War and the Persian Gulf War.

Patrons: Forbes, Martin and Rerras



SB 1243 Nontidal wetlands; effective date.

Summary as passed:

Nontidal wetlands; effective date. Advances the date on which the comprehensive nontidal wetlands regulations for linear transportation projects of the Virginia Department of Transportation become effective from October 1, 2001, to August 1, 2001. This bill is identical to HB 2292 (Cox).

Patron: Miller, K.G.



SB 1256 Chesapeake Bay Preservation Act; civil penalties.

Summary as introduced:

Civil penalties under the Chesapeake Bay Preservation Act; civil penalties. Provides that when a court finds that a person has violated a zoning, subdivision or other local ordinance related to Chesapeake Bay Preservation Areas or a final notice, order, regulation, variance or permit condition authorized under the ordinance, the order shall include, in addition to civil penalties, (i) reasonable expenses incurred by the local government in investigating and preparing the case and (ii) reasonable attorney's fees. An order issued by a locality that a person has committed such a violation shall also include the expenses incurred by the local government in investigating the violation and reasonable attorney's fees. These expenses and fees will not be ordered when the violator is the county, city or town itself or its agent.

Patron: Norment



SB 1272 Nontidal wetlands.

Summary as introduced:

Nontidal wetlands. Delays the date on which the more comprehensive nontidal regulatory program becomes effective from October 1, 2001, to October 1, 2002. The bill also requires that the regulations for this nontidal wetlands program be no more stringent than federal requirements.

Patron: Wagner



SB 1285 Discharges to state waters; notification required.

Summary as passed:

Discharges to state waters; notification required. Requires any person in violation of the provisions of subsection A of § 62.1-44.5 who discharges or causes or allows i) a discharge of sewage, industrial waste, other wastes, or any noxious or deleterious substance, into state waters, or ii) a discharge that may reasonably be expected to enter state waters, to promptly, or not later than 24 hours after learning of the discharge, notify the State Water Control Board, the Director of the Department of Environmental Quality, or the coordinator of emergency services for the locality expected to be affected by such discharge. Those who violate the notice requirement will be subject to the penalty provisions of the State Water Control Law. Under current law the notification requirement applies only to those persons required to obtain a discharge permit from the State Water Control Board. This bill is identical to HB 2601 (Nixon).

Patrons: Rerras and Mims



SB 1335 Siting of landfills.

Summary as introduced:

Siting of landfills. Reduces the distance that a new landfill must be separated from an existing ground water public water supply intake from five miles to two miles.

Patron: Lucas



SB 1344 Siting of landfills.

Summary as passed:

Siting of landfills. Authorizes Mecklenburg County to construct a landfill closer to an existing water supply intake or reservoir than is currently allowed by law, if the Director of DEQ finds that the distance would not be detrimental to human health and the environment. The bill also provides that a new landfill in Mecklenburg County may be sited in a wetland. Currently, a landfill cannot be within five miles upgradient of any water supply intake or reservoir and cannot impact 1.25 acres or more of wetlands. This bill is identical to HB 2667 (Wright).

Patron: Ruff



SB 1345 Drainage easements.

Summary as introduced:

Drainage easements. Requires the Virginia Department of Transportation to maintain highway drainage easements, both on and off highway right-of-way.

Patron: Reynolds

HOUSE APPROPRIATIONS



HB 1781 Governor's Development Opportunity Fund; use for transportation.

Summary as introduced:

Governor's Development Opportunity Fund. Requires that the guidelines and criteria developed by the Virginia Economic Development Partnership shall include provisions that give a priority to projects within existing enterprise zones or that promote concentration of development along existing transportation and transit corridors thereby encouraging a reduction in vehicle miles traveled within a region.

Patron: Baskerville



HB 1977 Salaries of instructional personnel.

Summary as introduced:

Salaries of instructional personnel. Provides that, effective in the 2002-2004 biennium, in determining the

statewide prevailing salary for instructional positions to be funded within the Standards of Quality, the Department of Education shall base such prevailing salaries on the actual salary paid to individual positions equivalent to positions required by the Standards of Quality and the actual number of such positions. For the purposes of these statewide prevailing salary calculations, "instructional positions" shall include those of elementary and secondary teachers, principals, assistant principals, instructional aides, counselors, and librarians.

Patrons: McClure and Blevins



HB 2180 Tobacco Indemnification & Community Revitalization Commission & Fund.

Summary as passed:

Tobacco Indemnification and Community Revitalization Commission. Amends the definition of active tobacco producer and quota holder and clarifies that obligations of the Tobacco Indemnification and Community Revitalization Commission shall not be a debt or grant or loan of credit of the Commonwealth. The bill also authorizes the Commission to make payments from the Tobacco Indemnification and Community Revitalization Fund to (i) quota holders to the extent such individuals are not being otherwise compensated by a federal loss assistance program based on substantially the same distribution criteria as established by the Commission, and (ii) tobacco dependent communities to assist in finding alternative uses for tobacco and tobacco-related business. Finally, the bill requires the Commission to appoint and employ an executive director and determine his compensation. The bill has an emergency enactment clause.

Patrons: Dudley, Bennett, Byron, Clement and Kilgore; *Senators:* Hawkins, Puckett and Ruff



HB 2181 Tobacco Indemnification & Community Revitalization Fund.

Summary as passed:

Tobacco Indemnification and Community Revitalization Commission; administration of indemnification and economic development payments. Provides that payments made to tobacco farmers from the Tobacco Indemnification and Community Revitalization Fund (Fund) shall not be transferable or assignable, except in certain circumstances. The bill also (i) prohibits grants, loans or other distributions paid from the Fund to promote economic growth and development from being subject to execution, levy, attachment, garnishment or other legal process, (ii) authorizes the Commission to recover payments erroneously made from the Fund, (iii) provides time limitations regarding applications for indemnification payments, and (iv) adds confidentiality provisions relating to certain personal and financial information provided to the Tobacco Indemnification and Community Revitalization Commission. The bill has an emergency enactment clause.

Patrons: Dudley, Bennett, Byron, Clement and Kilgore; *Senators:* Hawkins, Puckett and Ruff



HB 2818 Budget Bill; Governor's submission.

Summary as introduced:

Budget Bill; Governor's submission. Requires that the Governor include in his Budget Bill salary increases for all classes of employees (state employees, state-supported local employees, college faculty, and public school teachers) or not provide a salary increase for any such class.

Patrons: Watts, Almand, Amundson, Baskerville, Brink, Clement, Cranwell, Darner, Day, Deeds, Diamonstein, Joannou, Johnson, Keister, Melvin, Moran, Moss, Robinson, Scott, Shuler, Tate, Van LANDINGHAM, Van Yahres and Williams

HOUSE CHESAPEAKE AND ITS TRIBUTARIES



HB 2292 Nontidal wetlands; effective date.

Summary as passed:

Nontidal wetlands; effective date. Advances the date on which the comprehensive nontidal wetlands regulatory program becomes effective for linear transportation projects of the Virginia Department of Transportation from October 1, 2001, to August 1, 2001. This bill is identical to SB 1243 (Miller).

Patron: Cox



HB 2572 Nontidal wetland program.

A BILL to amend and reenact §§ 62.1-44.5, 62.1-44.15 and 62.1-44.15:5 of the Code of Virginia and to amend and reenact the third enactment of Chapters 1032 and 1054 of the Acts of Assembly of 2000, relating to the nontidal wetlands. 019216836

Summary as introduced:

Nontidal wetland program. Eliminates any duplication of state and federal permitting requirements for those activities covered by a federal nationwide or regional permit. Once the State Programmatic General Permit is approved by the U.S. Army Corps of Engineers, only a state permit will be required for activities in nontidal wetlands. The bill decreases the time that the State Water Control Board has to seek the State Programmatic General Permit from July 1, 2002, to July 1, 2001.

Patrons: McDonnell, Blevins, Drake, Purkey, Suit, Tata and Wardrup; *Senators:* Martin, Rerras, Stolle and Wagner



HB 2826 Condemnation of wetlands.

A BILL to amend and reenact § 25-232.01 of the Code of Virginia, relating to the condemnation of tidal and nontidal wetlands for the purposes of compensation for wetlands impacts. 014002890

Summary as introduced:

Condemnation of wetlands. Prohibits state government from compensating for the loss of wetlands by acquiring by condemnation wetlands that are located outside the U.S.G.S. hydrologic unit in which the wetlands loss occurs.

Patrons: Pollard, Deeds and Morgan

HOUSE & SENATE COMMERCE & LABOR



SB 896 Municipal electric utilities; restructuring.

An Act to amend and reenact § 56-580 of the Code of Virginia, relating to the transmission and distribution of electricity by municipal electric utilities.

Summary as passed:

Municipal electric utilities; restructuring. Clarifies that a municipal electric utility will not lose its exclusive territorial rights or exemption from the provisions of the Electric Utility Restructuring Act by selling or offering to sell electric energy to retail customers outside the area that it served on July 1, 1999, if the municipal utility's expansion of service into new areas is made pursuant to a franchise agreement between the municipality utility and the incumbent public utility that previously served the new areas.

Patron: Reynolds



SB 926 Telephone Solicitation Act.

A BILL to amend and reenact § 59.1-200 of the Code of Virginia and to amend the Code of Virginia by adding in Title 59.1 a chapter numbered 44, consisting of sections numbered 59.1-510 through 59.1-517, relating to the Virginia Telephone Solicitation Act; penalties. 015978406

Summary as introduced:

Virginia Telephone Solicitation Act. Prohibits telephone solicitors from making telephone solicitations to persons who register with the Office of Consumer Affairs in the Department of Agriculture and Consumer Services to be placed on a list of numbers of persons who do not wish to receive telephone solicitations. Listing on the registry requires a \$10 registration fee and a five-dollar annual renewal fee. Telephone solicitors may obtain a copy of the numbers on the list for a \$10 annual fee. Violations are subject to the enforcement provisions of the Virginia Consumer Protection Act. Telephone companies are to notify customers about the database and their rights under this Act.

Patrons: Byrne, Howell and Ticer; *Delegates:* Almand, Brink, Callahan and Plum



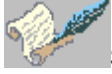
SB 1089 Underground Utility Damage Prevention Act.

A BILL to amend and reenact § 56-265.30 of the Code of Virginia, relating to the Underground Utility Damage Prevention Act; enforcement regulations. 010200404

Summary as introduced:

Underground Utility Damage Prevention Act. Prohibits the State Corporation Commission from promulgating regulations under the Underground Utility Damage Prevention Act that require any person to report any probable violation of the or any incident involving damage, dislocation, or disturbance of any utility line. This measure is a recommendation of the joint subcommittee studying the Underground Utility Damage Prevention Act.

Patron: Bolling



SB 1090 Underground Utility Damage Prevention Special Fund.

An Act to amend and reenact § 56-265.32 of the Code of Virginia, relating to the Underground Utility Damage Prevention Special Fund.

Summary as passed:

Underground Utility Damage Prevention Special Fund. Authorizes revenues collected through enforcement of the Underground Utility Damage Prevention Act, to the extent they exceed the costs of administering the program, to be used for training and education programs and for programs providing incentives for excavators, operators, line locators, and other persons. Currently such excess funds must be spent on public awareness programs. The State Corporation Commission is charged with allocating the excess funds among such programs. This measure is a recommendation of the joint subcommittee studying the Underground Utility Damage Prevention Act.

Patron: Bolling



SB 1124 Location of utility easements.

An Act to amend and reenact § 56-259 of the Code of Virginia, relating to the location of easements of public service corporations.

Summary as passed:

Location of utility easements. Authorizes the governing body of each locality in which a gas pipeline or electrical transmission line would be located to ask the State Corporation Commission to consider directing the joint use of right-of-way, in any case involving an application for a certificate of convenience and necessity for new facilities.

Patron: Edwards



SB 1130 Enterprise zone real property investment tax credit.

A BILL to amend and reenact § 59.1-280.1 of the Code of Virginia, relating to real property investment tax credits for small qualified zone residents. 018984460

Summary as introduced:

Enterprise zone real property investment tax credit. Increases the amount of the refundable tax credit to small qualified zone residents in any five-year period from \$125,000 to \$250,000, provided that at least one-half of the cost of eligible real property improvements made during the five-year period were made in localities that ranked among the top 25 percent of all localities in the Commonwealth in terms of fiscal stress as measured by the rankings of the Commission on Local Government. The bill does not change the maximum amount of tax credits currently made available under the Enterprise Zone Act.

Patrons: Marsh, Edwards, Maxwell and Ticer; Delegate: Van Yahres



SB 1258 Electric restructuring: capped rates; change in supplier.

A BILL to amend and reenact § 56-582 of the Code of Virginia, relating to rate caps; change in supplier of electric generation service. 010039508

Summary as introduced:

Electric restructuring: capped rates; change in supplier. Requires that any customer who has received electric energy from a supplier other than its incumbent electric utility, and then asks to return to incumbent electric utility, shall be subject to a twelve-month customer retention period. During the retention period, the customer shall receive electric service from the incumbent electric utility at the capped rates.

Patrons: Norment, Saslaw, Stolle and Watkins; *Delegates:* Kilgore, Parrish, Plum and Woodrum

This bill was incorporated by C.&L. (SB1420-Norment)



SB 1295 Telephone Privacy Protection Act.

An Act to amend the Code of Virginia by adding in Title 59.1 a chapter numbered 44, consisting of sections numbered 59.1-510 through 59.1-518, relating to the Virginia Telephone Privacy Protection Act.

Summary as passed:

Virginia Telephone Privacy Protection Act. Creates the Telephone Privacy Protection Act, which (i) prohibits telephone solicitation calls to residences at any time other than between 8:00 a.m. and 9:00 p.m.; (ii) requires telephone solicitors to identify themselves; (iii) prohibits telephone solicitors from intentionally blocking caller identification services; (iv) prohibits telephone solicitors from calling a telephone number when a person at such telephone number has stated that he does not wish to receive solicitation calls by or on behalf of the entity for whom the call is being made; (v) authorizes the Commissioner of the Department of Agriculture and Consumer Services to inquire into possible violations and authorizes the Attorney General to issue civil investigative demands; (vi) permits individuals to sue to enjoin violations, recover damages in the amount of \$500 per violation, or up to \$1,500 for willful violations, and recover attorneys' fees and court costs; and (vii) permits the Attorney General, attorney for the Commonwealth, and attorney for any municipality to sue to enjoin violations, recover damages for aggrieved persons in the amount of \$500 per violation, recover a civil penalty of up to \$1,000 for each willful violation, and recover attorneys' fees and expenses. Identical to HB 2427.

Patron: Mims



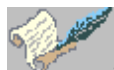
SB 1317 Employee-employer cooperation act.

A BILL to amend and reenact § 40.1-57.3 of the Code of Virginia, relating to governmental employee associations; employee-employer cooperation act. 015455406

Summary as introduced:

Employee-employer cooperation act. Permits employees of the Commonwealth, its political subdivisions, or any governmental agency of any of them, to form associations for the purpose of discussing their interests with their employing agencies whenever such agencies agree to engage in such discussions. Current law permits these governmental employees to form such associations for the purpose of promoting their interests before their employing agencies.

Patrons: Byrne, Miller, Y.B., Puller, Ticer and Whipple; *Delegate:* Darner



SB 1349 Wireless Enhanced Public Safety Telephone Service Act.

An Act to amend and reenact §§ 56-484.12, 56-484.17, and 58.1-3813.1 of the Code of Virginia, relating to the Wireless Enhanced Public Safety Telephone Service Act.

Summary as passed:

Wireless Enhanced Public Safety Telephone Service Act; E-911 surcharge; local tax for E-911 service.

Exempts consumers of commercial mobile radio service (CMRS) from the special tax of up to three dollars that localities with enhanced 911 service are authorized to assess on consumers of telephone service. Customers of CMRS providers and CMRS resellers must pay a 75 cents monthly wireless E-911 surcharge. Localities may recover their public safety answering point costs from the proceeds of the wireless E-911 surcharge.

Patron: Barry

HOUSE CONSERVATION AND NATURAL RESOURCES



HB 1873 Voluntary remediation of contaminated properties.

An Act to amend and reenact § 10.1-1429.1 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 14 of Title 10.1 an article numbered 4.3, consisting of a section numbered 10.1-1429.5, and by adding a section numbered 62.1-229.2, relating to voluntary remediation of contaminated properties.

Summary as passed:

Voluntary remediation of contaminated properties. Expands the voluntary remediation program for properties owned by local governments. The bill (i) eliminates the requirement that local governments pay registration fees when voluntarily remediating their properties, (ii) creates the Virginia Voluntary Remediation Fund, which would provide grants to local governments to help encourage remediation of contaminated properties, and (iii) provides that loans may be made to local governments from the Virginia Water Facilities Revolving Fund for the remediation of contaminated properties to reduce ground water contamination. The provisions of the bill with respect to registration fees and the creation of the Voluntary Remediation Fund will not become effective unless funds are appropriated in the 2001, 2002, 2003 or 2004 budgets to carry out those provisions.

Patron: Deeds



HB 1875 Open burning.

An Act to amend and reenact § 10.1-1142 of the Code of Virginia, relating to open burning.

Summary as passed:

Open burning. Allows prescribed burns throughout the day during the period February 15 through March 1 when such burns are conducted to (i) control exotic and invasive plants, (ii) establish and maintain wildlife habitat, or (iii) manage natural heritage resources. The current law limits open burning to between 4:00 p.m. and midnight from February 15 through April 30. However, in order to be exempted from the current law, the burn has to be conducted in accordance with a prescription or approved burning plan and managed by a certified burn manager.

Patron: Deeds



HB 2006 Chesapeake Bay Local Assistance Board.

A BILL to amend and reenact § 10.1-2107 of the Code of Virginia, relating to promulgation of regulations by the Chesapeake Bay Local Assistance Board; periodic pump-out of on-site sewage treatment systems. 015362856

Summary as introduced:

Chesapeake Bay Local Assistance Board; promulgation of regulations; periodic pump-out of on-site sewage treatment systems. Provides that regulations promulgated by the Chesapeake Bay Local Assistance Board, which establishes criteria for use by local governments, may require the periodic pump-out of on-site sewage treatment systems (septic tanks); however, the Board is also required to provide for an exemption for owners of septic tanks who submit to the appropriate local government official documentation from a qualified inspector that their septic tank is functioning properly.

Patrons: Rapp and Morgan; *Senators:* Norment and Williams



HB 2292 Nontidal wetlands; effective date.

An Act to amend and reenact the second enactments of Chapters 1032 and 1054 of the Acts of Assembly of 2000, relating to advancing the effective date of the nontidal wetlands program for linear transportation projects.

Summary as passed:

Nontidal wetlands; effective date. Advances the date on which the comprehensive nontidal wetlands regulatory program becomes effective for linear transportation projects of the Virginia Department of Transportation from October 1, 2001, to August 1, 2001. This bill is identical to SB 1243 (Miller).

Patron: Cox



HB 2384 Wetlands mitigation.

A BILL to amend and reenact § 62.1-44.15:5 of the Code of Virginia, relating to wetlands creation and restoration. 013976890

Summary as introduced:

Wetlands mitigation. Prohibits the Commonwealth from mitigating the loss of natural wetlands by creating or restoring wetlands in areas outside the hydrologic unit in which those natural wetlands are located.

Patrons: Pollard, Morgan and Rhodes; *Senator:* Chichester



HB 2639 Water Quality Improvement Fund.

A BILL to amend and reenact § 10.1-2128 of the Code of Virginia, relating to general fund appropriation to the Water Quality Improvement Fund. 013967890

Summary as introduced:

Water Quality Improvement Fund. Requires that a minimum of \$10,000,000 be allocated annually from the state general fund to the Water Quality Improvement Fund. Currently, the appropriation to the Fund is an amount equal to 10 percent of the annual general fund revenue collections that are in excess of the official estimates in the general appropriation act, plus 10 percent of any unreserved general fund balance at the end

of each fiscal year whose reappropriation is not required in the appropriation act. The Comptroller is directed to deposit these funds into the Fund by October 1 of each year.

Patrons: Moss, Almand, Amundson, Barlow, Baskerville, Bennett, Bloxom, Brink, Bryant, Christian, Clement, Council, Crittenden, Darner, Day, Deeds, Dillard, Grayson, Hall, Jones, J.C., Moran, Morgan, Plum, Pollard, Robinson, Scott, Spruill and Watts; Senator: Reynolds



HB 2667 Siting of landfills.

An Act to amend and reenact §§ 10.1-1408.4 and 10.1-1408.5 of the Code of Virginia, relating to the siting of landfills.

Summary as passed:

Siting of landfills. Authorizes Mecklenburg County to construct a landfill closer to an existing water supply intake or reservoir than is currently allowed by law, if the Director of DEQ finds that the distance would not be detrimental to human health and the environment. The bill also provides that a new landfill in Mecklenburg County may be sited in a wetland. Currently, a landfill cannot be within five miles upgradient of any water supply intake or reservoir and cannot impact 1.25 acres or more of wetlands. This bill is identical to SB 1344 (Ruff).

Patrons: Wright, Blevins and Ingram



HB 2765 Solid waste recycling rate.

A BILL to amend and reenact § 10.1-1411 of the Code of Virginia, relating to the recycling rate. 019221608

Summary as introduced:

Solid waste recycling rate. Increases the recycling rate that local or regional solid waste planning units have to achieve by January 1, 2005, from the current rate of 25 percent to 40 percent.

Patrons: Almand, Brink and Plum



HB 2796 Natural Resources Policy Act; created.

A BILL to amend and reenact §§ 2.1-1.7, 2.1-20.4, 2.1-51.9, 3.1-18.8 and 9-6.25:2 of the Code of Virginia; to amend the Code of Virginia by adding in Title 10.1 a chapter numbered 12.1, containing articles numbered 1, 2, and 3, consisting of sections numbered 10.1-1222 through 10.1-1238; and to repeal Article 2 (§§ 10.1-1188 through 10.1-1192) of Chapter 11.1 of Title 10.1, relating to creation of the Virginia Natural Resources Policy Act. 016253804

Summary as introduced:

Virginia Natural Resources Policy Act. Creates the Virginia Natural Resources Policy Act. The Act repeals the existing Environmental Impact Statement review process (which applies to state projects using \$100,000 in state funds) and replaces it with a natural resource impact review process, which applies to actions utilizing \$500,000 or more of state-provided funds for the acquisition of an interest in land; for the construction of any new facility; or for the improvement, expansion, support or maintenance of an existing facility. Policies against which such actions are to be judged are expressed. The Virginia Natural Resources Council is created to review the natural resource impact reports and provide comment to the Governor. State funds are not to be disbursed for actions reviewable by the Council without the Governor's approval following his review of the Council's comments. Among the Council's other duties are to (i) foster the coordination and implementation of natural resource policies; (ii) biennially produce a report that includes a review of the state of the

Commonwealth's natural resources; (iii) assist localities, when requested, in the evaluation of actions with potential natural resource impacts; and (iv) provide staff support to meetings that are to be held at least quarterly by the Secretaries and other members of the Governor's cabinet. The cabinet-level meetings are to review programs, policies and major initiatives to (a) identify conflicts with natural resource preservation efforts and the purposes and policies set forth in the Act; (b) evaluate the natural resource benefits and burdens of each Secretariat's programs, policies and initiatives, including the expenditure of state funds; and (c) develop planning, coordination and policy decisions to achieve the purposes and policies of the Act, including measures to utilize state funding in a manner that preserves and protects the Commonwealth's natural resources. This is a recommendation of the Commission on the Future of Virginia's Environment.

Patron: Jones, J.C.



HB 2827 Sewage sludge.

An Act to amend and reenact § 62.1-44.19:3 of the Code of Virginia, relating to sewage sludge.

Summary as passed:

Sewage sludge. Allows localities to adopt ordinances that provide for the monitoring of the land application of sewage sludge. The Board of Health is to adopt regulations, by July 1, 2002, requiring persons who land apply sludge to pay a fee. The fee cannot exceed the direct costs to localities of testing and monitoring the application of sewage sludge. The Board of Health's regulations are to include procedures for the (i) collection of the fees by the Department of Health, (ii) retention of the fees in a special nonreverting fund, and (ii) disbursements from the fund to localities for monitoring the sewage sludge.

Patrons: Pollard and Ware

HOUSE CORPS, INS. & BANKING



HB 1611 Local emergency telecommunications requirements.

An Act to amend and reenact § 56-484.16 of the Code of Virginia, relating to local emergency telecommunications requirements.

Summary as passed:

Local emergency telecommunications requirements. Exempts from the duty of all localities to have specific wireline and wireless 911 and E-911 service available by certain dates, any locality in which: (i) 50 percent or more of the geographic area is unable to receive wireless telecommunications service; (ii) no taxes are imposed for E-911 services; and (iii) the Wireless E-911 Services Board has designated a specific public safety answering point or the Virginia State Police to answer wireless 911 or wireless E-911 calls originating in the locality.

Patron: Deeds



HB 1801 Enterprise Zone Act; creation of zones, tax credit limit.

A BILL to amend and reenact § 59.1-274 of the Code of Virginia, relating to enterprise zones. 019837724

Summary as passed House:

Enterprise Zone Act; creation of zones and real property investment tax credit limit. Increases the number of enterprise zones that may be designated from 60 to 70 and provides that any zones designated after July 1, 2001, shall be in localities that do not have an enterprise zone.

Patron: Diamonstein



HB 1902 Local telephone companies.

An Act to amend and reenact §§ 56-265.4:4 and 56-481.2 of the Code of Virginia, relating to State Corporation Commission certification of local exchange telephone companies.

Summary as passed:

Local telephone companies. Eliminates the requirement that the State Corporation Commission conduct a hearing on every application for a certificate to furnish local exchange telephone service. Applicants will have an opportunity for a hearing. Obsolete language is deleted.

Patron: Plum



HB 1935 Municipal electric utilities; restructuring.

An Act to amend and reenact § 56-580 of the Code of Virginia, relating to the transmission and distribution of electricity by municipal electric utilities.

Summary as passed:

Municipal electric utilities; restructuring. Clarifies that a municipal electric utility will not lose its exclusive territorial rights or exemption from the provisions of the Electric Utility Restructuring Act by selling or offering to sell electric energy to retail customers outside the area that it served on July 1, 1999, if the municipal utility's expansion of service into new areas is made pursuant to a franchise agreement between the municipality utility and the incumbent public utility that previously served the new areas.

Patron: Armstrong



HB 1940 Utility Consumer Services Cooperatives; self-regulation.

A BILL to amend and reenact §§ 56-256, 56-578, 56-580, 56-581, 56-582, and 56-585 of the Code of Virginia, and to amend the Code of Virginia by adding in Chapter 9.1 of Title 56 an article numbered 3, consisting of sections numbered 56-231.53, 56-231.54, and 56-231.55, relating to utility consumer services cooperatives; self regulation. 010572816

Summary as introduced:

Utility Consumer Services Cooperatives; self-regulation. Authorizes Virginia's consumer-owned, not-for-profit electric distribution cooperatives to elect self-regulation with respect to various aspects of financing transactions, terms and conditions, service and rates relating to the provision of electric service. Currently, the State Corporation Commission ("Commission") regulates these activities. Such self-regulation may occur only following notice to the members and a subsequent affirmative vote of a supermajority of the members. Any cooperative whose members affirmatively choose to self-regulate may revert back to Commission regulation through a similar referendum process. Any cooperative whose membership chooses to impose self-regulation will still have an obligation to serve the public within its certificated service territory. Additionally, the capped

rates for electric service and the default service provisions of the Virginia Electric Utility Restructuring Act will continue to apply to all electric cooperatives regardless of self-regulation status.

Patron: Kilgore



HB 2156 Telephone solicitation practices.

A BILL to amend and reenact § 59.1-200 of the Code of Virginia and to amend the Code of Virginia by adding in Title 59.1 a chapter numbered 32.1, consisting of sections numbered 59.1-428.1 through 59.1-428.3, relating to telephone solicitation practices; consumer protection. 015359856

Summary as introduced:

Telephone solicitation practices. Prohibits a telephone solicitor doing business in Virginia from blocking or otherwise preventing its telephone number and the state from which a telephone solicitation is being placed from being read by a residential subscriber's telephone caller identification device.

Patrons: Morgan, Grayson, Parrish, Plum and Pollard



HB 2268 Notice of proposed location of utility lines.

An Act to amend and reenact §§ 56-46.1 and 56-265.2:1 of the Code of Virginia, relating to State Corporation Commission approval of construction of certain facilities.

Summary as passed:

Notice of proposed location of utility lines. Requires that owners of property within the route of a proposed gas pipeline or electrical transmission line of 150 kV or more be sent a notice of the proposed construction by first class mail. The notice requirements for a public utility proposing to build a gas pipeline are conformed in several respects to those for the proposed construction of electric transmission lines. These include (i) requiring that notices include a written description of the proposed route the line is to follow and a map or sketch of the route; (ii) requiring the notice to include the deadline for an interested party to request a hearing from the State Corporation Commission; and (iii) requiring the Commission to hold at least one hearing in the area that would be affected by construction of the pipeline if requested in writing by 20 or more interested parties. This bill is a recommendation of the joint subcommittee studying eminent domain issues.

Patrons: Shuler, Griffith, Keister and Woodrum; Senator: Marye



HB 2362 Telemarketing; blocking caller ID prohibited.

A BILL to amend and reenact § 59.1-21.7:1 of the Code of Virginia, relating to home solicitation telephone calls; prohibited practices. 019534800

Summary as introduced:

Telemarketing; blocking caller ID prohibited. Prohibits sellers from blocking caller ID when engaging in home solicitations by telephone. A violation of this prohibition is a violation of the Virginia Consumer Protection Act.

Patron: Jones, D.C.



HB 2427 Telephone Privacy Protection Act.

An Act to amend the Code of Virginia by adding in Title 59.1 a chapter numbered 44, consisting of sections numbered 59.1-510 through 59.1-518, relating to the Virginia Telephone Privacy Protection Act; penalties.

Summary as passed:

Virginia Telephone Privacy Protection Act. Creates the Telephone Privacy Protection Act, which (i) prohibits telephone solicitation calls to residences at any time other than between 8:00 a.m. and 9:00 p.m.; (ii) requires telephone solicitors to identify themselves; (iii) prohibits telephone solicitors from intentionally blocking caller identification services; (iv) prohibits telephone solicitors from calling a telephone number when a person at such telephone number has stated that he does not wish to receive solicitation calls by or on behalf of the entity for whom the call is being made; (v) authorizes the Commissioner of the Department of Agriculture and Consumer Services to inquire into possible violations and authorizes the Attorney General to issue civil investigative demands; (vi) permits individuals to sue to enjoin violations, recover damages in the amount of \$500 per violation, or up to \$1,500 for willful violations, and recover attorneys' fees and court costs; and (vii) permits the Attorney General, attorney for the Commonwealth, and attorneys for any municipality to sue to enjoin violations, recover damages for aggrieved persons in the amount of \$500 per violation, recover a civil penalty of up to \$1,000 for each willful violation, and recover attorneys' fees and expenses. Identical to SB 1295.

Patrons: Suit, Albo, Black, Bolvin, Clement, Jones, D.C., McQuigg, Morgan, Parrish and Plum



HB 2462 Telephone Solicitation Act.

A BILL to amend and reenact § 59.1-200 of the Code of Virginia and to amend the Code of Virginia by adding in Title 59.1 a chapter numbered 44, consisting of sections numbered 59.1-510 through 59.1-517, relating to the Virginia Telephone Solicitation Act; penalties. 016060744

Summary as introduced:

Virginia Telephone Solicitation Act. Prohibits telephone solicitors from making telephone solicitations to persons who register with the Office of Consumer Affairs in the Department of Agriculture and Consumer Services to be placed on a list of numbers of persons who do not wish to receive telephone solicitations. Listing on the registry requires a \$10 registration fee and a five-dollar annual renewal fee. Telephone solicitors may obtain a copy of the numbers on the list for a \$10 annual fee. Violations are subject to the enforcement provisions of the Virginia Consumer Protection Act. Telephone companies are to notify customers about the database and their rights under this Act.

Patrons: Grayson, Almand, Barlow, Baskerville, Brink, Christian, Clement, Cranwell, Darner, Day, Deeds, Jackson, Johnson, Jones, D.C., Jones, J.C., Moran, Parrish, Tate and Van Lanningham



HB 2470 Electric utility restructuring; green power.

A BILL to amend and reenact § 56-592 of the Code of Virginia, relating to the Virginia Electric Utility Restructuring Act; marketing of green power. 010034888

Summary as introduced:

Electric utility restructuring; green power. Directs the State Corporation Commission to establish guidelines for competitive service providers of electricity that desire to market their energy in Virginia as "green power." In defining what constitutes Green Power, the Commission shall consider the information on fuel mixes of electricity generators that the Commission is required to collect pursuant to the Electric Utility Restructuring Act. The designation of certain electricity as Green Power shall provide consumers thereof with

assurance that the Commission has confirmed that the provider's marketing information has been substantiated as valid. Non-qualifying electricity providers will be barred from using the "Green Power" label. This is a recommendation of the Consumer Advisory Board established pursuant to the Restructuring Act.

Patrons: Plum, Jones, J.C., Kilgore, Parrish and Woodrum; *Senators:* Norment, Saslaw and Watkins



HB 2472 Electric utility restructuring; renewable energy.

An Act to amend and reenact § 56-576 of the Code of Virginia, relating to the Virginia Electric Utility Restructuring Act; renewable energy.

Summary as passed:

Electric utility restructuring; renewable energy. Defines renewable energy as energy derived from sunlight, wind, falling water, sustainable biomass, energy from waste, wave motion, tides, and geothermal power, and excludes energy derived from coal, oil, natural gas or nuclear power. This is a recommendation of the Consumer Advisory Board established under the Electric Utility Restructuring Act.

Patrons: Plum, Jones, J.C., Kilgore, Parrish and Woodrum; *Senators:* Norment, Saslaw and Watkins



HB 2759 Environmental impact analysis for electric utility facilities.

A BILL to amend and reenact § 56-46.1 of the Code of Virginia, relating to environmental impact analysis for electric utility facilities. 013378768

Summary as introduced:

Environmental impact analysis for electric utility facilities. Requires the State Corporation Commission to consider the impact of nitrogen oxide emissions, if any, from any proposed electric facility when approving construction of electric facilities. The Commission shall also evaluate the cumulative impact of nitrogen oxide emissions of the proposed facility and existing facilities in the geographic area of the proposed facility. Any report of the environmental impact of the proposed facility shall be available to the public prior to any public hearing held in the approval process, and the Commission shall not approve the construction of any facility where emissions from the operation of such facility result in a violation of national ambient air quality standards.

Patron: Harris



HB 2853 Electric utility restructuring; rate caps and wires charges.

A BILL to amend and reenact §§ 56-582 and 56-583 of the Code of Virginia, relating to electric utility restructuring; rate caps and wires charges for municipalities. 010051816

Summary as introduced:

Electric utility restructuring; rate caps and wires charges for municipalities. Provides that rates for municipalities and other governmental customers purchasing bundled electric transmission, distribution and generation services for governmental uses from an incumbent utility shall be the rates in effect for each incumbent utility as of January 1, 2001, and shall continue through the capped rate period applicable to all other types of customers. Methods used to calculate wires charges and the market price of generation for municipal customers shall be consistent with the methodologies approved by the State Corporation Commission.

Patron: Griffith (by request)

HOUSE COUNTIES, CITIES & TOWNS



HB 1554 Industrial development authorities; Powhatan County.

An Act to amend and reenact § 15.2-4903 of the Code of Virginia, relating to industrial development authorities.

Summary as passed:

Industrial development authorities. Provides that in Powhatan County the authority may be called an economic development authority.

Patrons: Ware; Senator: Watkins



HB 1630 Preservation of historical sites and conservation areas.

A BILL to amend and reenact §§ 15.2-2201 and 15.2-2306 of the Code of Virginia, relating to historic preservation. 015834660

Summary as introduced:

Preservation of historical sites and architectural areas. States the policy and purpose for existing provisions that allow localities to adopt ordinances to protect historic landmarks and other areas. Adds architectural areas to those areas that may be included in such an ordinance and defines "architectural area" to include an area where the visual impact of buildings and development can be significant on the economic, cultural, or scenic attributes of the community. Localities that adopt an architectural area district are required to adopt standards to guide decision making within the district.

Patron: Callahan



HB 1634 Cutting of grass and weeds.

An Act to amend and reenact § 15.2-901 of the Code of Virginia, relating to cutting of grass and weeds.

Summary as passed:

Cutting of grass and weeds. Amends provisions that currently allow localities, after reasonable notice, to have grass, weeds or other foreign growth on vacant developed or undeveloped property cut by its agents or employees, with the cost and expenses thereof chargeable to and paid by the owner of such property, to provide that the locality shall determine what constitutes "reasonable notice."

Patron: Woodrum



HB 1673 Clustering of single-family detached dwellings.

A BILL to amend and reenact §§ 15.2-2241, 15.2-2242 and 15.2-2288.1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 15.2-2286.1, relating to clustering of residential units. 015859604

Summary as introduced:

Clustering of single-family detached dwellings. Provides that subdivision and zoning ordinances shall contain reasonable provisions allowing the clustering of single-family detached dwellings so as to preserve open space. No local ordinance shall require that a special exception, special use, or conditional use permit be obtained for the clustering of single-family detached dwellings on lots that are up to 20 percent smaller than otherwise required by local ordinance. There is a delayed effective date of July 1, 2002.

Patrons: Albo and Bolvin



HB 1681 Regional Industrial Facilities Act.

An Act to amend and reenact § 15.2-6400 of the Code of Virginia, relating to the Virginia Regional Industrial Facilities Act.

Summary as passed:

Virginia Regional Industrial Facilities Act. Adds the area within Planning District 19 to those areas that may utilize the Virginia Regional Industrial Facilities Act.

Patron: Ingram



HB 1794 Local government taxing authority.

A BILL to amend and reenact §§ 15.2-204 and 15.2-1200 of the Code of Virginia, relating to local government taxing authority. 015290776

Summary as introduced:

Local government taxing authority. Equalizes city and county taxing authority by granting counties the same authority available to cities and towns through the uniform charter powers.

Patron: Hull



HB 1805 Salaries and benefits of town council members and mayors.

An Act to amend and reenact § 15.2-1414.7 of the Code of Virginia, relating to salaries and benefits of town council members and mayors.

Summary as passed:

Salaries and benefits of town council members and mayors. Provides that in addition to salary, each member of the council and the mayor of any town may be compensated with such benefits as are provided town employees by the towns. Counties and cities already have similar authority. This bill is identical to SB 956 (Couric).

Patron: Broman



HB 1825 Condemnation by localities.

An Act to amend and reenact § 15.2-1901 of the Code of Virginia, relating to condemnation authority of counties, cities, and towns.

Summary as passed:

Condemnation by localities. Provides that a locality may condemn property outside of its boundaries only if expressly permitted by general law or special act. A locality may acquire property outside its boundaries through condemnation for purposes of establishing, maintaining or operating public utility facilities and mass transportation systems. This bill is a recommendation of the joint subcommittee studying eminent domain issues.

Patrons: Morgan and Rhodes



HB 1829 Impact fees for residential development.

A BILL to amend the Code of Virginia by adding in Article 5 of Chapter 22 of Title 15.2 a section numbered 15.2-2239.1, relating to impact fees. 016085764

Summary as introduced:

Impact fees for residential development. Provides that a locality may adopt an ordinance providing for payment of impact fees for residential development. The impact fee shall be in an amount representing the proportional total or partial cost of capital improvements reasonably related to the transportation, education, emergency services, law enforcement, recreation, library or other needs for public facilities generated by the additional residential development. No impact fee shall be assessed unless the capital improvements related to the additional development have been included in the locality's capital improvement program. All impact fees collected shall be used by the locality for the purpose of completing capital improvements specified in the ordinance.

Patron: Hargrove



HB 1834 Local budget reports.

A BILL to amend and reenact § 15.2-2510 of the Code of Virginia, relating to local budget reports. 011409772

Summary as introduced:

Local budget reports. Allows localities to file their audited financial report to the Auditor of Public Accounts rather than a detailed statement of revenues, expenditures and fund balances.

Patron: Howell



HB 1948 Clustering of dwellings.

A BILL to amend and reenact § 15.2-2241 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 15.2-2286.1, relating to clustering of residential units. 011444776

Summary as introduced:

Clustering of dwellings. Requires localities to include in their subdivision and zoning ordinances provisions

allowing the clustering of single-family detached dwellings on lots of lesser size so as to preserve open space. No ordinance shall require that a special use permit be obtained for such clustering.

Patron: Hull



HB 2186 Bonds issued by industrial development authorities.

A BILL to amend the Code of Virginia by adding a section numbered 15.2-4908.1, relating to referendum requirement for certain bonds issued by industrial development authorities. 011452896

Summary as introduced:

Referendum requirement for bonds issued by industrial development authorities for construction of public facilities. Requires bonds issued by an industrial development authority for construction of public facilities to comply with the referendum requirements set out in the Constitution for counties.

Patron: Purkey



HB 2312 Mandatory connection to water and sewage systems.

An Act to amend and reenact § 15.2-2110 of the Code of Virginia, relating to mandatory connection to water and sewage systems.

Summary as passed:

Mandatory connection to water and sewage systems. Allows Goochland County to require connection to its water and sewage systems by owners of property that may be served by such systems if the property, at the time of installation of such system, does not have a then-existing, correctable or replaceable domestic supply of potable water and a system for the disposal of sewage adequate to prevent the contraction or spread of diseases. The provisions as they apply to Goochland County shall become effective on July 1, 2002. This bill is identical to SB 817 (Houck).

Patron: Dickinson



HB 2314 Blighted structures in certain cities.

A BILL to amend and reenact § 15.2-958.1 of the Code of Virginia, relating to blighted structures in certain cities. 011480624

Summary as passed House:

Blighted structures in certain cities. Allows the owner of blighted property in the City of Richmond (described by population) to request that the court waive certain civil penalties if (i) the property is sold to a third party who remains responsible for all violations under Title 36, or (ii) the property is donated to a local housing organization.

Patrons: Baskerville; Senator: Ticer



HB 2358 Regulation and inspection of septic tanks in counties.

An Act to amend the Code of Virginia by adding a section numbered 15.2-2157.1, relating to permit for septic tank installation in certain counties.

Summary as passed:

Septic tank permits in certain counties. Allows Augusta County (described by population) to require any person desiring to install a septic tank to secure a permit to do so. The county may prescribe reasonable fees, not to exceed \$50, for the issuance of such permits.

Patron: Weatherholtz (by request)



HB 2410 Issuance of building permits based on capital improvements.

A BILL to amend the Code of Virginia by adding in Article 5 of Chapter 22 of Title 15.2 a section numbered 15.2-2239.1, relating to the issuance of building permits based on capital improvements. 010489500

Summary as introduced:

Issuance of building permits based on capital improvements. Allows any county that has an average annual growth rate of five percent or greater to establish the maximum number of building permits for new residences to be issued in each calendar year. As a condition to the exercise of this authority, the county shall (i) establish reasonable, maximum debt ratios for the county after consultation with its financial advisors, (ii) adopt a capital improvements program and annually fund the program, and (iii) annually fund at least 10 percent of the capital improvements program with current revenues, exclusive of debt service or funds collected pursuant to proffered zoning conditions. The ordinance may provide for the issuance of building permits for new residential units beyond the established maximum upon the payment by the permit holder of a proportional cash contribution for school and other local capital facilities' costs. Any such payment shall be subject to a reasonable credit for actual contributions to local capital facilities' costs that have been made pursuant to a proffered zoning condition.

Patrons: May; Senator: Mims



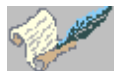
HB 2433 Notification to localities of state construction.

An Act to amend and reenact § 15.2-2202 of the Code of Virginia, relating to notification to localities of state construction.

Summary as passed:

Notification to localities of state construction. Amends current provisions that require state agencies to give notice to localities of construction projects by requiring such notice to be given earlier, during the planning phase of the project.

Patron: Van Yahres



HB 2476 Disclosure of proffered cash payments and expenditures.

An Act to amend the Code of Virginia by adding a section numbered 15.2-2303.2, relating to disclosure of proffered cash payments and expenditures.

Summary as passed:

Disclosure of proffered cash payments and expenditures. Requires localities to make annual disclosures of such payments and expenditures to the Commission on Local Government. The Commission shall compile the information and prepare a report to make available to the public and the chairmen of the Senate Local Government and House Counties, Cities and Towns Committees.

Patrons: Hall, Amundson, Baskerville, Bryant, Day, Diamonstein, Hamilton, Hull, Ingram, Larrabee, McQuigg, Spruill, Stump, Suit, Weatherholtz and Williams; *Senators:* Lambert, Lucas, Marsh, Martin, Newman, Puckett, Puller, Reynolds and Ruff



HB 2477 Capital Region Airport Commission.

A BILL to amend and reenact §§ 7 and 15 of Chapter 380 of the Acts of Assembly of 1980, relating to the organization of and issuance of bonds by the Capital Regional Airport Commission. 019086756

Summary as introduced:

Capital Region Airport Commission. Provides that the Commission will appoint an airport administrator to be its "president and chief executive officer." The bill also allows the Commission greater flexibility in issuing bonds.

Patrons: Hall and Baskerville; *Senator:* Lambert



HB 2697 Full public disclosure of gifts and donations in certain counties.

A BILL to provide for full disclosure of certain local gifts and donations. 011465732

Summary as introduced:

Full public disclosure of gifts and donations in certain counties. Provides that in any county that has adopted an optional form of county government and that requires members of the board of supervisors, the planning commission, and the board of zoning appeals to make a full public disclosure of certain gifts or donations from applicants in proceedings before the board, the members shall report the totals of all such gifts and donations. If a public agency that has purchased land from private owners subsequently requests a zoning change, the members shall be required to make a full public disclosure of gifts and donations from the previous owner. Furthermore, in any such county, the attorney for the Commonwealth shall submit an annual public report to demonstrate that local elected officials have complied with all disclosure requirements.

Patron: Dillard



HB 2702 Zoning amendments.

A BILL to amend and reenact § 15.2-2285 of the Code of Virginia, relating to zoning amendments. 011441636

Summary as introduced:

Zoning amendments. Provides that no amendment to the zoning map shall be instituted without the written consent of the landowner whose property is the subject of such amendment.

Patron: Black



HB 2716 Appointment of governing body members to certain offices.

A BILL to amend and reenact § 15.2-1535 of the Code of Virginia, relating to appointment of governing body members to certain offices. 011469884

Summary as introduced:

Appointment of governing body members to certain offices. Provides that notwithstanding any contrary provision of law, general or special, no public service authority or certain other appointed bodies shall be

comprised of a majority of elected officials as members, nor shall any locality be represented on such appointed body by more than one elected official. However, any elected official appointed to such body prior to July 1, 2001, shall be permitted to complete the term for which appointed.

Patron: Phillips



HB 2726 Health; on-site sewage evaluations.

An Act to amend and reenact § 32.1-163.5 of the Code of Virginia, relating to on-site sewage evaluations.

Summary as passed:

Health; on-site sewage evaluations. Requires, notwithstanding any other provision of law or the provisions of any local ordinance, that counties, cities and towns, in the administration of their own ordinances, must comply with the time limits that currently apply in state law to the Department of Health in performing a field check of private evaluations and designs for single lots or for subdivision, residential development. The Department of Health is required to evaluate and approve or deny a request for an on-site sewage permit for a single lot construction permit within 15 days of the request and to evaluate and approve or deny a request for multiple lot certification letters or subdivision review within 60 days of the request.

Patron: Black



HB 2758 Return of local surplus funds.

An Act to amend the Code of Virginia by adding a section numbered 15.2-2511.1, relating to return of local surplus funds.

Summary as passed:

Return of local surplus funds. Provides that Albemarle County (described by population) may by ordinance develop a method for returning surplus real property tax revenues to taxpayers who paid real property tax in any fiscal year in which such county reports a surplus.

Patron: Harris



HB 2779 Public notice and hearing for certain residential uses.

A BILL to amend the Code of Virginia by adding a section numbered 15.2-2207.1, relating to notice and hearing for certain residential uses. 011473680

Summary as introduced:

Public notice and hearing for certain residential uses. Provides that any locality may by ordinance require that, prior to any use in an area zoned for single-family use that includes five or more persons unrelated by blood, marriage or adoption residing in a single-family dwelling, notice of such use be given to the locality and to the owners or occupants of adjacent property. The locality shall hold a public hearing within thirty days of receipt of the notice allowing persons affected to appear and present their views.

Patron: Cox



HB 2850 Annexation.

An Act to amend and reenact § 15.2-3201 of the Code of Virginia, relating to annexation.

Summary as passed:

Annexation. Provides that the current moratorium on city-initiated annexations also applies to petitions to annex city-owned land that is located within a county.

Patrons: Rapp and Morgan



HB 2862 Local governing body may establish a "living wage".

A BILL regarding the actions of a local governing body. 019830872

Summary as introduced:

Establishment of living wage requirements. Provides that localities shall not establish living requirements except with express authority from the General Assembly.

Patron: O'Brien

HOUSE & SENATE COURTS OF JUSTICE



HB 1692 Religious & charitable matters; affirmation of religious freedom.

A BILL to amend the Code of Virginia by adding a section numbered 57-2.02, relating to affirmation of religious freedom. 011719636

Summary as introduced:

Religious and charitable matters; affirmation of religious freedom. Prohibits government entities from burdening the free exercise of religion. The bill defines "government entity" as any branch, department, agency or instrumentality of state government, or any political subdivision of the State.

Patron: Black



HB 1827 Death penalty.

A BILL to amend and reenact §§ 18.2-10, 18.2-22, 18.2-25 and 19.2-152.2 of the Code of Virginia, relating to the death penalty; penalty. 010666764

Summary as introduced:

Death penalty. Abolishes the death penalty for Class 1 felonies committed on or after July 1, 2001, and mandates the punishment upon conviction as life imprisonment without the possibility of parole. By virtue of the second enactment clause, the bill does not affect anyone who was convicted of or committed a Class 1 felony prior to the effective date of the bill. The bill leaves the majority of death penalty related statutes intact for the prosecution or appeal of a death sentence occurring prior to the change in the law.

Patrons: Hargrove, Morgan, Christian, Darner, Plum, Van Landingham and Van Yahres



HB 1831 Writ of error.

A BILL to amend and reenact §§ 19.2-317 and 19.2-320 of the Code of Virginia, relating to when writ of error lies. 010606764

Summary as introduced:

Writ of error. Provides that a writ of error lies for any county, city or town from the circuit court to the judgment of a district court declaring an ordinance unconstitutional or otherwise invalid and requires that the district court remit the case file to the circuit court. The bill also states that the county, city or town applying for a writ of error shall file a petition in the office of the clerk of the circuit court within 10 days after entry of the judgment of the district court and shall serve a copy of the petition upon the defendant. The defendant's response to the petition, if any, shall be filed within 14 days after such service.

Patron: Hargrove



HB 1889 Time for filing of certain reports by juvenile court.

An Act to amend and reenact § 16.1-274 of the Code of Virginia, relating to time for filing of certain reports.

Summary as passed:

Time for filing of certain reports. Provides that the chief judge of each juvenile and domestic relations district court may provide for an alternative means of copying and distributing CASA (Court Appointed Special Advocate) reports.

Patron: Watts



HB 2536 Electronic filing of documents.

A BILL to amend and reenact § 17.1-256 of the Code of Virginia, relating to electronic filing of documents. 010648884

Summary as introduced:

Electronic filing of documents. Requires circuit court clerks to establish a system for electronic filing of all land records. The clerks are required to use a system developed or authorized by the Supreme Court of Virginia. Such system shall be standardized throughout the Commonwealth.

Patron: Phillips



SB 805 Indexing by tax map reference number.

A BILL to amend and reenact § 17.1-252 of the Code of Virginia, relating to indexing legal instruments by tax map reference number. 017029524

Summary as introduced:

Indexing by tax map reference number. Excepts certificates of satisfaction from those instruments that certain localities shall require to be indexed by tax map reference number or parcel identification number.

Patrons: Reynolds; *Delegate:* Armstrong



SB 1123 Eminent domain; litigation expenses.

A BILL to amend the Code of Virginia by adding a section numbered 25-46.32:1, relating to eminent domain; payment of litigation expenses. 010167420

Summary as introduced:

Eminent domain; litigation expenses. Entitles a condemnee to payment of reasonable fees for attorneys, appraisers, and other experts incurred in condemnation litigation if the amount of compensation awarded exceeds the condemnor's highest written offer. The amount of the litigation expenses to be awarded is up to one-third of the amount by which the compensation awarded exceeds the condemnor's highest written offer.

Patron: Edwards



SB 1171 Eminent domain; litigation expenses.

A BILL to amend the Code of Virginia by adding a section numbered 25-46.32:1, relating to eminent domain; payment of litigation expenses. 010006468

Summary as introduced:

Eminent domain; litigation expenses. Authorizes a court, in its discretion, to award reasonable fees for attorneys, appraisers, and other experts incurred in condemnation litigation if the amount of compensation awarded exceeds the condemnor's highest written offer by 15 percent or more. In determining the amount of such fees to be awarded, the court is to consider, among such other factors as it deems relevant, the benefit provided to the condemnee by any of the professional or expert witnesses for whom the litigation expenses were incurred. In determining whether to make an award, the court may consider (i) the extent that the condemnee engaged in conduct that unduly and unreasonably protracted the final resolution of the action; (ii) whether the position of the condemnor was substantially justified; and (iii) whether special circumstances make the award of litigation expenses unjust.

This bill was recommended by the Joint Subcommittee Studying Eminent Domain Issues.

Patrons: Marye, Colgan and Norment; *Delegates:* Ingram, Marshall, Moran and Shuler



SB 1172 Eminent domain; appraisals.

An Act to amend and reenact § 25-248 as it is effective and as it shall become effective of the Code of Virginia, relating to eminent domain; appraisal of real property.

Summary as passed:

Eminent domain; appraisals. Adds state agencies to the list of condemning authorities not required to conduct an appraisal of property to be condemned if the value of such property is less than \$10,000, based on objective evidence. This bill is a recommendation of the Joint Subcommittee Studying Eminent Domain Issues.

Patrons: Marye, Colgan, Norment and Watkins; *Delegates:* Bryant, Ingram, Jackson, Marshall, Moran and Shuler



SB 1173 Eminent domain.

A BILL to amend the Code of Virginia by adding a section numbered 25-249.1, relating to eminent domain; reimbursement of owner for cost of appraisal. 010009468

Summary as introduced:

Eminent Domain. Requires condemnors to pay for the reasonable cost of a licensed appraisal conducted for the condemnee in all takings, regardless of whether the condemnation results in litigation. This bill was recommended by the Joint Subcommittee Studying Eminent Domain Issues.

Patrons: Marye, Colgan and Watkins; *Delegates:* Bryant, Ingram, Jackson, Marshall, Moran and Shuler



SB 1174 Eminent domain; construction of electrical transmission lines.

A BILL to amend and reenact § 56-49 of the Code of Virginia, relating to exercise of eminent domain; construction of overhead electrical transmission lines. 010044468

Summary as introduced:

Eminent domain; construction of electrical transmission lines. Requires public service constructing a 765-kV overhead electric line to offer to purchase any dwelling house that resides within 200 feet of the right-of-way for such 765-kV line.

Patron: Marye



SB 1175 Mandatory mediation in eminent domain proceedings.

A BILL to amend the Code of Virginia by adding a section numbered 25-46.19:01, relating to mandatory mediation in eminent domain proceedings. 010670468

Summary as introduced:

Mandatory mediation in eminent domain proceedings. Provides that in an eminent domain proceeding, if any party requests mediation, the petitioner and the parties shall be referred by the court to a dispute resolution evaluation session prior to the trial to determine just compensation. This bill refers the parties to the dispute resolution system already contained in the civil procedure section of the Code of Virginia (§ 8.01-576.4 et seq.). The Joint Subcommittee Studying Eminent Domain Issues recommended this bill.

Patrons: Marye, Colgan and Watkins; *Delegates:* Bryant, Ingram, Marshall, Moran and Shuler



SB 1247 Regulation of land-disturbing activity.

An Act to amend and reenact §§ 10.1-563 and 10.1-566 of the Code of Virginia, relating to the regulation of land-disturbing activities; approval of control plan.

Summary as passed:

Regulation of land-disturbing activity; submission and approval of control plan. Requires the person who will be in charge of and responsible for carrying out land-disturbing activities have a certificate of competence issued by the Board of Soil and Water Conservation. The identification of a certified individual is a prerequisite for the approval of an erosion and sediment control plan.

Patron: Watkins

HOUSE & SENATE EDUCATION



HB 1613 Posting of "In God we trust" in schools.

A BILL to require the posting of certain statement in the public schools of the Commonwealth. 014117824

Summary as introduced:

Posting of certain statement. Requires all school boards to post prominently in a conspicuous place in each of their schools for all students to read the phrase, "In God we trust," which is the national motto of the United States pursuant to 36 U.S.C. § 186 (1999).

Patrons: Marshall and Black



HB 2122 Graduation requirements.

A BILL to amend and reenact § 22.1-253.13:3 of the Code of Virginia, as it is currently in effect and as it shall become effective, relating to requirements for graduation from high school. 016059696

Summary as passed House:

Graduation requirements. Directs the Board of Education, in establishing course and credit requirements for graduation, to establish guidelines for local school boards to provide for additional criteria to determine the award of a verified unit of credit to students in grades six through nine in the 2000-2001 school year who obtain a passing grade for a course but fail the relevant Standards of Learning assessment twice. Such guidelines shall be designed to ensure consistency and fairness in the selection and administration of any such additional criteria and are exempt from the Administrative Process Act.

Currently, the Standards of Accreditation (SOA) do not specifically make the awarding of diplomas contingent upon the passage of SOL tests; however, beginning with the ninth grade class of 2003-4, students must earn six verified units of credit from specific courses for a standard diploma. During a transition period for the ninth grade classes of 2000-01, 2001-02, and 2002-03, students must earn six verified units (two in English and four additional units). Beginning with the ninth grade class of 2000-01, students must earn nine verified credits in specific courses to earn an advanced studies diploma. (8 VAC 20-131-50 B, C).

Verified units are earned upon passage of the course and the relevant SOL test. (8 VAC 20-131-110 B).

Patrons: Darner, Dillard, Hamilton, Jackson and Rhodes



HB 2465 Nonpublic school students in Governor's Schools.

A BILL to amend and reenact § 22.1-253.13:1 of the Code of Virginia, as it is currently effective and as it shall become effective, and to amend the Code of Virginia by adding in Article 1 of Chapter 13 of Title 22.1 a section numbered 22.1-212.2:4, relating to the part-time admission and enrollment of nonpublic school students in Governor's Schools. 010477872

Summary as passed House:

Part-time admission and enrollment of nonpublic school students in Governor's Schools. Authorizes local school boards to develop policies, consistent with their constitutional and statutory responsibilities for providing public education, for the part-time admission and enrollment in Governor's Schools of students who

are either enrolled in a nonpublic school or receiving home instruction. The policies must address attendance zones, evidence of residence, equitable student selection, and compliance by such students with all relevant public school policies during attendance time. In addition, the policies shall require that the parent apply for the desired class or classes to the division superintendent of the Governor's School to be attended, and shall require the parent to obtain permission for such part-time enrollment from the chief administrator of the relevant nonpublic school in which the student is enrolled on a full-time basis.

Approval for part-time admission and enrollment shall only be granted if the student meets admissions criteria and the school has space in the desired class or classes after accommodating the qualified pupils who are regularly enrolled in the school or in the participating school divisions. These students would be included in average daily membership in the relevant school division on a pro rata basis.

The measure is not to be construed as requiring school divisions to establish or participate in the operation of a Governor's School.

Under current law, nonpublic school students who are enrolled in public school on a less than full-time basis in any mathematics, science, English, history, social science, vocational education, fine arts, foreign language, health education, or physical education course are counted in the average daily membership in the relevant school division on a pro rata basis as provided in the appropriation act. No such student will be counted as more than one-half of a student. The 2000 Appropriation Act supports this requirement (Item 143 A 1 d).

Patron: O'Brien



HB 2565 Advantage Virginia Incentive Program.

An Act to amend and reenact §§ 23-38.53:12, 23-38.53:13, and 23-38.53:16 through 23-38.53:19 of the Code of Virginia, relating to the Advantage Virginia Incentive Program; qualified jobs; selection of beneficiaries.

Summary as passed:

The Advantage Virginia Incentive Program; qualified jobs; selection of beneficiaries. Revises the focus of the Advantage Virginia Incentive Program, i.e., a program focused on and designed to provide scholarships for job training. This bill changes "occupational areas where there is a high demand for workers" to "qualified jobs," which is defined as jobs that are in high demand in the Commonwealth and designated as such by the Virginia Workforce Council. The bill deletes the requirement that the qualified jobs must be located in high unemployment areas and replaces the requirement with a provision that students who attended high schools located in high unemployment areas will be given preferences in selecting beneficiaries for the Advantage Virginia Incentive Program.

Patrons: Scott and McEachin; *Senators:* Howell and Ticer

HOUSE & SENATE FINANCE



HB 1553 Higher Education and Related Facilities Bond Act of 2001.

A BILL authorizing the issuance of Commonwealth of Virginia Higher Education and Related Educational Facilities Bonds in an amount not exceeding \$670,400,000 for the purpose of providing funds for paying, together with any other available funds, the cost of capital projects for acquiring, constructing, restoring, repairing, improving, and refurbishing the physical plants, including incidental equipment, of higher education and related educational facilities; authorizing the Treasury Board, by and with the consent of the Governor, to fix the details of such bonds and to provide for the sale of the bonds; authorizing the Treasury Board, by and with the consent of the Governor, to borrow money in anticipation of the issuance of the bonds; authorizing the

issuance of refunding bonds, by and with the consent of the Governor; providing for the pledge of the full faith and credit of the Commonwealth for the payment of such obligations; providing that interest on such obligations shall be exempt from all taxation by the Commonwealth and any political subdivision thereof; and providing that this act shall not become effective and that no bonds shall be issued hereunder unless this act is approved by a majority of the qualified voters of the Commonwealth voting thereon at an election, as required by Article X, Section 9 (b) of the Constitution of Virginia. 012801724

Summary as introduced:

Commonwealth of Virginia Higher Education and Related Educational Facilities Bond Act of 2001.

Authorizes the issuance of Commonwealth of Virginia Higher Education and Related Educational Facilities Bonds pursuant to Article X, Section 9 (b) of the Virginia Constitution in an amount not exceeding \$670,400,000, subject to approval by a majority of the qualified voters of the Commonwealth voting thereon at the November 6, 2001, general election. The purpose of the bonds is to provide funds for paying, together with any other available funds, the cost of acquiring, constructing, restoring, repairing, improving, renovating and refurbishing the physical plants, including incidental equipment, of higher education and related educational facilities. The full faith and credit of the Commonwealth is pledged for the payment of the principal of and interest on the bonds and any bond anticipation notes or refunding bonds. The bill authorizes the Treasury Board, by and with the consent of the Governor, to fix the details of such bonds, to borrow money in anticipation of the issuance of the bonds, and to issue refunding bonds. The bill shall not become effective, and no bonds shall be issued, unless and until voter approval is obtained.

Patron: Diamonstein



HB 1604 Higher Education and Related Facilities Bond Act of 2001.

A BILL authorizing the issuance of Commonwealth of Virginia Higher Education and Related Educational Facilities Bonds in an amount not exceeding \$671,000,000 for the purpose of providing funds for paying, together with any other available funds, the cost of capital projects for acquiring, constructing, restoring, repairing, improving, and refurbishing the physical plants, including incidental equipment, of higher education and related educational facilities; authorizing the Treasury Board, by and with the consent of the Governor, to fix the details of such bonds and to provide for the sale of the bonds; authorizing the Treasury Board, by and with the consent of the Governor, to borrow money in anticipation of the issuance of the bonds; authorizing the issuance of refunding bonds, by and with the consent of the Governor; providing for the pledge of the full faith and credit of the Commonwealth for the payment of such obligations; providing that interest on such obligations shall be exempt from all taxation by the Commonwealth and any political subdivision thereof; and providing that this act shall not become effective and that no bonds shall be issued hereunder unless this act is approved by a majority of the qualified voters of the Commonwealth voting thereon at an election, as required by Article X, Section 9 (b) of the Constitution of Virginia. 012815724

Summary as introduced:

Commonwealth of Virginia Higher Education and Related Educational Facilities Bond Act of 2001.

Authorizes the issuance of Commonwealth of Virginia Higher Education and Related Educational Facilities Bonds pursuant to Article X, Section 9 (b) of the Virginia Constitution in an amount not exceeding \$671,000,000, subject to approval by a majority of the qualified voters of the Commonwealth voting thereon at the November 6, 2001, general election. The purpose of the bonds is to provide funds for paying, together with any other available funds, the cost of acquiring, constructing, restoring, repairing, improving, renovating and refurbishing the physical plants, including incidental equipment, of higher education and related educational facilities. The full faith and credit of the Commonwealth is pledged for the payment of the principal of and interest on the bonds and any bond anticipation notes or refunding bonds. The bill authorizes the Treasury Board, by and with the consent of the Governor, to fix the details of such bonds, to borrow money in anticipation of the issuance of the bonds, and to issue refunding bonds. The bill shall not become effective, and no bonds shall be issued, unless and until voter approval is obtained. *This bill was incorporated into HB 1747.*

Patron: Diamonstein



HB 1635 Distribution of general funds to localities.

A BILL to amend the Code of Virginia by adding in Chapter 14 of Title 2.1 an article numbered 2.1:1, consisting of sections numbered 2.1-191.4:01 and 2.1-191.4:02, relating to distribution of general funds to localities. 015906724

Summary as introduced:

Distribution of general funds to localities. Requires that two percent of the total general funds be returned to localities based equally on size of population and degree of fiscal stress.

Patron: Diamonstein



HB 1715 Delinquent real estate taxes; distribution of surplus after sale.

An Act to amend and reenact § 58.1-3967 of the Code of Virginia, relating to disposition of surplus proceeds of sale of real estate for delinquent taxes.

Summary as passed:

Delinquent real estate taxes; distribution of surplus after sale of real estate. Provides that any unclaimed surplus from the proceeds of the sale of real estate for delinquent real property taxes shall be paid to the county, city, or town that received proceeds for delinquent taxes from such sale. Under current law, towns are not eligible to receive such surplus.

Patrons: Callahan; Senator: Mims



HB 1726 Tobacco Indemnification and Community Revitalization Endowment.

A BILL to amend and reenact §§ 9-380 and 9-385 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 9-383.1, relating to the disbursement of the proceeds of a sale of one-half of the allocation to the Commonwealth of Virginia pursuant to the Tobacco Master Settlement Agreement by the creation and application of the Virginia Tobacco Indemnification and Community Revitalization Endowment. 012939924

Summary as passed House:

Higher Education and Economic Development Trust Fund. Provides for the custody, investment and disbursement of the proceeds of the sale of one-half the allocation to the Commonwealth of Virginia pursuant to the Tobacco Master Settlement Agreement by the creation and application of the Virginia Tobacco Indemnification and Community Revitalization Endowment.

Patrons: Rust and Dudley



HB 1727 Tobacco Settlement Financing Corporation Act.

A BILL to create and empower the Tobacco Settlement Financing Corporation as an independent public corporation authorized to acquire from the Commonwealth a certain portion of its allocation of the tobacco settlement payments received from the Master Tobacco Settlement Agreement, entered into by forty-six states and the major tobacco manufacturers. 012940924

Summary as passed House:

Tobacco Settlement Financing Corporation Act. Creates and empowers the Tobacco Settlement Financing Corporation as an independent public corporation authorized to acquire from the Commonwealth one-half of its allocation of the tobacco settlement payments received from the Master Tobacco Settlement Agreement, entered into by 46 states and the major tobacco manufacturers. Also permits issuance of tobacco bonds not deemed to constitute debt to the Commonwealth.

Patrons: Rust, Dudley and Wright



HB 1747 Higher Education and Related Facilities Bond Act of 2001.

A BILL authorizing the issuance of Commonwealth of Virginia Higher Education and Related Educational Facilities Bonds in an amount not exceeding \$803,703,975 for the purpose of providing funds for paying, together with any other available funds, the cost of capital projects for acquiring, constructing, restoring, repairing, improving, and refurbishing the physical plants, including incidental equipment, of higher education and related educational facilities; authorizing the Treasury Board, by and with the consent of the Governor, to fix the details of such bonds and to provide for the sale of the bonds; authorizing the Treasury Board, by and with the consent of the Governor, to borrow money in anticipation of the issuance of the bonds; authorizing the issuance of refunding bonds, by and with the consent of the Governor; providing for the pledge of the full faith and credit of the Commonwealth for the payment of such obligations; providing that interest on such obligations shall be exempt from all taxation by the Commonwealth and any political subdivision thereof; and providing that this act shall not become effective and that no bonds shall be issued hereunder unless this act is approved by a majority of the qualified voters of the Commonwealth voting thereon at an election, as required by Article X, Section 9 (b) of the Constitution of Virginia. 011809924

Summary as passed House:

Commonwealth of Virginia Higher Education and Related Educational Facilities Bond Act of 2001.

Authorizes the issuance of Commonwealth of Virginia Higher Education and Related Educational Facilities Bonds pursuant to Article X, Section 9 (b) of the Virginia Constitution in an amount not exceeding \$803,703,975, subject to approval by a majority of the qualified voters of the Commonwealth voting thereon at the November 6, 2001, general election. The purpose of the bonds is to provide funds for paying, together with any other available funds, the cost of acquiring, constructing, restoring, repairing, improving, renovating and refurbishing the physical plants, including incidental equipment, of higher education and related educational facilities. The full faith and credit of the Commonwealth is pledged for the payment of the principal of and interest on the bonds and any bond anticipation notes or refunding bonds. The bill authorizes the Treasury Board, by and with the consent of the Governor, to fix the details of such bonds, to borrow money in anticipation of the issuance of the bonds, and to issue refunding bonds. The bill shall not become effective, and no bonds shall be issued, unless and until voter approval is obtained. Incorporates HB 1604.

Patrons: Callahan, Albo, Amundson, Bloxom, Bolvin, Brink, Bryant, Council, Darner, Diamonstein, Dickinson, Dillard, Grayson, Hamilton, Jackson, May, McClure, McQuigg, Morgan, Moss, Parrish, Plum, Purkey, Putney, Rhodes, Rust, Scott, Sherwood, Spruill, Van Landingham and Watts; *Senators:* Howell, Mims, Puller, Saslaw, Ticer and Whipple



HB 1830 Reassessments of real estate in Hanover County.

An Act to amend and reenact § 58.1-3257 of the Code of Virginia, relating to the time in which real estate tax assessments must be completed.

Summary as passed:

Taxation; reassessments of real estate. Extends the time in which general reassessment of real estate in

Hanover County must occur from December 31 of the year of the reassessment, to three months after December 31 in such year.

Patron: Hargrove



HB 1908 Public School Authority; bonds and notes for grants.

An Act to amend the Code of Virginia by adding a section numbered 22.1-167.3, relating to issuance of bonds and notes for grants by the Virginia Public School Authority.

Summary as passed:

Virginia Public School Authority; bonds and notes for grants. Authorizes the Virginia Public School Authority to pledge to certain bonds and notes issued for grants to local school boards any general funds appropriated for such purpose. The Governor's annual budget bill must contain a sum sufficient appropriation to cure any shortfall on any debt service payment date on the bonds or notes. This bill requires the VPSA to report to the Governor and the chairmen of the House Committees on Appropriations and Finance and the Senate Committee on Finance detailing the total amount of the VPSA's outstanding bonds and notes secured by such sum sufficient and describing any instances where such sum sufficient has been used.

Patron: Callahan



HB 1934 Income tax; refund of surplus revenues.

A BILL to amend and reenact § 2.1-191.2 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 58.1-1823.1, relating to refunds to taxpayers of revenues that exceed amount deposited in Revenue Stabilization Fund. 014637868

Summary as introduced:

Income tax; refund of surplus revenues. Requires the refund of surplus revenues when they exceed the amount required to be deposited in the Revenue Stabilization Fund by at least \$50 million. The Department of Taxation shall make refunds based on each taxpayer's pro rata share of excess revenues collected in the calendar year in which the fiscal year surplus is determined. The taxpayer must have filed an income tax return for such calendar year.

Patrons: Nixon and Black



HB 1961 Income tax credits for educational expenses & contributions.

A BILL to amend the Code of Virginia by adding in Chapter 3 of Title 58.1 an article numbered 3.1, consisting of sections numbered 58.1-339.11 through 58.1-339.16, relating to income tax credits for donations to school tuition organizations and for payment of certain costs associated with the enrollment of children in certain schools; the Virginia Children's Educational Opportunity Act 2001. 014652808

Summary as introduced:

Income tax credits for educational expenses and contributions; the Virginia Children's Educational Opportunity Act 2001. Establishes nonrefundable income tax credits for tuition and other instructional fees charged by a public or private school and for certain fees and costs incurred in association with home schooling. The maximum amount of the credit is 80 percent of the qualifying expenses incurred per child, or 100 percent if the taxpayer is a member of a household whose combined adjusted gross income does not exceed 185 percent of the federal poverty guideline amount.

To qualify for the tax credit for educational expenses, the student for whom the expenses were incurred must be eligible to be enrolled in a public school free of charge and qualify to be claimed as a dependent on the taxpayer's federal tax return. The maximum amount of the credit for taxpayers who are not in low-income households is capped at \$500 for taxable year 2002. In subsequent years, the amount increases by \$500 per year until taxable year 2006, when the maximum allowable credit is capped at \$2,500. In the case of students enrolled in a qualified school not charging tuition, the credit cannot exceed \$550 per child.

The legislation also provides an income tax credit for cash donations to a charitable tax-exempt corporation in Virginia that (i) provides financial assistance up to \$3,100 per child for the education of children from low-income households and households in which parents lack sufficient tax liability to claim the personal tax credits allowed by this bill, and (ii) expends all of certain cash contributions as grants to cover qualifying educational expenses of such children. Support for home schooling is limited to \$550 per child. The maximum amount of the credit starts at \$200 per taxpayer for taxable year 2002, and increases in \$100 annual increments thereafter until reaching \$500 in 2005. Such contributions cannot be designated for the direct benefit of a specific child. Taxpayers cannot claim both types of credits in the same year. Both types of tax credits become effective for taxable years beginning on or after January 1, 2002. The Department of Taxation is required to promulgate regulations to implement these credits, including providing the format for a standardized receipt to be issued by school tuition organizations and qualifying schools.

Patrons: Katzen, Black, Byron, Cox, Devolites, Drake, Dudley, Hargrove, Harris, Howell, Jones, S.C., Landes, Louderback, Marshall, May, McClure, McDonnell, McQuigg, Nixon, O'Brien, Purkey, Rapp, Suit, Ware, Weatherholtz, Welch and Wright; *Senators:* Bolling and Martin



HB 1984 Motor fuel tax; rate increase.

A BILL to amend and reenact § 58.1-2217 of the Code of Virginia, relating to motor fuel tax rate increase. 010628980

Summary as introduced:

Motor fuel tax; rate increase. Increases the tax rate on motor fuel used in highway vehicles by 10 cents per gallon. The tax increase was calculated to reflect both the reduction in average miles per gallon of passenger cars and the increase in the cost of road construction since 1986.

Patron: Watts



HB 1988 Income tax; taxable income of residents.

A BILL to amend and reenact § 58.1-322 of the Code of Virginia, relating to taxable income of residents; deduction for portion of common interest community annual assessment. 015979636

Summary as introduced:

Income tax; taxable income of residents; deduction for common interest community assessment. Provides a deduction to individuals when calculating their Virginia taxable income for that portion of the regular annual assessment attributable to the equivalent of municipal services paid to a common interest community.

Patrons: Black; *Senator:* Mims



HB 1994 Imposition and administration of income and property taxes.

A BILL to amend and reenact §§ 58.1-320, 58.1-400 and 58.1-3500 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 58.1-320.1, relating to the imposition and administration of income and property taxes. 011303880

Summary as introduced:

Imposition and administration of income and property taxes. Increases the individual income tax rate by one percent at each level (from 2 percent to 3 percent, 3 percent to 4 percent, 5 percent to 6 percent, and 5 3/4 percent to 6 3/4 percent) and the corporate income tax rate from 6 percent to 7 percent, effective January 1, 2002. The bill also limits the rate localities may levy for the personal property tax to \$0.01 per \$100 of assessed value for tax years beginning on and after January 1, 2002. The Tax Commissioner will administer the additional income tax revenues and distribute them to the localities based on the residence of each individual taxpayer and each locality's share of total full-time employees.

Patron: Parrish



HB 1995 Sales and use tax; salary limits for certain organization's employees.

A BILL to amend and reenact § 30-19.05 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 6 of Title 58.1 a section numbered 58.1-609.11, relating to sales and use tax exemptions; salary limits for employees of certain organizations. 011320880

Summary as introduced:

Sales and use tax; salary limits for certain organization's employees. Provides, for taxable years beginning on and after July 1, 2001, that no nonprofit organization shall be exempt from sales and use tax if any one of its employees is paid more than \$100,000 in annual salary and benefits.

Patron: Parrish



HB 2017 Localities' share of individual income tax revenues.

A BILL to amend the Code of Virginia by adding in Chapter 3 of Title 58.1 an article numbered 2.1, consisting of sections numbered 58.1-327, 58.1-328 and 58.1-329, relating to distribution of a portion of individual income tax revenues to localities; Localities' Share of Individual Income Tax Revenue Fund. 010484500

Summary as introduced:

Individual income tax; distribution of a portion of individual income tax revenues to localities; Localities' Share of Individual Income Tax Revenue Fund. Establishes the Localities' Share of Individual Income Tax Revenue Fund into which two percent of individual income tax revenues shall be deposited in 2003 for distribution to localities. The percentage increases two percent each year until it reaches a maximum of 10 percent in 2007.

The amount in the fund is to be distributed annually to counties and cities as follows: (i) 50 percent distributed based on the relative share of the total state income tax paid by taxpayers filing returns in each locality; (ii) 40 percent distributed based on where wages are earned; and (iii) 10 percent divided equally among all 135 counties and cities.

The amount distributed to counties is then to be shared with towns located within the counties based on the towns' relative share of total population within the county. Fifty percent of the amount distributed to any county with towns would be divided among the county and its towns based on population. If a county has no towns within its boundaries, the county keeps the entire distribution of individual income tax revenue. Distributions are to be made by the State Treasurer to localities no later than September 1, with the first one beginning in 2003. Any corrections in the amount of distributions will be made in the fiscal year immediately following the year in which the incorrect distribution was made.

Patrons: May and Black; Senator: Mims



HB 2022 Land use assessment; extension of deadline.

An Act to amend and reenact § 58.1-3234 of the Code of Virginia, relating to land use assessment; extension of deadlines.

Summary as passed:

Land use assessment; extension of deadline. Authorizes localities to provide further extension for filing land use assessments. Currently, localities are allowed to provide a 60-day extension upon payment of a late filing fee. The bill would allow such localities to provide an additional 30-day extension upon payment of an extension fee. The extension fee may not exceed the amount of such late filing fee.

Patrons: May and Black; Senator: Mims



HB 2036 State and local income tax.

A BILL to amend and reenact §§ 2.1-155, 9-385, 46.2-623, 58.1-320, 58.1-540, 58.1-544, 58.1-545, 58.1-548, 58.1-611.1, and 58.1-3912 of the Code of Virginia; to amend the Code of Virginia by adding in Article 5 of Chapter 36 of Title 58.1 a section numbered 58.1-3667; and to repeal §§ 15.2-1636.20, 58.1-542, 58.1-543, 58.1-549, and 58.1-3916.01 and Chapter 35.1 of Title 58.1 of the Code of Virginia, relating to state and local income taxes. 012806924

Summary as introduced:

State and local income tax. (i) Reduces the individual state income tax rates by approximately 13.75 percent; (ii) authorizes localities to impose a local income tax at rates equivalent to the reduction in the state income tax; (iii) exempts from taxation motor vehicles used for nonbusiness purposes; and (iv) repeals the Personal Property ("car tax") Relief Act of 1998. The bill is effective: (i) January 1, 2003, and (ii) only if a Constitutional amendment is ratified by the voters exempting motor vehicles used for nonbusiness purposes from taxation.

Patron: Rust



HB 2124 Collection of local taxes.

A BILL to amend and reenact §§ 58.1-3133, 58.1-3912, and 58.1-3942 of the Code of Virginia, relating to collection of local taxes. 012706792

Summary as introduced:

Taxation; collection of local taxes. (i) Provides that the statutory setoff applies to all charges collected by the treasurer; (ii) authorizes treasurers to transmit tax bills by electronic means; and (iii) clarifies that the lien for taxes due attaches to property that has been specifically assessed. *This bill was incorporated into HB 1999.*

Patrons: Johnson, Kilgore and Parrish



HB 2184 Technology and Biotechnology Research and Development Act; created.

A BILL to amend the Code of Virginia by adding in Chapter 3 of Title 58.1 an article numbered 11, consisting of sections numbered 58.1-422 through 58.1-428, relating to the Virginia Technology and Biotechnology Investment Act. 018112264

Summary as introduced:

Virginia Technology and Biotechnology Research and Development Act created. Creates the Virginia Technology and Biotechnology Research and Development Act. This bill creates a tax credit for qualified research expenses, which is defined by § 41 of the Internal Revenue Code as in-house expenses or contract research expenses, paid by a technology or biotechnology company. This credit is for an amount equal to 50 percent of the qualified research expenses paid in excess of the base amount, calculated in accordance with § 41 of the Internal Revenue Code. Also created is a credit for basic research payments, which, in accordance with § 41 of the Internal Revenue Code and modified to benefit the Commonwealth, means payments made to companies and nonprofit research institution and organizations located in the Commonwealth for research in technology and biotechnology. Neither credit is to exceed 50 percent of the tax liability due nor exceed \$500,000. Any unusable tax credit may be carried over for 10 succeeding taxable years. Each tax credit is capped at five million dollars per taxable year; however, if the cap is not reached in a given taxable year, any amount left over shall be utilized in the succeeding taxable year, in addition to that year's caps of five million dollars.

The bill also creates the "Corporation Tax Benefit Certificate Program" to be administered by the Department of Taxation in cooperation with the Innovative Technology Authority. Under the program, technology or biotechnology companies may transfer their unused but otherwise allowable qualified research expenses tax credits for a minimum of 75 cents on the dollar to another corporation taxpayer provided neither is an affiliate or a subsidiary of the other. The proceeds from the transfer can be used for a broad range of "costs" associated with operating a technology or biotechnology company. These tax credits and the Corporation Tax Benefit Certificate Program are for taxable years beginning on or after January 1, 2002.

Patrons: Purkey, Christian, May, Plum and Welch; Senator: Ticer



HB 2224 Commonwealth Mass Transit Funds.

An Act to amend and reenact § 58.1-638 of the Code of Virginia, relating to the Commonwealth Mass Transit Fund; allocations to support ninety-five percent of local costs for purchases of fuels, lubricants, tires, and maintenance parts and supplies for public transportation.

Summary as passed:

Commonwealth Mass Transit Funds. Requires the allocations from the Commonwealth Mass Transit Fund be used to support 80 percent (rather than a maximum of 95 percent) of the costs borne by the localities for the purchase of fuels, lubricants, tires and maintenance parts and supplies for public transportation in 2002, and 95 percent in 2003 and succeeding years.

Patron: Almand



HB 2242 Sales and use tax on food purchased for human consumption.

A BILL to amend the Code of Virginia by adding a section numbered 58.1-611.2, and to repeal § 58.1-611.1 of the Code of Virginia, relating to sales and use tax on food purchased for human consumption.
010523708

Summary as introduced:

Sales and use tax on food purchased for human consumption. Effective July 1, 2001, exempts food purchased for human consumption, as defined in the Food Stamp Act of 1977, 7 U.S.C. § 2012, as amended, from state and local sales and use taxes. The bill provides for a General Fund reimbursement for the current (i) one-half percent of the state sales and use tax paid into the Transportation Trust Fund; (ii) one percent local sales and use tax; and (iii) one percent sales and use tax distributed to localities by school population.

Patrons: Day, Armstrong, Brink, Clement, Deeds, Diamonstein, Stump, Thomas, Watts and Woodrum



HB 2247 Limit on state debt.

A BILL to place a limitation on the issuance of additional state debt. 010517708

Summary as introduced:

Limit on state debt. Prohibits the issuance of any additional state debt in any fiscal year when the Commonwealth of Virginia makes payments to political subdivisions under the Personal Property Tax Relief Act of 1998.

Patron: Day



HB 2248 Local sales and use tax; additional levy.

A BILL to amend and reenact §§ 58.1-605 and 58.1-606 of the Code of Virginia, relating to additional local sales and use taxes. 010529708

Summary as introduced:

Local sales and use tax. Authorizes any locality to levy an additional local sales and use tax at the rate of one percent. The revenue generated by the additional tax shall be used solely to build and maintain roads within the locality or within the locality's planning district.

Patrons: Day and Stump



HB 2249 Individual income tax; distributions to localities.

A BILL to amend the Code of Virginia by adding in Article 1 of Chapter 3 of Title 58.1 a section numbered 58.1-300.1, relating to the distribution of income tax revenues to localities. 010518708

Summary as introduced:

Individual income tax; distributions to localities. Provides for the distribution to localities of one percent of the revenues collected annually from the individual income tax based on each taxpayer's residence, beginning January 1, 2002. It also establishes a nonreverting fund into which the revenues are to be deposited before being distributed to localities.

Patrons: Day, Bryant, Diamonstein, Scott and Watts



HB 2252 Reduced sales tax for certain clothing, footwear, and computers.

A BILL to amend and reenact § 58.1-602 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 58.1-611.2, relating to sales and use tax reductions. 010521708

Summary as introduced:

Reduced sales and use tax for certain clothing, footwear, and computers. Establishes a state sales and use tax exemption during the period from September 1 through September 7, 2001, and every September 1 through September 7 thereafter, for "clothing and footwear" costing less than \$500 per article; "computer systems" costing less than \$1,500; and "computers," "computer hardware," and "computer software" costing less than \$500. The bill also requires the Department of Taxation to promulgate regulations that implement the temporary exemption program by August 15, 2001. *This bill was incorporated into HB 2511.*

Patrons: Day, Armstrong, Brink, Clement, Deeds, Diamonstein and Stump



HB 2275 BPOL tax; license fees, rates and requirements.

A BILL to amend and reenact §§ 58.1-3703 and 58.1-3706 of the Code of Virginia, relating to business, professional and occupational license tax; license fees, requirements and rates. 011735936

Summary as introduced:

BPOL tax; license fees, rates and requirements. Requires localities that impose the BPOL tax to (i) eliminate license fees by January 1, 2004, (ii) exempt the first \$100,000 of gross receipts from taxation by January 1, 2004, and (iii) reduce the several different rates currently in the Code to a flat rate of 20 cents per \$100 of gross receipts for license years beginning on and after January 1, 2004.

Patron: Shuler



HB 2354 Income tax; employer-provided commuting benefits tax credit.

A BILL to amend the Code of Virginia by adding in Article 13 of Chapter 3 of Title 58.1 a section numbered 58.1-439.12:1, relating to employer-provided commuting benefits tax credit. 019506840

Summary as introduced:

Income tax; employer-provided commuting benefits tax credit. Grants an income tax credit to employers who pay eligible commuting expenses of their employees for taxable years beginning on and after January 1, 2002. Eligible commuting expenses are those costs that cover travel between an employee's residence and place of employment by means of multiple-occupancy vehicle transportation and mass-transit transportation. The maximum annual credit for commuting expenses is the lesser of \$240 per employee or the employer's tax liability for the tax year. Unused credits are not refundable, and they cannot be carried over or back to a different taxable year. An employer may not claim a tax credit for the expenses to the extent he has taken a deduction for such expenses for federal income tax purposes.

Patrons: McEachin, Brink, Diamonstein, Jones, J.C. and Scott



HB 2390 Park and Recreational Bond Act of 2001; created.

A BILL authorizing the issuance of Commonwealth of Virginia Park and Recreational Facilities Bonds in an amount not exceeding \$164,329,000 for the purpose of financing the cost of capital projects for parks and recreational facilities; authorizing the Treasury Board, by and with the consent of the Governor, to fix the details of such bonds and to provide for the sale of the bonds; authorizing the Treasury Board, by and with the consent of the Governor, to borrow money in anticipation of the issuance of the bonds; authorizing the issuance of refunding bonds, by and with the consent of the Governor; providing for the pledge of the full faith and credit of the Commonwealth for the payment of such obligations; providing that interest on such obligations shall be exempt from all taxation by the Commonwealth and any political subdivision thereof; and providing that this act shall not become effective and that no bonds shall be issued hereunder unless this act is approved by a majority of the qualified voters of the Commonwealth voting thereon at an election, as required by Article X, Section 9 (b) of the Constitution of Virginia. 011810732

Summary as passed House:

Commonwealth of Virginia Park and Recreational Bond Act of 2001. Authorizes the issuance of Commonwealth of Virginia Park and Recreational Facilities Bonds pursuant to Article X, Section 9 (b) of the Constitution of Virginia in an amount not exceeding \$164,329,000, subject to approval by a majority of the

qualified voters of the Commonwealth voting thereon at the November 6, 2001, general election. The purpose of the bonds is to provide funds for (i) acquiring land and developing four state parks; (ii) acquiring land for natural area preservation; and (iii) construction of numerous specified projects at existing state parks. The full faith and credit of the Commonwealth is pledged for the payment of the principal of and interest on the bonds and any bond anticipation notes or refunding bonds. The bill authorizes the Treasury Board, by and with the consent of the Governor, to fix the details of such bonds, to borrow money in anticipation of the issuance of the bonds, and to issue refunding bonds. The bill shall not become effective, and no bonds shall be issued, unless and until voter approval is obtained.

Patrons: Dillard, Albo, Almand, Bennett, Bloxom, Brink, Bryant, Callahan, Councill, Cox, Day, Diamonstein, Dickinson, Grayson, Griffith, Hamilton, Ingram, Jackson, Kilgore, Landes, Louderback, McClure, Morgan, Moss, O'Brien, Parrish, Plum, Pollard, Purkey, Putney, Rhodes, Scott, Sherwood, Suit, Watts and Wright;
Senators: Byrne, Howell, Puller, Saslaw and Ticer



HB 2446 Distribution of portion of individual income tax revenues to local.

A BILL to amend the Code of Virginia by adding in Chapter 3 of Title 58.1 an article numbered 2.1, consisting of sections numbered 58.1-327, 58.1-328 and 58.1-329, relating to distribution of a portion of individual income tax revenues to localities; Localities' Share of Individual Income Tax Revenue Fund. 010484500

Summary as introduced:

Individual income tax; distribution of a portion of individual income tax revenues to localities; Localities' Share of Individual Income Tax Revenue Fund. Establishes the Localities' Share of Individual Income Tax Revenue Fund into which two percent of individual income tax revenues shall be deposited in 2003 for distribution to localities. The percentage increases two percent each year until it reaches a maximum of 10 percent in 2007.

The amount in the fund is to be distributed annually to counties and cities as follows: (i) 50 percent distributed based on the relative share of the total state income tax paid by taxpayers filing returns in each locality; (ii) 40 percent distributed based on where wages are earned; and (iii) 10 percent divided equally among all 135 counties and cities.

The amount distributed to counties is then to be shared with towns located within the counties based on the towns' relative share of total population within the county. Fifty percent of the amount distributed to any county with towns would be divided among the county and its towns based on population. If a county has no towns within its boundaries, the county keeps the entire distribution of individual income tax revenue. Distributions are to be made by the State Treasurer to localities no later than September 1, with the first one beginning in 2003. Any corrections in the amount of distributions will be made in the fiscal year immediately following the year in which the incorrect distribution was made.

Patrons: Clement and Hull



HB 2459 Fuels tax refunds for rural mail carriers.

A BILL to amend and reenact § 58.1-2259 of the Code of Virginia, relating to fuels tax refunds for rural U. S. mail carriers. 018929884

Summary as introduced:

Fuels tax refunds for rural mail carriers. Allows a refund for fuel used in privately-owned vehicles driven by rural mail carriers when delivering U.S. mail.

Patron: Phillips



HB 2489 Local recordation tax rates.

A BILL to amend and reenact §§ 58.1-814 and 58.1-3800 of the Code of Virginia, relating to local recordation tax rate. 010567852

Summary as introduced:

Taxation; local recordation tax rates. Increases the maximum local recordation tax rate from one-third of the state recordation tax rate to two-thirds of the state recordation tax rate. Any increased revenues resulting from such increase in the maximum tax rate shall be used exclusively for acquiring and preserving open-spaces.

Patrons: Moran and Van Landingham; Senator: Whipple



HB 2511 Sales tax exemption; school-related items.

A BILL to amend and reenact §§ 58.1-625 and 58.1-626 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 58.1-611.2, relating to a limited sales and use tax exemption for school-related items. 012915744

Summary as passed House:

Sales and use tax exemption; school-related items. Beginning in 2002, provides a sales and use tax exemption for certain school-related items purchased during a specific one-week period during the end of August each year. The exempt items are: (i) school supplies, footwear, and clothing where the selling price of each item is \$100 or less; (ii) computer systems where the selling price for each system is \$1,500 or less; and (iii) computers, computer hardware, computer software, and portable calculators where the selling price for each item is \$500 or less. The bill also authorizes dealers to absorb the sales and use tax on all other items sold during the same time period and thereby relieve the purchaser of the obligation to pay such tax. Dealers who absorb such taxes are liable for payment of the same to the Tax Commissioner.

Patrons: Reid, Katzen and Suit



HB 2526 Local severance taxes.

A BILL to amend and reenact § 58.1-3712 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 58.1-3713.5, relating to license taxes on businesses severing gases from the earth. 013150884

Summary as introduced:

Local severance taxes. Authorizes counties and cities to impose an additional local severance tax on persons engaging in the business of severing gases from the earth. A county or city may impose this additional tax at a rate not to exceed one percent of the gross receipts from the sale of gases severed within the county or city. The effective date of the bill is July 1, 2001, and the increase is applicable for license years beginning on or after January 1, 2001. By statute, in calendar year 2001 most taxpayers will be required to pay their local BPOL and severance taxes on March 1. At least one-half of the revenues from this increase shall be used for constructing new and improved water systems and lines in areas with natural water supplies that are insufficient in quality or quantity. The bill also provides that the fair market value of gases sold outside the county or city shall be measured at the time such gases are severed from the earth at a wellhead. This bill would increase the license tax rate that counties and cities may currently levy on businesses severing gases from three percent to four percent.

Patron: Phillips



HB 2619 Cultural Facilities Bond Act of 2001; created.

A BILL authorizing the issuance of Commonwealth of Virginia Cultural Facilities Bonds in an amount not exceeding \$90,100,000 for the purpose of financing, together with any other available funds, the cost of capital projects consisting of constructing, maintaining, restoring, repairing, improving, and refurbishing the physical plants including incidental equipment, of cultural, historic, artistic, and educational facilities; authorizing the Treasury Board, by and with the consent of the Governor, to fix the details of such bonds and to provide for the sale of the bonds; authorizing the Treasury Board, by and with the consent of the Governor, to borrow money in anticipation of the issuance of the bonds; authorizing the issuance of refunding bonds, by and with the consent of the Governor; providing for the pledge of the full faith and credit of the Commonwealth for the payment of such obligations; providing that the bonds shall be exempt from all taxation by the Commonwealth and any political subdivision thereof; and providing that this act shall not become effective and that no bonds shall be issued hereunder unless this act is approved by a majority of the qualified voters of the Commonwealth voting thereon at an election, as required by Article X, Section 9 (b) of the Constitution of Virginia. 010045724

Summary as introduced:

Commonwealth of Virginia Cultural Facilities Bond Act of 2001. Authorizes, subject to approval by a majority of the qualified voters of the Commonwealth voting thereon at the November 6, 2001, general election, the issuance of Commonwealth of Virginia Cultural Facilities Bonds pursuant to Article X, Section 9 (b) of the Constitution of Virginia in an amount not exceeding \$90,100,000. The purpose of the bonds is to provide funds for paying, together with any other available funds, the cost of maintaining, restoring, repairing, improving, and refurbishing the physical plants, including incidental equipment, of cultural, historic and artistic facilities. The full faith and credit of the Commonwealth is pledged for the payment of the principal of and interest on the bonds and any bond anticipation notes or refunding bonds. The bill authorizes the Treasury Board, by and with the consent of the Governor, to fix the details of such bonds, to borrow money in anticipation of the issuance of the bonds, and to issue refunding bonds. The bill shall not become effective and no bonds shall be issued unless voter approval is obtained.

Patrons: Diamonstein, Baskerville, Brink, Hull, Jones, J.C., McEachin, Scott and Van Landingham



HB 2663 Classification of real property; land and improvements.

An Act to amend the Code of Virginia by adding in Article 3 of Chapter 32 of Title 58.1 a section numbered 58.1-3221.1, relating to classification of real estate for tax rate purposes.

Summary as passed:

Classification of real property; land and improvements. Permits the City of Fairfax to tax improvements to real property at a lower tax rate than that imposed on the land on which the improvements are located by creating a separate classification for taxation purposes. Incorporates HB 2037. *(This bill, that in its gubernatorial-amended form would have mandated statewide classification of land and improvements and the ability for separate tax rates, came back out of the veto session applying only to Fairfax City. The General Assembly did accept the governor's amendment to make the bill effective July 1, 2001, instead of an effective date of July 1, 2002.)*

Patrons: Diamonstein, Albo, Marshall, Pollard and Woodrum



HB 2684 Income tax; earned income tax credit.

A BILL to amend the Code of Virginia by adding in Article 3 of Chapter 3 of Title 58.1 a section numbered 58.1-339.11, and to repeal § 58.1-339.8 of the Code of Virginia, relating to the state earned income tax credit. 016217852

Summary as introduced:

Income tax; earned income tax credit. Creates a refundable state earned income tax credit for individuals qualifying for the federal earned income tax credit and filing a joint return in an amount equal to 10 percent of the federal earned income tax credit, for taxable years beginning on or after January 1, 2002.

Patrons: Moran, Amundson, Baskerville, Bennett, Brink, Clement, Darnier, Deeds, Grayson, Hull, Jackson, Jones, J.C., Moss, Pollard, Scott, Van Landingham, Watts and Woodrum



HB 2725 Sales tax; additional tax in No. Va. to fund transportation projects.

A BILL to amend and reenact §§ 33.1-221.1:3, 58.1-603, 58.1-604, 58.1-611.1, 58.1-614, 58.1-627, 58.1-628, 58.1-638, and 58.1-815.1 of the Code of Virginia; and to amend and reenact § 2 of Chapter 391 of the Acts of Assembly of 1993, as amended by Chapters 470 and 597 of the Acts of Assembly of 1994, Chapters 740 and 761 of the Acts of Assembly of 1998, and Chapter 538 of the Acts of Assembly of 1999, relating to additional state sales and use tax in Arlington County, Fairfax County, Loudoun County, Prince William County, the City of Alexandria, the City of Fairfax, the City of Falls Church, the City of Manassas, and the City of Manassas Park, and dedicating the revenues from such tax to increase the principal amount of bonds authorized to be issued for transportation projects in the Northern Virginia Transportation District Program to \$2,650,000,000 and designating additional transportation projects to be funded through such Program. 012832916

Summary as introduced:

Sales and use tax; additional tax in Eighth Planning District to fund transportation projects. Increases the state sales and use tax by one-half percent in all cities and counties within the Eighth Planning District. The revenues from such increase shall be deposited into the Northern Virginia Transportation Fund to fund transportation projects in the Eighth Planning District. The bill also increases the maximum principal amount of transportation revenue bonds that may be issued for the Northern Virginia Transportation District Program from \$471.2 million to \$2.65 billion, specifies additional transportation projects to be funded by such bonds, and authorizes the Commonwealth Transportation Board to designate additional transportation projects to be paid for from the Northern Virginia Transportation Fund under certain conditions. The bill has a delayed effective date of January 1, 2002, and is contingent upon approval by a majority of persons voting in a joint referendum of all the cities and counties in the Eighth Planning District on November 6, 2001.

Patrons: Rollison, Callahan, Devolites, Hull, McClure, McQuigg, Parrish, Plum and Rust; Senators: Byrne, Howell, Puller and Saslaw



HB 2752 Income tax; deduction for volunteer firemen and rescue squad members.

A BILL to amend and reenact § 58.1-322 of the Code of Virginia, relating to taxable income of Virginia residents; subtraction for real property tax paid by full-time firefighters and rescue members. 011803600

Summary as introduced:

Income tax; deduction for property taxes paid by full-time volunteer firemen and rescue squad members. Provides a deduction in calculating Virginia taxable income equal to the amount of real property taxes paid annually by any full-time volunteer fireman or rescue squad member for his primary residence and the land on which it is located, up to one acre.

Patrons: Deeds, Abbitt, Armstrong, Barlow, Bennett, Clement, Cranwell, Jackson, Joannou, Johnson, Jones, J.C., Keister, Phillips, Shuler, Stump and Tate



HB 2753 Sales and use tax; food for human consumption.

A BILL to amend and reenact § 58.1-611.1 of the Code of Virginia, relating to sales and use tax on food for human consumption. 015482716

Summary as introduced:

Sales and use tax; food for human consumption. Exempts food for human consumption from the state sales and use tax.

Patrons: Deeds, Barlow, Clement, Ingram and Thomas; Senator: Ruff



HB 2767 Statewide referendum on continuation of state lottery.

A BILL to repeal Chapter 40, consisting of §§ 58.1-4000 through 58.1-4028, of Title 58.1 of the Code of Virginia, the State Lottery Law, effective upon the approval of the qualified voters of the Commonwealth in a statewide referendum on the repeal of the State Lottery Law. 015512684

Summary as introduced:

Statewide referendum on continuation of state lottery. Provides for a statewide referendum at the November 6, 2001, election on the question "Shall Virginia repeal the State Lottery Law and eliminate the present state lottery whose profits are used for public schools?" The bill provides for the repeal of the State Lottery Law, effective January 1, 2002, only if a majority of the voters vote "Yes" to repeal the Law.

Patrons: Cranwell, Darner, Joannou and Shuler



HB 2776 Sales and use tax; additional special local tax.

A BILL to amend and reenact §§ 33.1-221.1:3, 58.1-603, 58.1-604, 58.1-611.1, 58.1-614, 58.1-627, 58.1-628, 58.1-638, and 58.1-815.1 of the Code of Virginia; and to amend and reenact § 2 of Chapter 391 of the Acts of Assembly of 1993, as amended by Chapters 470 and 597 of the Acts of Assembly of 1994, Chapters 740 and 761 of the Acts of Assembly of 1998, and Chapter 538 of the Acts of Assembly of 1999, relating to additional state sales and use tax in certain localities and dedicating one-half of the revenues from such tax for educational capital projects and the remaining one-half of such revenues to increase the principal amount of bonds authorized to be issued for transportation projects in the Northern Virginia Transportation District Program to \$2,771,000,000 and designating additional transportation projects to be funded through such Program. 012927732

Summary as passed House:

Sales and use tax; additional tax in Eighth Planning District to fund transportation projects. Increases the state sales and use tax by one-half percent in all cities and counties within the Eighth Planning District. The revenues from such increase shall be deposited into the Northern Virginia Transportation Fund to fund transportation projects in the Eighth Planning District. The bill also increases the maximum principal amount of transportation revenue bonds that may be issued for the Northern Virginia Transportation District Program from \$471.2 million to \$2,771,200,000, specifies additional transportation projects to be funded by such bonds, and authorizes the Commonwealth Transportation Board to designate additional transportation projects to be paid for from the Northern Virginia Transportation Fund under certain conditions. The bill has a delayed effective date of January 1, 2002, and is contingent upon approval by a majority of persons voting in a joint referendum on November 6, 2001, of all the cities and counties in the Eighth Planning District whose governing bodies choose to put the referendum question on the ballot.

Patrons: Dillard, Amundson, Darner, Hull, Plum, Van Landingham and Watts; Senators: Puller and Ticer



HB 2790 Natural Gas Consumption Tax and local license tax on public utilities.

An Act to amend and reenact §§ 58.1-2901 and 58.1-3731 of the Code of Virginia, relating to public utility consumption and local license taxes.

Summary as passed:

Electricity and gas companies local license tax. Clarifies that the local license tax shall not be imposed after December 31, 2000, on pipeline distribution companies, gas suppliers, gas utilities or electric suppliers. The bill also has one technical correction. This bill is identical to SB 1421 (Watkins). *(This bill was approved in the form recommended by the governor and supported by local governments. It clarified that electric and gas companies do owe one final utility license tax payment on their 2000 gross receipts prior to the conversion to electric and gas deregulation and a consumption-based tax.)*

Patron: Rust



HB 2806 Income tax; Broadband Internet Access Tax Credit.

A BILL to amend the Code of Virginia by adding in Article 13 of Chapter 3 of Title 58.1 a section numbered 58.1-439.12.1, relating to Broadband Internet Access Tax Credit. 015514776

Summary as introduced:

Income tax; Broadband Internet Access Tax Credit. Provides an individual and corporate income tax credit to taxpayers in order to accelerate deployment of (i) current generation broadband access to the Internet for users located in certain low-income and rural areas and (ii) next generation broadband access for all users. The tax credit for any taxable year equals the sum of (a) the current generation broadband credit, plus (b) the next generation broadband credit.

The current generation broadband credit for any taxable year equals 10 percent of the qualified expenditures incurred with respect to qualified equipment offering current generation broadband services to rural subscribers or underserved subscribers. The next generation broadband credit for any taxable year shall equal 20 percent of the qualified expenditures incurred with respect to qualified equipment offering next generation broadband services to all rural subscribers, all underserved subscribers, or any other residential subscribers. The credit in the aggregate for any taxable year will not exceed \$750,000. If the amount of credits applied for exceed that limit, the Tax Department will allocate the credits on a pro rata basis. The credit applies to taxable years beginning on or after January 1, 2002, but before January 1, 2005.

Patron: Hull



HB 2814 State recordation tax; amount to be taxed.

An Act to amend and reenact §§ 58.1-801 and 58.1-802 of the Code of Virginia, relating to state recordation taxes.

Summary as passed:

State recordation tax; amount to be taxed. Requires the recordation tax to be based on the amount paid for the property and removes the option of basing it on the actual value of the property. *(This was a bill changing the method of computing the recordation tax. The governor's amendments supported by the Virginia Court Clerks Association and local governments, which were approved by the General Assembly, add a reenactment*

clause and request the Department of Taxation to work with the Virginia Court Clerks Association to determine the state and local fiscal impact of the bill.)

Patron: Tate



HB 2832 Individual income tax; refunds.

A BILL to amend and reenact § 58.1-1833 of the Code of Virginia, relating to the payment of penalty and interest on refunds of state income taxes. 011786684

Summary as introduced:

Individual income tax; refunds. Provides that the Commonwealth shall pay interest and penalty on individual income tax refunds if such refunds are not issued (i) by June 1 or 60 days from the date of filing of the individual income tax return, whichever is earlier, for returns filed before May 1, and (ii) within thirty days for individual income tax returns filed on or after May 1. The penalty shall equal six percent for each month that interest accrues. Interest shall also be assessed on the amount of the penalty.

Patron: Woodrum



HB 2844 Income tax; refund of surplus revenues.

A BILL to amend and reenact § 2.1-191.2 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 58.1-1823.1, relating to refunds to taxpayers of revenues that exceed amount deposited in Revenue Stabilization Fund. 011775870

Summary as introduced:

Income tax; refund of surplus revenues. Requires the refund of surplus revenues when they exceed the amount required to be deposited in the Revenue Stabilization Fund by at least \$50 million. The Department of Taxation shall make refunds based on each taxpayer's pro rata share of excess revenues collected in the calendar year in which the fiscal year surplus is determined. The taxpayer must have filed an income tax return for such calendar year.

Patrons: O'Bannon, Black, Drake, Wardrup and Welch



HB 2852 Income tax credit for tolls.

A BILL to amend the Code of Virginia by adding in Article 3 of Chapter 3 of Title 58.1 a section numbered 58.1-339.11, relating to an individual income tax credit for certain toll payments. 011335976

Summary as introduced:

Income tax credit for tolls. Allows an individual income tax credit for amounts paid for the use of any highway in the Commonwealth. The credit applies only to tokens and electronic toll collection payments, as evidenced by receipts.

Patrons: Ware, Albo, Cox, Nixon, O'Brien, Rapp and Reid; Senator: Martin



HB 2861 Local option sales tax.

A BILL to amend and reenact §§ 58.1-605 and 58.1-606 of the Code of Virginia, relating to imposition of local option sales and use taxes of one-half percent to be used for school construction, additions, infrastructure, site acquisition for public school buildings and facilities, renovations, including the costs of retrofitting or enlarging public school buildings, and debt service payments on such school projects which have been completed during the last ten years. 019818776

Summary as introduced:

Local option sales tax. The bill imposes local option sales and use taxes of one-half percent to be used for school construction, additions, infrastructure, site acquisition for public school buildings and facilities, renovations, including the costs of retrofitting or enlarging public school buildings, and debt service payments on such school projects which have been completed during the last ten years.

Patron: Hull



HB 2867 State and local income tax.

A BILL to amend and reenact §§ 2.1-155, 9-385, 46.2-623, 58.1-320, 58.1-540, 58.1-544, 58.1-545, 58.1-548, 58.1-611.1, and 58.1-3912 of the Code of Virginia and to amend the Code of Virginia by adding in Article 5 of Chapter 36 of Title 58.1 a section numbered 58-3667; and to repeal §§ 15.2-1636.20, 58.1-542, 58.1-543, 58.1-549, and 58.1-3916.01 and Chapter 35.1 of Title 58.1, relating to state and local income taxes.

Summary as introduced:

State and local income tax. (i) Reduces the individual state income tax rates by approximately 13.75 per cent; (ii) authorizes localities to impose a local income tax at rates equivalent to the reduction in the state income tax; (iii) exempts from taxation motor vehicles used for nonbusiness purposes; and (iv) repeals the Personal Property ("car tax") Relief Act of 1998. The bill is effective: (i) January 1, 2003, and (ii) only if a Constitutional amendment is ratified by the voters exempting motor vehicles used for nonbusiness purposes from taxation.

Patrons: Day and Cranwell



HJ 503 Constitutional amendment; property tax exemptions.

Proposing an amendment to Section 6 of Article X of the Constitution of Virginia, relating to tax-exempt property.

Summary as passed:

Constitutional amendment (first resolution); property tax exemptions. Allows local governing bodies to grant tax exemptions for property used for charitable and certain other purposes by local ordinance subject to restrictions and conditions as provided by general law enacted by the General Assembly. The present Constitution allows the General Assembly to exempt such property by classification or by designation by a three-fourths vote in each house.

Patrons: Howell, Dudley and McQuigg



SB 783 Sales and use tax; food purchased for human consumption.

A BILL to amend and reenact § 58.1-611.1 of the Code of Virginia, relating to the sales and use tax on food purchased for human consumption. 013106468

Summary as introduced:

Sales and use tax; food purchased for human consumption. Eliminates the requirement that actual general fund revenues exceed the official general fund revenue estimates by at least one percent, which currently is a condition for reaching the next level of tax relief on food purchased for human consumption. For the period April 1, 2001, through March 31, 2002, the bill provides for a two and one-half percent state sales tax on food purchased for human consumption. The bill contains an emergency clause.

Patrons: Marye and Edwards



SB 832 Telephone and enhanced 911 service taxes; exemptions.

A BILL to amend and reenact §§ 58.1-3812 and 58.1-3813.1 of the Code of Virginia, relating to exemptions for telephone service and enhanced 911 service taxes. 017093436

Summary as introduced:

Telephone and enhanced 911 service taxes; exemptions. Provides that no locality may impose telephone service tax and enhanced 911 service tax on volunteer rescue squads and volunteer fire departments.

Patron: Hawkins



SB 841 Tobacco Settlement Financing Corporation Act.

A BILL to create and empower the Tobacco Settlement Financing Corporation as an independent public corporation authorized to acquire from the Commonwealth its allocation of the tobacco settlement payments received from the Master Tobacco Settlement Agreement, entered into by forty-six states and the major tobacco manufacturers. 017116208

Summary as introduced:

Tobacco Settlement Financing Corporation Act. Creates and empowers the Tobacco Settlement Financing Corporation as an independent public corporation authorized to acquire from the Commonwealth its allocation of the tobacco settlement payments received from the Master Tobacco Settlement Agreement, entered into by 46 states and the major tobacco manufacturers. Also permits issuance of tobacco bonds not deemed to constitute debt to the Commonwealth.

Patron: Hawkins



SB 842 Higher Education and Economic Development Trust Fund.

A BILL to amend and reenact §§ 9-380, 9-385, 32.1-354 and 32.1-360 of the Code of Virginia and to amend the Code of Virginia by adding in Title 2.1 a chapter numbered 56, consisting of sections numbered 2.1-820 through 2.1-824 and by adding sections numbered 9-383.1 and 32.1-360.1, the amended and added sections providing for the custody, investment and disbursement of the proceeds of any sale of the allocation to the Commonwealth of Virginia pursuant to the Tobacco Master Settlement Agreement by the creation and

application of the Higher Education and Economic Development Trust Fund, the Virginia Tobacco Indemnification and Community Revitalization Endowment and the Virginia Tobacco Settlement Foundation Endowment. 017120208

Summary as introduced:

Higher Education and Economic Development Trust Fund. Provides for the custody, investment and disbursement of the proceeds of any sale of the allocation to the Commonwealth of Virginia pursuant to the Tobacco Master Settlement Agreement by the creation and application of the Higher Education and Economic Development Trust Fund, the Virginia Tobacco Indemnification and Community Revitalization Endowment and the Virginia Tobacco Settlement Endowment.

Patron: Hawkins



SB 855 Local real estate taxes.

A BILL to amend and reenact § 58.1-3603 of the Code of Virginia, relating to conditions under which tax-exempt real estate, not owned by the Commonwealth, shall become subject to local taxes. 013121540

Summary as introduced:

Local real estate taxes. Provides that real estate that is otherwise exempt from local taxes shall be subject to such taxes only if such real estate is a source of substantial net income. Net income is determined using generally accepted accounting principles, including the cost of depreciation and other expenses relating to the operation and maintenance of such real estate.

Patrons: Stosch, Chichester, Miller, K.G. and Wampler



SB 882 Income taxes; personal exemption and standard deduction amounts.

A BILL to amend and reenact § 58.1-322 of the Code of Virginia, relating to Virginia taxable income of residents; standard deduction and personal exemptions. 011757464

Summary as introduced:

Individual income taxes; personal exemption and standard deduction amounts. For taxable year 2001, increases the personal exemption for Virginia taxable income purposes from \$800 to \$1,000 for each personal exemption allowable to the taxpayer for federal income tax purposes. Also, for taxable year 2001, increases the standard deduction for married persons from \$5,000 to \$6,000, thereby eliminating any "marriage penalty." The standard deduction for single taxpayers remains unchanged at \$3,000. For the 2002 taxable year and subsequent taxable years, the \$1,000 personal exemption and the standard deduction for individuals and married persons will increase based upon annual increases in the Consumer Price Index.

Patron: Martin



SB 883 Income tax; refund of surplus revenues.

A BILL to amend and reenact § 2.1-191.2 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 58.1-1823.1, relating to refunds to taxpayers of revenues that exceed amount deposited in Revenue Stabilization Fund. 011758464

Summary as introduced:

Income tax; refund of surplus revenues. Requires the refund of surplus revenues when they exceed the amount required to be deposited in the Revenue Stabilization Fund by at least \$50 million. The Department of

Taxation shall make refunds based on each taxpayer's pro rata share of excess revenues collected in the calendar year in which the fiscal year surplus is determined. The taxpayer must have filed an income tax return for such calendar year.

Patron: Martin



SB 1038 Collection of local taxes.

A BILL to amend the Code of Virginia by adding a section numbered 58.1-3961.1, relating to padlocking businesses for failure to pay taxes. 013195536

Summary as introduced:

Collection of local taxes. Permits treasurers or other local officers performing the duties of a treasurer to place padlocks on the doors of a business if the business is (i) more than 120 days delinquent in the payment of any tax on tangible personal property, merchants' capital tax, or any business license tax or fee or (ii) more than 60 days delinquent in the reporting or remittance of any local excise tax collected by the business from another party and held in trust for the locality. Padlocks may also be placed on the doors of a business if a summons or warrant has been issued for the business' failure to (i) obtain a license to engage in its business, employment or profession or (ii) report or remit any local excise tax.

The treasurer must provide at least seven days' notice before padlocking any business. In lieu of paying the delinquent tax liability and avoiding padlocking, an enterprise may post bond in an amount equaling the amount of the delinquent tax liability. However, no bond is required if an appeal is properly filed under §§ 58.1-3703.1 A. 5. or § 58.1-3983.1. If a business posts such bond, padlocks may not be placed on the doors of such business during the pendency of any appeal of the delinquent tax liability.

Patron: Stolle



SB 1073 Enterprise Zone Act; creation of zones.

A BILL to amend and reenact §§ 59.1-274 and 59.1-280.1 of the Code of Virginia, relating to Enterprise Zone Act; creation of zones and real property investment tax credit limit. 015997472

Summary as introduced:

Enterprise Zone Act; creation of zones and real property investment tax credit limit. Requires the designation of any new enterprise zones on or after July 1, 2001, other than certain areas that are to be designated based on unemployment, to be in urban areas with revitalization needs. The bill also increases the cap on the real property investment tax credit from \$125,000 to \$250,000.

Patrons: Maxwell; *Delegates:* Barlow, Crittenden, Diamonstein and Hamilton



SB 1086 Admissions tax; New Kent County.

An Act to amend and reenact § 58.1-3818 of the Code of Virginia as it is currently effective and as it may become effective, relating to admissions tax in certain counties.

Summary as passed:

Admissions tax; New Kent County. Adds New Kent County (using population description) to the list of counties that may levy a tax on admissions charged for attendance at any event.

Patron: Bolling



SB 1165 Distribution of portion of indiv. income tax revenues to localities.

A BILL to amend the Code of Virginia by adding in Chapter 3 of Title 58.1 an article numbered 2.1, consisting of sections numbered 58.1-327, 58.1-328 and 58.1-329, relating to distribution of a portion of individual income tax revenues to localities; Localities' Share of Individual Income Tax Revenue Fund. 012714432

Summary as introduced:

Individual income tax; distribution of a portion of individual income tax revenues to localities; Localities' Share of Individual Income Tax Revenue Fund. Establishes the Localities' Share of Individual Income Tax Revenue Fund into which two percent of individual income tax revenues shall be deposited in 2003 for distribution to localities. The percentage increases two percent each year until it reaches a maximum of 10 percent in 2007.

The amount in the fund is to be distributed annually to counties and cities as follows: (i) 50 percent distributed based on the relative share of the total state income tax paid by taxpayers filing returns in each locality; (ii) 40 percent distributed based on where wages are earned; and (iii) 10 percent divided equally among all 135 counties and cities.

The amount distributed to counties is then to be shared with towns located within the counties based on the towns' relative share of total population within the county. Fifty percent of the amount distributed to any county with towns would be divided among the county and its towns based on population. If a county has no towns within its boundaries, the county keeps the entire distribution of individual income tax revenue. Distributions are to be made by the State Treasurer to localities no later than September 1, with the first one beginning in 2003. Any corrections in the amount of distributions will be made in the fiscal year immediately following the year in which the incorrect distribution was made.

Patron: Hanger



SB 1180 Tobacco Settlement Fund.

A BILL to amend and reenact §§ 32.1-355, 32.1-356, 32.1-359, 32.1-360, and 32.1-361 of the Code of Virginia, relating to the Virginia Tobacco Settlement Fund. 013780212

Summary as introduced:

Virginia Tobacco Settlement Fund. Revises the purposes for which the moneys in the Virginia Tobacco Settlement Fund may be awarded to include health care purposes generally as well as specific efforts to restrict minors' tobacco use. All recipients of moneys from the Fund are required to establish and maintain policies that restrict the use of tobacco products by minors.

Patron: Hanger



SB 1205 Appeal of local real estate tax assessments.

A BILL to amend and reenact § 58.1-3260 of the Code of Virginia, relating to real estate taxes. 018958424

Summary as introduced:

Appeal of local real estate tax assessments. Clarifies that taxpayers aggrieved by real estate assessments in cities with a population of more than 175,000 may appeal the assessment to the appropriate circuit court (i) within three years from the last day of the tax year for which any such assessment is made, (ii) within one year from the date of the assessment, or (iii) within one year from the date of a final determination made pursuant to § 58.1-3981, whichever is later.

Patrons: Forbes and Martin



SB 1218 Localities' Share of Individual Income Tax Revenue Fund.

A BILL to amend the Code of Virginia by adding in Chapter 3 of Title 58.1 an article numbered 2.1, consisting of sections numbered 58.1-327, 58.1-328 and 58.1-329, relating to distribution of a portion of individual income tax revenues to localities; Localities' Share of Individual Income Tax Revenue Fund. 012702564

Summary as introduced:

Individual income tax; distribution of a portion of individual income tax revenues to localities; Localities' Share of Individual Income Tax Revenue Fund. Establishes the Localities' Share of Individual Income Tax Revenue Fund into which two percent of individual income tax revenues shall be deposited in 2003 for distribution to localities. The percentage increases two percent each year until it reaches a maximum of 10 percent in 2007.

The amount in the fund is to be distributed annually to counties and cities as follows: (i) 50 percent distributed based on the relative share of the total state income tax paid by taxpayers filing returns in each locality; (ii) 40 percent distributed based on where wages are earned; and (iii) 10 percent divided equally among all 135 counties and cities.

The amount distributed to counties is then to be shared with towns located within the counties based on the towns' relative share of total population within the county. Fifty percent of the amount distributed to any county with towns would be divided among the county and its towns based on population. If a county has no towns within its boundaries, the county keeps the entire distribution of individual income tax revenue. Distributions are to be made by the State Treasurer to localities no later than September 1, with the first one beginning in 2003. Any corrections in the amount of distributions will be made in the fiscal year immediately following the year in which the incorrect distribution was made.

Patrons: Whipple, Mims and Ticer; Delegates: Almand, Brink, Darner, Landes, Plum, Scott and Watts



SB 1242 Real property partial exemptions & tax credits; fees for processing.

An Act to amend and reenact §§ 58.1-3220, 58.1-3220.01, and 58.1-3221 of the Code of Virginia, relating to the amount of fees charged by localities to process applications for certain partial exemptions and tax credits on real property taxes.

Summary as passed:

Real property partial exemptions and tax credits; fees for processing. Authorizes localities to charge fees that do not exceed \$125 for residential properties, or \$250 for commercial, industrial, or apartment properties of six units or more for processing applications for certain partial exemptions and tax credits on real property taxes for certain rehabilitated, renovated, or replacement residential and commercial structures.

Patron: Marsh



SB 1255 Sales use tax exemption; school-related items.

A BILL to amend and reenact §§ 58.1-625 and 58.1-626 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 58.1-611.2, relating to a limited sales and use tax exemption for school-related items.

015441252

Summary as introduced:

Sales and use tax exemption; school-related items. Provides a sales and use tax exemption for certain school-related items purchased during a specific one-week period during the end of August each year. The exempt items are: (i) school supplies, footwear, and clothing where the selling price of each item is \$100 or less; (ii) computer systems where the selling price for each system is \$1,500 or less; and (iii) computers, computer hardware, computer software, and portable calculators where the selling price for each item is \$500 or less. The bill also authorizes dealers to absorb the sales and use tax on all other items sold during the same time period and thereby relieve the purchaser of the obligation to pay such tax. Dealers who absorb such taxes are liable for payment of the same to the Tax Commissioner.

Patron: Norment



SB 1260 Technology and Biotechnology Investment Act created.

A BILL to amend the Code of Virginia by adding in Chapter 3 of Title 58.1 an article numbered 11, consisting of sections numbered 58.1-422 through 58.1-428, relating to the Virginia Technology and Biotechnology Investment Act. 014683252

Summary as introduced:

Virginia Technology and Biotechnology Investment Act created. Creates a research and development tax credit, not to exceed 50 percent of the tax liability due, not to exceed \$500,000, for "technology" and "biotechnology" companies in Virginia and permits the credit to be carried over for up to 10 years, for taxable years beginning on and after January 1, 2001. The bill also creates a tax credit for individual taxpayers, estates, trusts, partnerships, and corporations that invest in technology or biotechnology companies. This tax credit, not to exceed 15 percent of the qualified investment and not to exceed \$500,000, can be claimed for each of the five tax years beginning on and after January 1, 2001. In no event will more than \$5 million in either of the credits be allowed annually. In addition, any unused tax credits can be carried over, in most circumstances, for up to 10 years. The bill permits technology or biotechnology companies to carry over net operating losses for up to 10 years. The bill creates a "corporation tax benefit certificate program" to be administered by the Innovative Technology Authority in cooperation with the Tax Department. Under the program, technology or biotechnology companies may transfer their unused but otherwise allowable research and development tax credits or net operating loss carry-overs for a minimum of 75 cents on the dollar to another corporation taxpayer provided neither is an affiliate or a subsidiary of the other. The proceeds from the transfer can be used for a broad range of "costs" associated with operating a technology or biotechnology company.

Patrons: Quayle and Rerras



SB 1264 Sales tax on food purchased for human consumption.

A BILL to amend the Code of Virginia by adding a section numbered 58.1-611.2, and to repeal § 58.1-611.1 of the Code of Virginia, relating to sales and use tax on food purchased for human consumption. 010553420

Summary as introduced:

Sales and use tax on food purchased for human consumption. Effective July 1, 2001, exempts food purchased for human consumption, as defined in the Food Stamp Act of 1977, 7 U.S.C. § 2012, as amended, from state and local sales and use taxes. The bill provides for a general fund reimbursement for the current (i) one-half percent of the state sales and use tax paid into the Transportation Trust Fund; (ii) one percent local sales and use tax; and (iii) one percent state sales and use tax distributed to localities by school population.

Patrons: Edwards, Byrne, Howell, Lambert, Lucas, Marsh, Marye, Puckett, Puller, Reynolds, Ticer and Whipple; *Delegates:* Deeds, Jones, J.C., Moran and Woodrum



SB 1267 Lottery Proceeds Fund.

A BILL to amend and reenact §§ 58.1-4022 and 58.1-4022.1 of the Code of Virginia and to amend the Code of Virginia by adding in Title 22.1 a chapter numbered 11.3, consisting of sections numbered 22.1-175.10 and 22.1-175.11, relating to the Lottery Proceeds Fund. 010552420

Summary as introduced:

Lottery Proceeds Fund. Establishes the Lottery Proceeds Fund, as will be authorized on July 1, 2001, in Section 7-A of Article X of the Constitution of Virginia. The Fund will consist of the net revenues of any lottery conducted by the Commonwealth and will be appropriated to localities to use for public education purposes. This bill also establishes authorization for an escrow account for the moneys appropriated from the Fund to localities. Several relevant lottery statutes are amended to note the dedication of the proceeds to the Fund.

Patrons: Edwards, Byrne, Howell, Lucas, Marsh, Marye, Newman, Puckett, Reynolds, Ticer and Whipple;
Delegate: Deeds



SB 1310 Sales and use tax; limited exemption for certain clothing & footwear.

A BILL to amend the Code of Virginia by adding a section numbered 58.1-611.2, relating to a limited sales and use tax exemption for clothing. 017173504

Summary as introduced:

Sales and use tax; limited exemption for certain clothing and footwear. Exempts clothing and footwear from the state sales and use tax for a nine-day period each August, provided the article costs \$100 or less. The sales tax holiday will begin in calendar year 2002. Sales of clothing and footwear at theme parks shall not be exempt. The Department of Taxation shall develop guidelines describing the clothing and footwear that qualify and make such list available electronically and in hard copy.

Patrons: Newman; *Delegate:* Byron



SB 1421 Electricity and gas companies local license tax.

An Act to amend and reenact §§ 58.1-2901 and 58.1-3731 of the Code of Virginia, relating to public utility local license tax.

Summary as passed:

Electricity and gas companies local license tax. Clarifies that the local license tax shall not be imposed after December 31, 2000, on pipeline distribution companies, gas suppliers, gas utilities or electric suppliers, except upon gross receipts for calendar year 2000. The bill also has one technical correction. This bill is identical to HB 2790 (Rust). *(This bill was approved in the form recommended by the governor and supported by local governments. It clarified that electric and gas companies do owe one final utility license tax payment on their 2000 gross receipts prior to the conversion to electric and gas deregulation and a consumption-based tax.)*

Patron: Watkins

HOUSE & SENATE GENERAL LAWS



HB 1692 Religious & charitable matters; affirmation of religious freedom.

A BILL to amend the Code of Virginia by adding a section numbered 57-2.02, relating to affirmation of religious freedom. 011719636

Summary as introduced:

Religious and charitable matters; affirmation of religious freedom. Prohibits government entities from burdening the free exercise of religion. The bill defines "government entity" as any branch, department, agency or instrumentality of state government, or any political subdivision of the State.

Patron: Black



HB 1865 Workforce Council; membership.

A BILL to amend and reenact § 9-329.1 of the Code of Virginia, relating to the Virginia Workforce Council; membership. 010702836

Summary as introduced:

Virginia Workforce Council; membership. Adds a representative of health care employers to the Virginia Workforce Council. *This bill was incorporated into HB 2693.*

Patron: McDonnell



HB 1931 Public Procurement Act; use of best value concepts.

A BILL to amend and reenact § 11-35 of the Code of Virginia, relating to the Virginia Public Procurement Act; applicability. 010509200

Summary as introduced:

Virginia Public Procurement Act; use of best value concepts. Prohibits public bodies from using best value to require contractors to pay wage rates established by the public body.

Patron: Cox



HB 1932 Conflict of Interests Act; persons required to file disclosure forms.

An Act to amend and reenact §§ 2.1-639.13 and 2.1-639.14 of the Code of Virginia, relating to persons required to file disclosure forms under the State and Local Government Conflict of Interests Act.

Summary as passed:

State and Local Government Conflict of Interests Act; persons required to file disclosure forms.

Requires members of the board or governing body of a state authority to file the annual long-form statement of

economic interest. For members of the governing body of any authority established in any county, or city having the power to issue bonds, the bill requires them to file the annual short form statement of economic interest, unless the local appointing authority requires them to file the long-form.

Patron: Nixon



HB 2087 Fire and rescue zones.

An Act to amend and reenact § 27-23.1 of the Code of Virginia, relating to establishment of fire or rescue zones.

Summary as passed:

Fire and rescue zones. Provides that any property located in any county with a population between 54,600 and 55,600 (Augusta County) that has qualified for an agricultural or forestal use-value assessment shall not be included within a fire and rescue zone and shall not be subject to a tax assessed in such a zone.

Patrons: Landes and Deeds; Senator: Hanger



HB 2091 Freedom of Information Act; record exemption for personal info.

A BILL to amend and reenact §§ 2.1-341 and 2.1-342.01 of the Code of Virginia, relating to the release of personal information under the Freedom of Information Act. 018916720

Summary as introduced:

Freedom of Information Act; record exemption for personal information. Provides a record exemption for records, documents or other information, the disclosure of which would constitute an unwarranted invasion of personal privacy. The bill contains a definition of unwarranted invasion of personal privacy. For the purposes of this exemption, disclosure shall not be construed to constitute an unwarranted invasion of personal privacy when (i) identifying details are deleted or excised; (ii) the person who is the subject of the requested record consents in writing to its disclosure; (iii) upon presenting reasonable proof of identity, a person seeks access to records pertaining to himself; or (iv) specifically required by state or federal law.

Patron: Devolites



HB 2234 Workforce Council; membership.

A BILL to amend and reenact § 9-329.1 of the Code of Virginia, relating to the Virginia Workforce Council; membership. 014533230

Summary as introduced:

Virginia Workforce Council; membership. Adds a representative of health care employers to the Virginia Workforce Council. *This bill was incorporated into HB 2693.*

Patrons: Diamonstein, Brink, DeBoer, Deeds, Jones, J.C., Melvin and Robinson; Senator: Bolling



HB 2243 Economic Development Partnership Authority; duties.

A BILL to amend the Code of Virginia by adding a section numbered 2.1-548.29:1, relating to the Virginia Economic Development Partnership Authority; duties. 010520708

Summary as introduced:

Virginia Economic Development Partnership Authority; duties. Provides that in conjunction with its responsibilities, the Virginia Economic Development Partnership Authority shall promote, in descending order, those localities with the highest rates of unemployment, as determined by the Commission on Local Government, to prospective new businesses.

Patrons: Day, Armstrong, Clement, Deeds, Diamonstein, Stump, Thomas and Watts



HB 2344 Statewide Building Code; inspection warrants.

An Act to amend and reenact § 36-105 of the Code of Virginia, relating to enforcement of the Uniform Statewide Building Code; inspection warrants.

Summary as passed:

Uniform Statewide Building Code; inspection warrants. Establishes the authority for the issuance of inspection warrants for the enforcement of the Virginia Uniform Statewide Building Code under certain circumstances.

Patrons: Almand, Albo and May



HB 2386 Religious and charitable matters; religious freedom preserved.

A BILL to amend the Code of Virginia by adding a section numbered 57-2.02, relating to the preservation of religious freedom. 017128832

Summary as introduced:

Religious and charitable matters; religious freedom preserved. Provides that no government entity shall substantially burden a person's free exercise of religion except if (i) the government entity proves that application of the restriction to the person is essential to further a compelling governmental interest and (ii) the proposed action is the least restrictive means of furthering that interest. "Government entity" as defined under the bill includes state and local governments and those officials acting under color of state law. The bill provides that a person whose exercise of religious freedom has been burdened may assert a claim of violation in a judicial proceeding and the court may grant appropriate relief, including attorneys' fees.

Patrons: McClure; Senator: Martin



HB 2520 VDOT; procurement of professional services.

A BILL to amend the Code of Virginia by adding a section numbered 33.1-185.1, relating to the procurement of professional services by VDOT. 011127220

Summary as introduced:

VDOT; procurement of professional services. Authorizes VDOT, when procuring professional services for projects contained in the Virginia Transportation Development Plan, to negotiate with all offerors deemed qualified and experienced to arrive at a fair and reasonable price for the contract. The bill requires VDOT to comply with federal law and regulations governing transportation procurement activities. Currently, under the Virginia Public Procurement Act, a public body may only negotiate with one offeror at a time and if no contract can be reached, the public body must terminate negotiations with that offeror and begin negotiations with the next offeror. This bill would carve out an exception to this type of procurement for VDOT.

Patron: Reid



HB 2660 Underground Utility Damage Prevention Act; exemption.

A BILL to amend and reenact § 56-265.15:1 of the Code of Virginia, relating to the Underground Utility Damage Prevention Act; exemptions. 010202404

Summary as introduced:

Underground Utility Damage Prevention Act; exemption. Exempts excavations performed in installing signage upon property from the Underground Utility Damage Prevention Act, if the excavations are not more than 12 inches deep. This measure is a recommendation of the joint subcommittee studying the Underground Utility Damage Prevention Act.

Patron: Ingram



HB 2693 Workforce Council; membership.

An Act to amend and reenact § 9-329.1 of the Code of Virginia, relating to the Virginia Workforce Council; membership.

Summary as passed:

Virginia Workforce Council; membership. Adds a representative of health care employers to the Virginia Workforce Council.

Patrons: Welch and O'Bannon



HB 2700 Freedom of Information Act; working papers exemption.

A BILL to amend and reenact § 2.1-342.01 of the Code of Virginia, relating to the working papers exemption under the Freedom of Information Act. 011126821

Summary as introduced:

Freedom of Information Act; working papers exemption. Provides that the working papers exemption shall not be invoked by the mayor or chief executive officer of any political subdivision of the Commonwealth to prevent the sharing of documents or other records that are necessary to the informed deliberation of such local governing body.

Patron: Larrabee



HB 2712 Overtime compensation for firefighters and EMTs.

An Act to amend the Code of Virginia by adding in Title 2.1 a chapter numbered 10.1:3, consisting of sections numbered 2.1-116.9:7 through 2.1-116.9:13, relating to overtime compensation for fire protection employees.

Summary as passed:

Firefighters; overtime compensation for firefighters and emergency medical technicians. Requires certain firefighters, emergency medical technicians, paramedics, ambulance personnel, rescue workers, and hazardous materials workers to be paid overtime at a rate of not less than one and one-half times the employee's regular rate of pay for all hours of work between the statutory maximum permitted under 29 U.S.C. 207 (k) and the hours for which an employee receives his salary, or if paid on an hourly basis, the hours for which the employee receives hourly compensation. A fire protection employee who is paid on an hourly basis shall have paid leave counted as hours of work in an amount no greater than the numbers of hours counted for

other fire protection employees working the same schedule who are paid on a salaried basis in that jurisdiction. For purposes of computing fire protection employees' entitlement to overtime compensation for regularly scheduled work hours, all hours in which an employee works or is in a paid status shall be counted as hours of work.

Patrons: Amundson, Callahan, Darner, Hull, Keister, Moran, Stump, Van Landingham, Van Yahres and Watts



HB 2788 Appointment of standing grievance panel in certain counties.

An Act to amend the Code of Virginia by adding a section numbered 15.2-1507.1, relating to local grievance panels.

Summary as passed:

Appointment of standing grievance panel in certain counties. Provides that in any county with the county manager form of government (Henrico County), the final step of its grievance procedure shall provide for a hearing before an impartial panel consisting of one member appointed by the grievant, one member appointed by the county manager or his designee, and a third member appointed in a manner determined by the board of supervisors.

Patron: Rhodes



HB 2869 Occupancy limits in Fairfax County.

A BILL to amend the Code of Virginia by adding a section numbered 15.2-819.1, relating to urban county executive form of government; occupancy of certain dwellings. 019825776

Summary as introduced:

Urban county executive form of government; occupancy of certain dwellings. Allows the board to set occupancy limits for occupied dwellings in residential property.

Patron: Hull



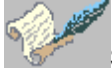
SB 887 Workforce Retraining Program and Fund.

A BILL to amend the Code of Virginia by adding a section numbered 2.1-548.47:1, relating to the Department of Business Assistance; establishment of retraining program. 013298480

Summary as passed Senate:

Department of Business Assistance; Workforce Retraining Program and Fund. Provides for the Department of Business Assistance to develop a Workforce Retraining Program to provide consulting services and funding to companies to assist in retraining their existing workforce. To be eligible for funding under the program, a company must demonstrate that it is undergoing (i) integration of new technology into its production process, (ii) a change of product line in keeping with marketplace demands, or (iii) substantial change to its service delivery process, which would require assimilation of new skills and technological capabilities by the firm's existing labor force. The bill also creates the Workforce Retraining Fund; however, the bill will not become effective unless an appropriation effectuating the purposes of this act is included in the 2001 Appropriations Act, passed during the 2001 Session of the General Assembly and signed into law by the Governor.

Patron: Miller, Y.B.



SB 1006 Spot blight abatement.

An Act to amend and reenact § 36-49.1:1 of the Code of Virginia, relating to spot blight abatement.

Summary as passed:

Spot blight abatement. Allows the use of the spot blight abatement procedures anywhere in a locality, whether inside or outside of a conservation or redevelopment area.

Patrons: Ticer, Barry, Byrne, Saslaw and Whipple; *Delegates:* Albo and Watts



SB 1047 Statewide Transportation Plan.

An Act to amend and reenact § 33.1-23.03 of the Code of Virginia, relating to preparation of a statewide transportation plan by the Commonwealth Transportation Board.

Summary as passed:

Statewide Transportation Plan. Requires the Secretary of Transportation to develop a statewide transportation plan with a 20-year horizon and update that plan at least every five years. This plan supersedes the quinquennial assessment of highway needs by the Virginia Department of Transportation. *This bill is the same as HB 2420 (Wardrup).*

Patron: Williams



SB 1176 Construction contract provisions for damages for delays.

A BILL to amend and reenact § 11-56.2 of the Code of Virginia, relating to the Public Procurement Act; public construction contract provisions for damages for unreasonable delays. 019558544

Summary as introduced:

Public Procurement Act; public construction contract provisions for damages for unreasonable delays. Deletes prohibition on contract provisions waiving or releasing the rights of a contractor to recover costs or damages to the extent that the delay is caused by act or omissions of a public body.

Patrons: Ticer, Howell and Whipple; *Delegates:* Brink and Darner



SB 1213 Statewide transportation plan.

A BILL to amend and reenact § 2.1-51.42 of the Code of Virginia, relating to powers and duties of the Secretary of Transportation; preparation of statewide transportation plan. 010624564

Summary as introduced:

Virginia statewide transportation plan. Requires the Secretary of Transportation to prepare a statewide transportation plan and present it to the Governor and General Assembly. *This bill was incorporated into SB 1047 (Williams)*

Patrons: Whipple, Byrne, Edwards and Miller, Y.B.; *Delegates:* Amundson, Brink, Larrabee, Parrish, Plum, Van Lanningham and Williams



SB 1230 VDOT; procurement of professional services.

A BILL to amend the Code of Virginia by adding a section numbered 33.1-185.1, relating to the procurement of professional services by VDOT. 011128220

Summary as introduced:

VDOT; procurement of professional services. Authorizes VDOT, when procuring professional services for projects contained in the Virginia Transportation Development Plan, to negotiate with all offerors deemed qualified and experienced to arrive at a fair and reasonable price for the contract. The bill requires VDOT to comply with federal law and regulations governing transportation procurement activities. Currently, under the Virginia Public Procurement Act, a public body may only negotiate with one offeror at a time and if no contract can be reached, the public body must terminate negotiations with that offeror and begin negotiations with the next offeror. This bill would carve out an exception to this type of procurement for VDOT.

Patron: Trumbo



SB 1233 Statewide Building Code; effect on local ordinances.

An Act to amend and reenact § 36-98 of the Code of Virginia, relating to the Uniform Statewide Building Code; effect on local ordinances.

Summary as passed:

Uniform Statewide Building Code; effect on local ordinances. Restricts localities from incorporating certain building design requirements in their local zoning ordinances by providing that the USBC supercedes such ordinances. The bill also specifies that the USBC does not supercede (i) proffered conditions accepted as a part of a rezoning application, conditions imposed upon the grant of special exceptions, special or conditional use permits or variances; (ii) land use requirements in airport or highway overlay districts, or historic districts; or (iii) local flood plain regulations adopted as a condition of participation in the National Flood Insurance Program. This bill is a recommendation of the Housing Study Commission.

Patrons: Williams, Mims and Whipple; *Delegates:* Drake, Stump, Suit and Williams



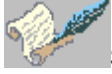
SB 1245 Geographic and statewide base map data; DTP to report on activities.

An Act to amend the Code of Virginia by adding a section numbered 2.1-563.40:1, relating to the Virginia Geographic Information Network.

Summary as passed:

Department of Technology Planning; Virginia Geographic Information Network. Authorizes the Department of Technology Planning to establish a nonstock corporation as an instrumentality to assist the Department and its Geographic Information Network Division in the development and acquisition of geographic data and statewide base map data. The bill requires the Department to annually report to the Governor and General Assembly on the activities of the nonstock corporation.

Patron: Watkins



SB 1322 Freedom of Information Act; exempts certain elect. communications.

An Act to amend and reenact § 2.1-343.2 of the Code of Virginia, relating to the Freedom of Information Act; exemption for certain electronic communications.

Summary as passed:

Freedom of Information Act; exemption for certain electronic communications. Clarifies that separately contacting the membership, or any part thereof, of any public body for the purpose of ascertaining a member's position with respect to the transaction of public business, whether such contact is done in person, by telephone or by electronic communication is not prohibited, provided the contact is done on a basis that does not constitute a meeting as defined by FOIA. The bill also clarifies that any electronic communication generated by the separate contacts is still a "public record" under FOIA.

Patrons: Hawkins; *Delegate:* Byron



SB 1336 Telecommuting Incentive Act created; Chief Info. Officer to report.

A BILL to amend and reenact §§ 2.1-51.47, 2.1-114.5, and 2.1-563.35:3 of the Code of Virginia, relating to telecommuting by public employees. 018143518

Summary as introduced:

Creates Telecommuting Incentive Act. Directs the Secretary of Technology to direct the formulation and promulgation of policies, standards, specifications, and guidelines for information technology concerning telecommuting by the employees of public bodies. In addition, the Department of Technology Planning is directed to develop a comprehensive statewide plan for telecommuting by public employees, and the Department of Human Resource Management is directed to establish an incentive program for telecommuting. The head of each public body, in consultation with the Department of Technology Planning, is directed to develop a telecommuting policy to maximize telecommuting without diminished employee work performance. The Department of Technology Planning is also directed (i) to advise and assist private sectors in developing employee telecommuting, (ii) to develop incentives for private sectors to utilize employee telecommuting, and (iii) to evaluate status, effectiveness, and utilization of employee telecommuting, in both public and private sectors, and report its findings to the Secretary of Technology, who in turn is directed to annually report such findings to the General Assembly.

Patrons: Puller, Barry, Byrne, Colgan, Howell, Mims, Saslaw, Ticer and Whipple; *Delegates:* Albo, Almand, Amundson, Black, Brink, Darner, McQuigg, Moran and Scott

HOUSE HEALTH WELFARE & INSTITUTIONS



HB 2226 Tobacco Settlement Fund; tobacco compliance checks.

A BILL to amend and reenact § 32.1-360 of the Code of Virginia, relating to the Virginia Tobacco Settlement Fund; tobacco compliance checks. 010590608

Summary as passed House:

Virginia Tobacco Settlement Fund; tobacco compliance checks. Ensures that the Department of Alcoholic

Beverage Control will receive money from the Virginia Tobacco Settlement Fund to conduct tobacco compliance checks.

Patron: Almand



HB 2432 Tobacco Settlement Fund; use for health care.

A BILL to amend and reenact §§ 32.1-355 and 32.1-356 of the Code of Virginia, relating to the Virginia Tobacco Settlement Fund. 013541212

Summary as passed House:

Virginia Tobacco Settlement Fund. Clarifies that the sole purpose for which the moneys in the Virginia Tobacco Settlement Fund may be awarded is for financing efforts to restrict minors' tobacco use.

Patron: O'Bannon



HB 2726 Health; on-site sewage evaluations.

An Act to amend and reenact § 32.1-163.5 of the Code of Virginia, relating to on-site sewage evaluations.

Summary as passed:

Health; on-site sewage evaluations. Requires, notwithstanding any other provision of law or the provisions of any local ordinance, that counties, cities and towns, in the administration of their own ordinances, must comply with the time limits that currently apply in state law to the Department of Health in performing a field check of private evaluations and designs for single lots or for subdivision, residential development. The Department of Health is required to evaluate and approve or deny a request for an on-site sewage permit for a single lot construction permit within 15 days of the request and to evaluate and approve or deny a request for multiple lot certification letters or subdivision review within 60 days of the request.

Patron: Black



HB 2739 Comprehensive Services Act.

A BILL to amend and reenact § 2.1-746.1 of the Code of Virginia, relating to Comprehensive Services Act. 011430860

Summary as introduced:

Comprehensive Services Act. Provides that the director of the Office of Comprehensive Services for At-Risk Youth and Families shall annually examine the costs borne by localities that are associated with services mandated under the Comprehensive Services Act and shall report such information to the state executive council by October 1 of each year. The director shall note in such report the extent to which certain localities appear to bear an inordinate cost for providing such services when compared to other localities. The director shall further propose to the state executive council a plan of addressing the inequitable fiscal burden upon localities associated with providing such services, including a plan for phasing-in the assumption of the costs of such mandated services by the State.

Patron: Moss

SENATE LOCAL GOVERNMENT



SB 817 Mandatory connection to water and sewage systems.

An Act to amend and reenact § 15.2-2110 of the Code of Virginia, relating to mandatory connection to water and sewage systems.

Summary as passed:

Mandatory connection to water and sewage systems. Allows Goochland County to require connection to its water and sewage systems by owners of property that may be served by such systems if the property, at the time of installation of such system, does not have a then-existing, correctable or replaceable domestic supply of potable water and a system for the disposal of sewage adequate to prevent the contraction or spread of diseases. The provisions as they apply to Goochland County shall become effective on July 1, 2002. This bill is identical to HB 2312 (Dickinson).

Patron: Houck



SB 874 Conditional zoning.

An Act to amend and reenact §§ 15.2-2297, 15.2-2298, and 15.2-2303 of the Code of Virginia, relating to conditional zoning.

Summary as passed:

Conditional zoning. Provides that localities shall not include, as part of the conditional zoning process, conditions that require the applicant to create a property owners' association and that require members of a property owners' association to pay an assessment for the maintenance of public facilities owned in fee by the public entity, including open space, parks, schools, and fire departments.

Patron: Watkins



SB 875 Capital Region Airport Commission.

A BILL to amend and reenact §§ 7 and 15 of Chapter 380 of the Acts of Assembly of 1980, relating to the Capital Region Airport Commission. 013766560

Summary as introduced:

Capital Region Airport Commission. Renames the position of airport administrator and clarifies the administrator's duties. Provisions related to the issuance of bonds are amended to give the authority greater flexibility as to the pricing of bonds.

Patron: Watkins



SB 876 Payment by subdivider of pro rata share of certain costs.

An Act to amend and reenact § 15.2-2243 of the Code of Virginia, relating to payment by subdivider of pro rata share of certain costs.

Summary as passed:

Payment by subdivider of pro rata share of certain costs. Amends provisions that currently allow a locality to provide in its subdivision ordinance for payment by a subdivider or developer of land of the pro rata share of the cost of providing certain sewerage, water, and drainage facilities by providing that when a locality determines the proportionate share that shall be borne by each subdivider or developer within an area, such share shall be limited to the amount necessary to protect water quality based upon the pollutant loading caused by the subdivision or development.

Patron: Watkins



SB 877 Capital Region Airport Commission.

An Act to amend and reenact §§ 7 and 15 of Chapter 380 of the Acts of Assembly of 1980, relating to the organization of and issuance of bonds by the Capital Regional Airport Commission.

Summary as passed:

Capital Region Airport Commission. Provides that the Commission will appoint an airport administrator to be its "president and chief executive officer." The bill also allows the Commission greater flexibility in issuing bonds. This bill is identical to HB 2479 (Hall).

Patron: Watkins



SB 881 Charter; Chesterfield County.

An Act to amend and reenact § 2.1, § 4.2 as amended, § 5.1, §§ 6.7 and 7.4 as amended, of Chapter 12 of the Acts of Assembly of 1987, which provided a charter for the County of Chesterfield, relating to powers, fiscal year, county departments and county facilities.

Summary as passed:

Charter; Chesterfield County. Updates old references to Title 15.1 with current Title 15.2 references.

Patron: Martin



SB 914 Incorporation of regulations and amendments by local ordinances.

An Act to amend and reenact § 1-13.39:2 of the Code of Virginia, relating to incorporation of regulations and amendments by local ordinances.

Summary as passed:

Incorporation of regulations and amendments by local ordinances. Provides that when localities are empowered to incorporate by reference state regulations into a local ordinance, any ordinance incorporating by reference state regulations may include future amendments to the state regulations provided such intent is specifically stated in such ordinance. The same authority already exists with regard to state statutes.

Patron: Wampler



SB 948 Zoning ordinance; low income, disabled or senior citizen dwellings.

A BILL to amend the Code of Virginia by adding a section numbered 15.2-2305.1, relating to local zoning ordinances; low income and disabled or senior citizen housing. 016152412

Summary as introduced:

Zoning ordinance; low income and disabled or senior citizen dwelling units. Allows any locality to enact an ordinance requiring owners of new apartment projects with 25 units or more to set aside 10 percent of the units for persons of low income, persons aged 60 or older or disabled persons. Such ordinance shall provide that all building permit, impact, sewer and water connection fees for such units are waived.

Patron: Colgan



SB 1323 Planning and zoning.

A BILL to amend and reenact §§ 15.2-2232, 15.2-2280, and 56-458 of the Code of Virginia, relating to planning and zoning. 017097436

Summary as introduced:

Planning and zoning. Allows localities to subject telecommunications towers on state land to local zoning and comprehensive plan requirements.

Patron: Hawkins



SB 1326 Evaluation of highway construction impacts.

A BILL to amend the Code of Virginia by adding in Article 15 of Chapter 1 of Title 33.1 a section numbered 33.1-223.2:5, relating to evaluation of new highway capacity by Virginia Department of Transportation. 019087444

Summary as introduced:

Evaluation of highway construction impacts. Requires the Department of Transportation to evaluate the effectiveness and impact of all proposed new highways, new lanes added to existing highways, and new interchanges, wherever such proposed projects are estimated to cost \$20 million or more.

Patrons: Houck, Chichester and Couric; *Delegates:* Baskerville, Marshall, Pollard and Ware



SB 1355 Northern Virginia Transportation Authority.

A BILL to amend the Code of Virginia by adding in Title 15.2 a chapter numbered 48.1, consisting of sections numbered 15.2-4816 through 15.2-4829, relating to the Northern Virginia Transportation Authority. 019199500

Summary as passed Senate:

Northern Virginia Transportation Authority. Establishes the Northern Virginia Transportation Authority to consolidate the roles of the Northern Virginia Transportation District Commission and other regional transportation entities. The Authority is given general responsibility for transportation projects, programs, and priorities for Northern Virginia, and is vested with the ability to issue bonds, subject to General Assembly approval. *This bill conflicts with HB 2606 which passed(McClure).*

Patrons: Mims, Byrne, Howell, Puller, Saslaw and Williams; *Delegates:* Albo, Amundson, Black, Bolvin, Callahan, Devolites, Dillard, Hull, Marshall, May, McClure, McQuigg, Moran, O'Brien, Parrish, Plum, Rollison, Rust, Scott and Watts

HOUSE MILITIA AND POLICE



HB 1884 Use of certain communication devices by motor vehicle drivers.

A BILL to amend the Code of Virginia by adding in Article 5 of Chapter 8 of Title 46.2 a section numbered 46.2-847.1, relating to use of certain wireless communication devices by drivers while vehicle is in motion; penalty. 018889908

Summary as introduced:

Use of certain communication devices by motor vehicle drivers. Prohibits driver use of hand-held communication devices while the vehicle is in motion.

Patron: Rhodes



HB 1937 Drivers less than eighteen years old.

A BILL to amend and reenact § 46.2-334.01 of the Code of Virginia, relating to driver's licenses and learner's permits issued to persons less than eighteen years old. 019529612

Summary as introduced:

Drivers less than eighteen years old. Prohibits any driver under 18 from operating a motor vehicle between midnight and 5:00 a.m. or with more than two passengers under 18 who are not members of his family or household, unless he is traveling to or from school or work.

Patron: Armstrong



HB 1969 Local control of firearms.

A BILL to amend and reenact § 15.2-915 of the Code of Virginia, relating to control of firearms. 017136832

Summary as passed House:

Local control of firearms. Provides that a statute that does not refer to firearms or ammunition shall not be construed to provide express authorization for localities to regulate firearms. From and after January 1, 1987, no locality shall adopt any ordinance, resolution, motion, administrative rule or regulation governing the purchase, possession, transfer, ownership, carrying or transporting of firearms, ammunition, or components or combination thereof other than those expressly authorized by statute. (It is expected that this legislation will arise again during the next session. VACO and VML are recommending localities craft any administrative regulations regarding regulation prior to the next session.)

Patron: McClure



HB 2170 Parking regulation in Chesterfield County.

An Act to amend and reenact § 46.2-1220 of the Code of Virginia, relating to parking regulation.

Summary as passed:

Parking regulation. Provides that violators of Chesterfield County parking ordinances shall be subject to a civil penalty not to exceed \$75, the proceeds from which shall be paid into the locality's general fund.

Patrons: Nixon and Reid

HOUSE & SENATE PRIVILEGES & ELECTIONS



HB 1763 Prohibited campaign contributions; government contractors.

A BILL to amend the Code of Virginia by adding in Title 24.2 a chapter numbered 9.2, consisting of sections numbered 24.2-941, 24.2-942, and 24.2-943, relating to restrictions on campaign contributions by government contractors; penalties. 010560896

Summary as introduced:

Prohibited campaign contributions; government contractors. Prohibits government contractors at the state level from contributing to candidates for Governor, Lieutenant Governor, Attorney General, and the General Assembly from the time negotiations begin through the later of (i) completion of performance or (ii) termination of negotiations. The bill includes a parallel prohibition on local government contractors. Candidates are prohibited from knowingly soliciting the prohibited contributions. A knowing and willful violation constitutes a Class 1 misdemeanor with a fine not to exceed the greater of \$2,500 or 300 percent of the illegal contribution.

Patron: Purkey



HJ 190 Constitutional amendment; Transportation Trust Fund.

Proposing an amendment to the Constitution of Virginia by adding in Article X a section numbered 12, relating to the inviolability of the Transportation Trust Fund. 004880824

Summary as passed House:

Constitutional amendment (first resolution); Transportation Trust Fund. Prohibits "raiding" of the Transportation Trust Fund by the General Assembly for nontransportation purposes.

Patron: Marshall



HJ 216 Constitutional amendment; Governor's time to act on bills.

Proposing amendments to Section 6 of Article IV and Section 6 of Article V of the Constitution of Virginia, relating to the time the Governor has to act on bills. 001147836

Summary as introduced:

Constitutional amendment (first resolution); Governor's time to act on bills. Moves the reconvened session to the eighth Wednesday following adjournment sine die of a regular session to give the Governor an additional 15 days to act on legislation presented to him when there are fewer than seven days left in the session. The Governor's time to consider bills returned to him from a reconvened session of a regular or special session is reduced from 30 days to 15 days.

Patrons: McDonnell and Griffith



HJ 490 Constitutional amendment; Governor's term of office.

Proposing an amendment to Section 1 of Article V of the Constitution of Virginia, relating to executive power and the Governor's term of office. 016979896

Summary as introduced:

Constitutional amendment (first resolution); Governor's term of office. Permits the Governor to succeed himself in office. The amendment allows two terms (either in succession or not in succession) but prohibits election to a third term. Only persons first elected Governor in 2003 and thereafter will be eligible to serve two successive terms.

Patrons: Purkey, Bolvin, Broman, Bryant, Callahan, Councill, Diamonstein, Drake, Hargrove, Howell, Ingram, Jones, S.C., Katzen, Keister, Kilgore, Landes, Louderback, McDonnell, Nixon, Orrock, Scott, Sherwood, Suit, Van Yahres, Wagner, Wardrup and Williams; Senators: Byrne, Martin, Miller, K.G., Mims, Puckett, Quayle, Rerras and Watkins



HJ 547 Consti. amend.; surplus revenues, refunds to taxpayers.

Proposing an amendment to Section 8 of Article X of the Constitution of Virginia, relating to surplus revenues. 015929896

Summary as introduced:

Constitutional amendment (first resolution); surplus revenues; refunds to taxpayers. Provides for a refund to taxpayers of all surplus revenues remaining at the end of each biennium, as long as such surplus exceeds \$50 million. The surplus will be refunded to income taxpayers based on the taxpayer's share of the total income tax revenues in the year of the surplus.

Patron: Purkey



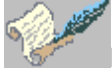
HJ 609 Constitutional amendment; taxation, exemptions.

Proposing an amendment to Section 6 of Article X of the Constitution of Virginia, relating to property exempt from taxation. 018701924

Summary as passed House:

Constitutional amendment (first resolution); taxation; exemptions. Exempts from taxation motor vehicles used for nonbusiness purposes as provided by general law. This resolution incorporates the provisions of HJR 811.

Patrons: Rust and Byron



HJ 811 Constitutional amendment; property exempt from taxation.

Proposing an amendment to Section 6 of Article X of the Constitution of Virginia, relating to property exempt from taxation. 019827708

Summary as introduced:

Property exempt from taxation. *This bill was incorporated into HJ609 (Rust).*

Patrons: Day, Cranwell and Moran



SB 646 Information on proposed constitutional amendments.

An Act to amend and reenact § 30-19.9 of the Code of Virginia, relating to information on proposed constitutional amendments.

Summary as passed:

Information on proposed constitutional amendments. Modifies the present law requirement for the preparation and distribution of a brief, neutral explanation of each proposed constitutional amendment approved by the General Assembly and submitted to the voters for approval or rejection. The changes include a requirement to post the explanation on the State Board of Elections website on the Internet, authorization for a brief statement on the effect of a "yes" or "no" vote, and a requirement for prompt preparation of the explanation.

Patron: Whipple



SB 1027 Assistant voter registrars.

An Act to amend and reenact § 24.2-112 of the Code of Virginia, relating to assistant voter registrars.

Summary as passed:

Assistant voter registrars. Provides that any paid assistant registrar must be a qualified voter of the Commonwealth but is not required to be a qualified voter of the county or city in which he serves, and permits two or more localities to share the services of an assistant registrar. *This bill is the same as SB 946 and HB 1927.*

Patron: Ruff



SB 1107 Election districts and voting precincts.

An Act to amend and reenact § 24.2-305 of the Code of Virginia and to repeal § 24.2-309.1 of the Code of Virginia, relating to election districts and voting precincts and to the 1998-2001 freeze on changes in voting precincts.

Summary as passed:

Election districts and voting precincts. Preserves the present law requirement that election districts and voting precincts follow "clearly observable boundaries" but eliminates an obsolete provision referring to block boundaries shown on the 1990 United States Census maps. The bill also repeals the law that freezes precinct lines from September 1, 1998, to May 15, 2001. That precinct freeze was enacted to enable the

Commonwealth to participate in the Census Bureau program to provide 2000 population census data by precinct. Emergency in part.

Patron: Miller, K.G.



SB 1275 Reporting requirements of Campaign Finance Disclosure Act.

An Act to amend and reenact §§ 24.2-928 and 24.2-929 of the Code of Virginia, relating to the Campaign Finance Disclosure Act; violations and penalties.

Summary as passed:

Violations of the reporting requirements of the Campaign Finance Disclosure Act and penalties.

Revises the provisions on reporting violations of the Act in accordance with recommendations of the joint subcommittee studying campaign finance reform pursuant to HJR 213 and SJR 80 (2000). The bill (i) authorizes the State Board and the appropriate local election official to review disclosure reports for completeness and request additional information; (ii) provides for the jurisdiction of the appropriate attorney for the Commonwealth for statewide and other campaigns; (iii) authorizes the State Board or appropriate local election official to assess and collect the civil penalty for violations of the reporting requirements before referring the violation to the attorney for the Commonwealth; (iv) provides for payment of civil penalties collected at the local level to the locality; and (v) provides for increased penalties and public notice on the Internet of violations by candidates for statewide office or the General Assembly involving the failure to file a required report by the required deadline.

Patrons: Wagner and Rerras



SB 1277 Campaign Finance Disclosure Act; reports of contribution

An Act to amend and reenact §§ 24.2-914 and 24.2-915 of the Code of Virginia, relating to the Campaign Finance Disclosure Act; reports of contributions and expenditures; filing methods and requirements.

Summary as passed:

Campaign Finance Disclosure Act; reports of contributions and expenditures. Incorporates recommendations by the joint subcommittee studying campaign finance reform pursuant to HJR 213 and SJR 80 (2000). The changes include: (i) clarifying the information required on occupation and place of business for individual and other contributors; (ii) requiring specific information on expenditures made by credit card payments; and (iii) requiring reports for state-wide and General Assembly candidates to be received by the State Board by the filing deadline either by mail or by fax with an original copy mailed and postmarked by the filing deadline. This bill is effective in due course.

Patrons: Wagner and Rerras



SB 1320 Local meals tax.

An Act to amend and reenact § 58.1-3833 of the Code of Virginia, relating to the referendum for food and beverage taxes.

Summary as passed:

Local meals tax. Provides that in those counties where a referendum is required to impose the local meals tax, the question on the ballot for the referendum shall include language stating for what projects and/or purposes the revenues collected from the tax are to be used, if the resolution of the board of supervisors or the

petition initiating such referendum states for what projects and/or purposes the revenues collected from the tax are to be used.

Patron: Hawkins



SJ 305 United States Constitution; Equal Rights Amendment.

Ratifying the Equal Rights Amendment to the United States Constitution. 017005406

Summary as introduced:

United States Constitution; Equal Rights Amendment. Ratifies the Equal Rights Amendment to the United States Constitution that was proposed by Congress in 1972. This joint resolution advocates the position that the 1972 Equal Rights Amendment remains viable and may be ratified notwithstanding the expiration of the 10-year ratification period set out in the resolving clause, as amended, in the proposal adopted by Congress.

Patrons: Byrne, Couric, Edwards, Howell, Lucas, Marsh, Maxwell, Miller, Y.B., Puckett, Puller, Saslaw, Ticer and Whipple; *Delegate:* Darner



SJ 366 Constitutional amendment; county borrowing authority.

Proposing an amendment to Section 10 of Article VII of the Constitution of Virginia, relating to issuance of debt by localities. 011425476

Summary as introduced:

Constitutional amendment (first resolution); county borrowing authority. Amends § 10 of Article VII of the Virginia Constitution to grant counties the same borrowing authority as cities and towns. The primary changes are to (i) apply a ceiling of 10 percent of assessed real estate valuation to county borrowing and (ii) eliminate the requirement of a voter referendum that currently applies to most county bond issues.

Patrons: Miller, K.G. and Puckett; *Delegate:* Stump



SJ 398 Constitutional amendment; local sources of revenues.

Proposing an amendment to the Constitution of Virginia by adding in Article X a section numbered 8-A, relating to maintenance of local revenue sources. 010622564

Summary as introduced:

Constitutional amendment (first resolution); local sources of revenues. Requires the General Assembly to maintain local sources of revenue and to appropriate general funds to localities to offset any loss of revenues occasioned by the passage of a law diminishing a local source of revenue. Local sources of revenue include, but are not limited to, monthly payments from the Commonwealth to local governments under the Personal Property Tax Relief Act of 1998.

Patrons: Whipple and Ticer; *Delegates:* Almand, Baskerville, Brink and Darner



SJ 418 Constitutional amendment; taxation, exemptions.

Proposing an amendment to Section 6 of Article X of the Constitution of Virginia, relating to property exempt from taxation. 013208412

Summary as introduced:

Constitutional amendment (first resolution); taxation; exemptions. Exempts from taxation motor vehicles and boats, as provided by general law.

Patron: Colgan

HOUSE & SENATE RULES



HB 2341 Allocation of funds from Land Conservation Fund.

A BILL to amend and reenact § 10.1-1020 of the Code of Virginia, relating to the allocation of funds from the Virginia Land Conservation Fund. 018972640

Summary as introduced:

Allocation of funds from the Virginia Land Conservation Fund. Provides that the Virginia Land Conservation Foundation may make direct (rather than matching) grants from the Virginia Land Conservation Fund to counties and municipalities. The bill eliminates the requirements that (i) a public body jointly hold an interest in land with a private holder where the holder acquires an interest in land as a result of a grant or transfer from the Foundation and (ii) a public body hold an open space easement whenever a private holder acquires a fee simple interest in land as a result of a grant or transfer from the Foundation. The bill also provides that 25 percent of the unrestricted funds in the Fund are to be distributed to the Open-Space Lands Preservation Trust Fund and that the remainder is to be distributed in a manner that the Board of Trustees of the Virginia Land Conservation Foundation deems most appropriate to bring about goals of the Fund.

Patron: Blevins



HB 2695 Budget bills; restrictions, Virginia Investment Act of 2001.

A BILL to amend the Code of Virginia by adding in Chapter 14 of Title 2.1 an article numbered 2.1:1, consisting of sections numbered 2.1-191.4:01 through 2.1-191.4:05, and by adding a section numbered 30-19.1:9, relating to procedures governing state expenditures; creation of Virginia Investment Account. 012891824

Summary as introduced:

Budget bills; restrictions; Virginia Investment Act of 2001. Limits the rate of growth of state expenditures in the Governor's budget bill, and, except under certain conditions, in budget bills reported by any committee of the House of Delegates or the Senate, to the total of annual percentage changes in population and cost of living, but in no event greater than the three-year average of change in per capita personal income. In addition, surplus revenues shall be deposited into the Virginia Investment Account, which is established. Money in the Account shall be appropriated only for capital transportation projects, conservation and recreation projects, public school construction, higher education capital projects, tax relief, environmental quality programs, research and development projects relating to economic development, and reducing bonded indebtedness.

Patron: Marshall



HB 2700 Freedom of Information Act; working papers exemption.

A BILL to amend and reenact § 2.1-342.01 of the Code of Virginia, relating to the working papers exemption under the Freedom of Information Act. 011126821

Summary as introduced:

Freedom of Information Act; working papers exemption. Provides that the working papers exemption shall not be invoked by the mayor or chief executive officer of any political subdivision of the Commonwealth to prevent the sharing of documents or other records that are necessary to the informed deliberation of such local governing body.

Patron: Larrabee



HB 2709 Governor; Budget Bill.

A BILL to amend and reenact § 2.1-399 of the Code of Virginia, relating to the Governor's budget bill. 012879604

Summary as introduced:

Governor; Budget Bill. Requires the Governor in submitting the Budget Bill in even-numbered years and his amendments thereto in odd-numbered years to specify the particular proposed increases in expenditures from the prior fiscal year, if the Budget Bill or the amendments propose an increase in state expenditures above the amount of state expenditures for the prior fiscal year by a percentage that is greater than the total of the rates of increase in cost of living and population in the Commonwealth.

Patron: Albo



HJ 526 Study; Va-Maryland-DC Joint Legislative Commission Interstate Transp.

Continuing the Virginia-Maryland-District of Columbia Joint Legislative Commission on Interstate Transportation.

Summary as passed:

Virginia-Maryland-District of Columbia Joint Legislative Commission on Interstate Transportation. Continues the Virginia-Maryland-District of Columbia Joint Legislative Commission on Interstate Transportation. The resolution provides for appointments from the Commonwealth, the State of Maryland, and the District of Columbia to serve on the Commission. To maintain parity with the State of Maryland, the Speaker of the House and the Senate Committee on Privileges and Elections of the Commonwealth of Virginia are authorized to appoint additional members of the General Assembly to the Virginia delegation to the joint legislative commission to equal the total number of members of the Maryland delegation whenever such delegation may be increased. Such additional appointments to the Virginia delegation shall be made in a manner mutually agreed to by the Speaker of the House and the Senate Committee on Privileges and Elections.

Patrons: Callahan, Hull, Parrish and Van Landingham; *Senators:* Howell, Mims, Saslaw and Whipple



HJ 570 Study; Standards of Learning assessments.

Requesting the Joint Legislative Audit and Review Commission to examine the administration and application of the Standards of Learning assessments in Virginia's public schools. 012713684

Summary as introduced:

Study; Standards of Learning assessments. Requests the Joint Legislative Audit and Review Commission (JLARC) to examine the administration and application of the Standards of Learning assessments in Virginia's public schools. In conducting its study, JLARC is to consider, among other things, (i) the legal sufficiency of the SOL assessment testing process; (ii) the effect of SOL testing on classroom instruction; (iii) the viability of computer testing; (iv) SOL test security, validity, and reliability; (v) early access to test results to facilitate summer remediation efforts; (vi) turnaround time for test results; (vii) the use of these tests among special student populations, such as English as a second language (ESL) and transfer students; (viii) the work and recommendations of the various SOL assessment advisory groups assisting the Board of Education; (ix) local school division access to SOL testing data and technical assistance; and (x) such other issues as it deems appropriate. The Commission shall complete its work in time to submit its findings and recommendations to the Governor and the 2002 Session of the General Assembly.

Patron: Cranwell



HJ 587 Study; MAPS.

Establishing a joint subcommittee to study the feasibility and appropriateness of the various mechanisms used to fund regional economic projects, commonly referred to as the Metropolitan Area Projects Strategies (MAPS). 019519776

Summary as introduced:

Study; MAPS. Establishes a joint subcommittee to study the feasibility and appropriateness of the various mechanisms used to fund regional economic projects, commonly referred to as the Metropolitan Area Projects Strategies (MAPS).

Patron: Hull



HJ 604 Study; regulations of fire/EMS departments.

Establishing a joint subcommittee to study the feasibility and appropriateness of streamlining the various regulations governing volunteer fire departments and EMS services and the capability of these units to respond to traffic crashes on major highways in sparsely populated areas.

Summary as passed:

Regulation and response of Fire/EMS departments. Establishes a joint subcommittee to study the feasibility and appropriateness of streamlining the various regulations governing volunteer fire departments and EMS services and the capability of these units to respond to traffic crashes on major highways in sparsely populated areas.

Patrons: Landes, Harris, Louderback and Weatherholtz; *Senator:* Hanger



HJ 622 Study; Chesapeake Bay Preservation Act.

Directing the Joint Legislative Audit and Review Commission to report on the implementation of the Chesapeake Bay Preservation Act.

Summary as passed:

Chesapeake Bay Preservation Act. Requests the Joint Legislative Audit and Review Commission to report on the implementation of the Chesapeake Bay Preservation Act. The Commission's study shall include (i) an examination of the methodologies and the practices used by the Board in assessing local compliance and in exercising its enforcement authority; (ii) a performance audit of local implementation and local enforcement of ordinances and practices adopted to comply with the Act, including a review and evaluation of information submitted by the Department as well as information obtained directly from localities; (iii) a review of the frequency, consistency, and rationales for local exceptions, variances, or similar decisions; and (iv) an assessment of the current resources, both personnel and financial, necessary for state and local implementation and enforcement of the Act, its regulations, and its local programs. The Chesapeake Bay Local Assistance Department is also requested to submit to the Commission the Department's assessment of the benefits to the environment, along with the costs and effects to state and local governments, of extending the Act to include localities outside "Tidewater Virginia" that are within the Chesapeake Bay watershed.

Patrons: Dillard and Day



HJ 624 VDOT's Intelligent Transportation System.

Encouraging the Department of Transportation to continue implementing its Intelligent Transportation System, known as Smart Travel, and to draft guidelines for that implementation in consultation with localities.

Summary as passed:

VDOT's Intelligent Transportation System. Encouraging the Virginia Department of Transportation to continue implementing its Intelligent Transportation System, known as Smart Travel, and to draft guidelines for that implementation in consultation with localities.

Patrons: Plum, Bennett, Christian, May, O'Brien and Purkey; Senator: Howell



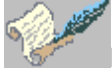
HJ 671 Study; Creation of Commission on Growth and Economic Development.

Establishing the Commission on Growth and Economic Development.

Summary as passed:

Growth and economic development. Creates a commission to study issues surrounding growth and economic development. The commission shall examine (i) the adequacy of current revenue resources to meet existing and future infrastructure needs; (ii) consider the recommendations of the Commission on Virginia's State and Local Tax Structure for the 21st Century; (iii) consider the revitalization needs of inner-city areas and older suburbs to facilitate more efficient use of the existing infrastructure and improve the quality of life for many Virginians; (iv) review the development of abandoned or unused sites (brownfields) to enhance the economic vitality of communities in which they are located; and (v) determine appropriate means by which open space and individual property rights may be preserved, as well as broad-based funding mechanisms for accomplishing preservation goals.

Patrons: Hall, Amundson, Baskerville, Blevins, Bryant, Councill, Diamonstein, Dillard, Hull, Ingram, Jones, D.C., Jones, J.C., Jones, S.C., Marshall, McQuigg, Spruill, Stump, Suit and Williams; Senator: Lambert



HJ 685 Study; joint subcommittee to revise the state tax code.

Establishing a joint subcommittee to study and revise Virginia's state tax code.

Summary as passed:

Revision of state tax code. Establishes a joint subcommittee to study the complete revision of the state tax code. The joint subcommittee shall perform the following: (i) examine the report and recommendations of the Commission on Virginia's State and Local Tax Structure for the 21st Century; (ii) seek broad input from all levels of government, the private sector, and citizens concerning the sufficiency of the Commonwealth's current tax system; (iii) consider the necessity and sufficiency of current taxes, fees, deductions and credits as well as the rates of taxation; (iv) consider current revenue capacity of localities and the sufficiency of their revenue tools; (v) clarify the definition of manufacturer for purposes of the business, professional, and occupational license tax; (vi) examine the number and costs of tax credits and deductions authorized each year; (vii) determine the loss in sales tax due to electronic commerce; (viii) evaluate the real estate assessment appeals process, the need for any changes to the process, and the effect that such changes would have on taxpayers and local governments; (ix) consider the long-term effect on the Commonwealth's revenues of the phase-out of personal property tax; (x) evaluate the appropriateness of the merchants capital tax and the business, professional and occupational license tax; (xi) consider a plan to more equitably address exemptions, deductions, and rates for personal and business income taxes; and (xii) determine the equitable division of support to be assumed by the state and localities for education and mandated services in light of the reforms recommended by the Commission. The aforementioned objectives represent the incorporation of HJR 782 (Reid), SJR 443 (Colgan), and SJR 387 (Hanger).

Patrons: McDonnell, Blevins, Byron, Nixon, Purkey, Rapp and Wardrup



HJ 736 Constitutional amendment; legislative sessions.

Proposing an amendment to Section 6 of Article IV of the Constitution of Virginia, relating to legislative sessions. 018655788

Summary as introduced:

Constitutional amendment (first resolution); legislative sessions. Provides that regular annual sessions will begin on the fourth rather than the second Wednesday in January.

Patron: Joannou



HJ 771 Study; wastewater management.

Establishing a joint subcommittee to study the organization, structure, regulations, and policies of the Department of Health and the Department of Environmental Quality relating to the management and treatment of wastewater.

Summary as passed:

Study; wastewater management. Establishes a joint subcommittee to study the organization, structure, regulations, and policies of the Department of Health and the Department of Environmental Quality relating to the management and treatment of wastewater. The study shall examine (i) the policies and procedures of the Departments of Health and Environmental Quality relating to the management and treatment of wastewater, particularly in relation to permitting and regulating various treatment, disposal and reuse technologies; (ii) the overlap in various sets of regulations of the Departments; (iii) the length of time taken in promulgating regulations; (iv) the need for wastewater treatment expertise at senior levels of management and on the Board of Health and the State Water Control Board; (v) the best way to streamline the regulations and permitting

process, including the consolidation of responsibilities into one agency; and (vi) such other issues as deemed necessary.

Patron: Parrish



HJ 803 Study; living wage for state employees.

Establishing a joint subcommittee to study the social, economic, and policy considerations regarding the establishment of a living wage for employees of the Commonwealth. 016241744

Summary as introduced:

Study; living wage for state employees. Creates a joint subcommittee to study the social, economic, and policy considerations regarding the establishment of a living wage for employees of the Commonwealth.

Patron: Grayson



SJ 325 Importation of municipal solid waste.

Memorializing Congress to enact legislation providing for a reasonable limitation on the amount of municipal solid waste that a state must accept from other states. 011759464

Summary as introduced:

Resolution; importation of municipal solid waste. Memorializes Congress to enact legislation providing for a reasonable limitation on the amount of municipal solid waste that a state must accept from another state.

Patron: Martin



SJ 336 Study; use of telecommunication devices by drivers.

Requesting the Department of Motor Vehicles to study the dangers imposed by distracted drivers and to specifically examine the use of telecommunications devices by motor vehicle operators.

Summary as passed:

Study; distracted drivers. Requests the Department of Motor Vehicles to study the dangers imposed by distracted drivers and to specifically examine the use of telecommunications devices by motor vehicle operators. In conducting the study, the Department shall consider all types of distractions affecting drivers, including, but not limited to, telecommunication devices used by motorists, and assess the dangers posed to highway safety by distractions. The Department shall conduct this study in consultation with representatives of state and local law enforcement, the telecommunications industry, the insurance industry, and any other appropriate highway safety organizations. The Department must submit its findings and recommendations to the Governor and the 2002 Session of the General Assembly.

Patrons: Norment; Delegate: Moran



SJ 372 Study; Metro Hampton Roads Reg Urban Services Study Comm.

Establishing the Metropolitan Hampton Roads Regional Urban Services Study Commission to study the feasibility of establishing a regional administrative agency to provide urban services in the Hampton Roads region. 014605520

Summary as passed Senate:

Study; Metropolitan Hampton Roads Regional Urban Services Study Commission. Establishes a commission to study the feasibility of establishing a regional administrative agency to provide urban services in the Hampton Roads region.

Patron: Quayle



SJ 373 Study; future of Virginia's environment.

Continuing the Commission Studying the Future of Virginia's Environment.

Summary as passed:

Study; Future of Virginia's Environment. Continues the Commission Studying the Future of Virginia's Environment. In conducting its study, the Commission shall continue to monitor the implementation of its recommendations and create opportunities for the members of the Commission to become educated on environmental issues that may require legislative action. The Commission must submit its findings and recommendations to the Governor and the 2002 Session of the General Assembly.

Patrons: Bolling and Rerras



SJ 382 Study; Commonwealth Competition Council.

Requesting the Commonwealth Competition Council, in cooperation with certain agencies and organizations, to prepare a plan for the development of a system and review process to implement and maintain a statewide database of nonprofit and not-for-profit entities that could be accessed by all Virginians via the Internet.

Summary as passed:

Study; database of nonprofit and not-for-profit entities. Requests the Commonwealth Competition Council, in cooperation with certain agencies and organizations, to prepare a plan for the development of a system and review process to implement and maintain a statewide database of nonprofit and not-for-profit entities that could be accessed by all Virginians via the Internet.

Patron: Hanger



SJ 386 Streamlined Sales Tax Project.

Encouraging the Governor to participate in the Streamlined Sales Tax Project and resolving that the General Assembly will participate in the Streamlined Sales Tax Project. 015342432

Summary as introduced:

Streamlined Sales Tax Project. Encourages the Governor to provide for the executive branch to participate in the Streamlined Sales Tax Project. In addition, the resolution provides that the General Assembly will participate in the project.

Patron: Hanger



SJ 387 Study; recommendations of Comm. St. and Local Tax Str.

Establishing a joint subcommittee to study and revise Virginia's state tax code.

Summary as passed:

Study; Revision of the state tax code. Establishes a joint subcommittee to study the complete revision of the state tax code. The joint subcommittee shall ensure that Virginia's tax code is fair, uniform, understandable, and contemporary. The joint subcommittee shall perform the following: (i) examine the report and recommendations of the Commission on Virginia's State and Local Tax Structure for the 21st Century; (ii) seek broad input from all levels of government, the private sector, and citizens concerning the sufficiency of the Commonwealth's current tax system; (iii) consider the necessity and sufficiency of current taxes, fees, deductions and credits as well as the rates of taxation; (iv) consider current revenue capacity of localities and the sufficiency of their revenue tools; (v) clarify the definition of manufacturer for purposes of the business, professional, and occupational license tax; (vi) examine other states with similar business license taxes and determine how manufacturers are defined and treated; (vii) confer with the commissioners of the revenue and manufacturers throughout the Commonwealth concerning issues pertaining to business, professional, and occupational license tax; (viii) examine the number of tax credits authorized each year; (ix) determine the loss in sales tax due to Internet purchases; (x) examine the extent to which the tax appeal process is unfair or is perceived reasonably to be unfair; (xi) evaluate the potential financial effect upon localities and the burdens upon assessors of changes to the tax appeal system; and (xii) identify the benefits of changing the tax appeal system, and recommend any changes to the tax appeal system, including standards and burdens of proof, that will result in a more fair and balanced tax assessment system, including recommendations for minimizing any adverse financial effect upon localities. The aforementioned objectives represent the incorporation of HJR 782 (Reid) and certain requests of the House Rules Committee. The joint subcommittee must report its findings and recommendations by November 30, 2002 to the Virginia Code Commission, and to the Governor and the 2003 Session of the General Assembly.

Patron: Hanger



SJ 396 Study; high-speed rail service between Virginia & North Carolina.

Establishing the Virginia-North Carolina Interstate High-Speed Rail Commission.

Summary as passed:

Study; High-speed passenger rail service between Virginia and North Carolina. Establishes the Virginia-North Carolina Interstate High-Speed Rail Commission to study the desirability and feasibility of establishing high-speed passenger rail service between Virginia and North Carolina. Virginia-North Carolina. The Virginia component of the Commission shall consist of six legislative members. In conducting the study, the Commission shall conduct such meetings, tours of inspection, and public hearings as appropriate to determine the desirability and feasibility of establishing high-speed passenger rail service between Virginia and North Carolina, including connecting rail lines in Hampton Roads. If the Commission determines that such rail service is desirable and feasible, it shall consider and recommend legislative action necessary to facilitate the establishment of high-speed passenger rail service and connecting rail lines in Virginia; determine necessary levels of funding; and identify the sources of such funds. The Commission must submit its findings and recommendations to the Governor and the 2003 Session of the General Assembly.

Patrons: Watkins, Byrne, Edwards, Hawkins, Howell, Lambert, Marsh, Martin, Marye, Miller, Y.B., Puckett, Puller, Quayle, Rerras, Ruff, Stolle, Stosch, Ticer, Wagner, Whipple and Williams; Delegates: Cox, Landes, Larrabee, Morgan, Moss, O'Bannon, Plum, Rhodes, Rust, Stump, Tata and Van Landingham



SJ 438 Study; implementation of local erosion and sediment control programs.

Directing the Commission Studying the Future of Virginia's Environment to study the implementation of local erosion and sediment control programs and local stormwater management programs.

Summary as passed:

Study; implementation of local erosion and sediment control programs and local stormwater management programs. Directs the Commission Studying the Future of Virginia's Environment to study the implementation of local erosion and sediment control programs and local stormwater management programs. In conducting the study, the Commission shall examine (i) the consistency of local erosion and sediment control ordinances with the Erosion and Sediment Control Law; (ii) the adequacy of local stormwater management programs and the consistency of such programs with the Stormwater Management Act; and (iii) the implementation of erosion and sediment control programs and stormwater management programs by local governments, including a review of local program administration, plan review, inspection and enforcement. The Commission shall also make recommendations as to ways to ensure that local erosion and sediment control programs and local stormwater management programs are consistent across jurisdictional lines and ways to improve existing erosion and sediment control programs and stormwater management programs. The Commission must report its findings and recommendations to the Governor and the 2002 Session of the General Assembly.

Patrons: Ruff; *Delegate:* Dillard

HOUSE SCIENCE & TECHNOLOGY



HB 1691 Internet access in public schools.

An Act to amend and reenact § 22.1-70.2 of the Code of Virginia, relating to Internet access on school computers.

Summary as passed:

Internet access in public schools. Requires, as part of the acceptable Internet use policies that must be filed every two years for public school divisions by each division superintendent, a technology be selected for the division's computers having Internet access to filter or block Internet access through such computers to child pornography and obscenity as defined in Title 18.2. In addition, this bill requires the principal or other chief administrator of any private school that satisfies the compulsory school attendance law and accepts federal funds for Internet access (E-rate funds) to select a technology for its computers having Internet access to filter or block Internet access through such computers to child pornography and obscenity.

Patrons: Black, Bolvin, Johnson, Katzen, Keister, Larrabee and Stump; *Senator:* Martin



HB 1713 Telecommuting policy; Secretary of Administration to report.

An Act to amend the Code of Virginia by adding in Chapter 2 of Title 2.1 a section numbered 2.1-20.1:9, by adding in Chapter 5.6 of Title 2.1 sections numbered 2.1-51.31:1 and 2.1-51.31:2, and by adding in Article 1 of Chapter 15 of Title 15.2 a section numbered 15.2-1512.3, relating to telecommuting by public employees.

Summary as passed:

Creates Telecommuting Incentive Act. Directs the Secretary of Administration to direct the formulation and

promulgation of policies, standards, specifications, and guidelines for information technology concerning telecommuting by the employees of state agencies. The head of each state agency is directed to develop a telecommuting policy, which shall be in accordance with the statewide policy to be developed by the Secretary of Administration, to maximize telecommuting without diminished employee work performance or service delivery. The Secretary of Administration is also directed to advise and assist state agencies in developing the state agencies' telecommuting policies, and the Secretary may provide advice and assistance to a local government or a private sector employer upon the local government or the private sector employer's request.

Patrons: Scott, Albo, Amundson, Callahan, Devolites, Dillard, Hull, O'Brien, Plum and Rust; *Senators:* Byrne, Howell, Puller, Saslaw and Whipple



HB 1943 Secretary of Administration; creation of teleworking pilot program.

A BILL to amend the Code of Virginia by adding in Article 2 of Chapter 5.6 of Title 2.1 a section numbered 2.1-51.31:1, relating to the creation of a teleworking pilot program by the Secretary of Administration. 015289776

Summary as introduced:

Secretary of Administration; creation of a teleworking pilot program. Requires the Secretary of Administration, in cooperation with the Secretary of Technology, to establish a teleworking pilot program to allow state employees to work at locations other than state offices through the use of telecommunication technology. The Secretary shall adopt a teleworking policy and guidelines necessary to establish and carry out the purposes of the pilot program and shall provide staff to manage the operations of the pilot program. The bill provides the method for participation of executive branch agencies and requires the Secretary to form an advisory committee made up of representatives of each secretariat and agency head from executive branch agencies selected to participate in the pilot program. The bill requires the Secretary to report to the Governor and the General Assembly by October 1, 2003, on the status of the pilot program. The bill further provides that the pilot program will terminate on October 1, 2003. *This bill was incorporated into HB 1713 (Scott).*

Patron: Hull



HB 2025 Publication of comprehensive telecommunications directory.

A BILL to amend the Code of Virginia by adding in Article 2 of Chapter 35.2 of Title 2.1 a section numbered 2.1-563.16:1, requiring the Department of Information Technology to publish and distribute a comprehensive telecommunications directory. 017111644

Summary as introduced:

Requiring the Department of Information Technology to publish and distribute a comprehensive telecommunications directory. Requires the Department to resume the biennial publication of a comprehensive telecommunications directory of agencies and institutions in the Commonwealth beginning January 1, 2002.

Patron: Bloxom



HB 2094 Granting of franchises.

An Act to amend and reenact §§ 15.2-2100, 15.2-2101 and 15.2-2102 of the Code of Virginia, relating to granting of franchises.

Summary as passed:

Granting of franchises. Provides that prior to granting certain franchises, municipalities shall advertise the

proposed ordinance two successive weeks, rather than four. Other amendments clarify the method for receiving bids for franchises.

Patron: Devolites



HB 2187 Local governing bodies to deliver public notices electronically.

A BILL to amend and reenact §§ 15.2-202, 15.2-619, 15.2-858, 15.2-1201, 15.2-1301, 15.2-1427, 15.2-1604, 15.2-1813, 15.2-2006, 15.2-2101, 15.2-2114, 15.2-2204, 15.2-2400, 15.2-2506, 15.2-2507, 15.2-2606, 15.2-3107, 15.2-3236, 15.2-3400, 15.2-3803, 15.2-3903, 15.2-3913, 15.2-4101, 15.2-4102, 15.2-4307, 15.2-4309, 15.2-4311, 15.2-4313, 15.2-4405, 15.2-5104, 15.2-5156, 15.2-5602, 15.2-5702, 21-118, 22.1-29.1, 22.1-79, 22.1-92, 22.1-212.9, 33.1-223.2, 33.1-233, 33.1-410, 33.1-414, 36-23, 36-44, 36-49.1:1, 55-310, 58.1-3007, 58.1-3245.2, 58.1-3245.8, 58.1-3256, 58.1-3321 and 58.1-3378 of the Code of Virginia, relating to local governing bodies delivering notices electronically in lieu of newspaper advertising. 018164896

Summary as passed House:

Authorizing local governing bodies to deliver required public notices electronically. Provides that if a local governing body maintains an official government Internet website, the local governing body shall post required public notices on the official website in addition to publishing in the local newspaper.

Patron: Purkey



HB 2382 Internet Privacy Protection Act; created.

A BILL to amend and reenact §§ 59.1-198 and 59.1-200 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 8.01-40.3 and adding in Title 59.1 a chapter numbered 17.8, consisting of sections numbered 59.1-207.45 through 59.1-207.53, relating to the creation of the Virginia Internet Privacy Protection Act. 018888908

Summary as introduced:

The Virginia Internet Privacy Protection Act. Creates the Virginia Internet Privacy Protection Act to protect consumers' personal information over the Internet. The Act defines three types of consumer personal information. Necessary personal information consists of information provided by a consumer to an Internet company, for the purpose of transacting with the Internet company, that is necessary to conduct or complete the transaction. Necessary personal information includes but is not limited to name, address, telephone number and credit card number. Optional personal information consists of information provided by the consumer to an Internet company that is not necessary to conduct or complete the transaction, such as information sought by companies in a consumer survey. Profiled personal information refers to consumer information collected by the Internet company, usually without the knowledge of the consumer, by using "cookies" or other similar technology. The Act prohibits disclosure of payment information, such as account information of credit card or other payment methods. The Act requires the Internet company to first obtain an express consent of the consumer before disclosing, selling, transferring or sharing the consumer's (i) other necessary personal information, (ii) optional personal information, and (ii) profiled personal information that specifically identifies the consumer. As for profiled personal information that does not specifically identify a consumer, the Act allows the Internet company to disclose, sell, transfer or share unless the consumer explicitly prohibits doing so. None of these prohibitions apply if the disclosure, sale, transfer or sharing of personal information falls under the exclusions provided by the Act; for example, disclosure to a third party to conduct or complete the transaction, requirement under other law or court order, or the request of the consumer. The Act requires the Internet companies to establish an Internet privacy policy to inform consumers about the requirements of the Act and the Internet companies' personal information policies and practices. The Act also provides for civil relief should any consumer be injured due to an Internet company's violation of this Act, but also provides an affirmative defense of bona fide error for the Internet company. The Act also makes

violation of the Act a prohibited practice under the Virginia Consumer Protection Act (§ 59.1-196 et seq.), thus giving the Attorney General of Virginia jurisdiction to enforce the provisions of the Act.

Patrons: Rhodes and Clement



HB 2387 Computer Information Transactions Act; consumer protection.

An Act to amend and reenact §§ 59.1-198, 59.1-501.4, 59.1-501.5, 59.1-501.9, 59.1-502.12, and 59.1-505.3 of the Code of Virginia, relating to the Uniform Computer Information Transactions Act and consumer protection.

Summary as passed:

Uniform Computer Information Transactions Act; consumer protection. Makes several amendments to the Uniform Computer Information Transactions Act (UCITA) (§ 59.1-501.1 et seq.) and the Virginia Consumer Protection Act (VCPA) (§ 59.1-196 et seq.). The bill changes UCITA's references to other laws or rules to other statutes, administrative rules, regulations or procedures where applicable. The bill also changes references to the VCPA to other consumer protection statutes, administrative rules or regulations including, but not limited to, the VCPA. The bill provides that a mass-market license may be transferred if such transfer involves making a gift or donation of a computer along with mass-market software to a public school, a public library, a charity or a consumer. The bill amends the definition of "goods" as used in the VCPA to include "computer information" and "informational rights" as defined in UCITA.

Patron: Clement



HB 2412 Computer Information Transactions Act.

An Act to amend and reenact §§ 59.1-501.2 through 59.1-501.5, 59.1-501.9, 59.1-501.10, 59.1-501.12, 59.1-502.9, 59.1-502.12, 59.1-505.3, 59.1-506.5, and 59.1-508.16 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 59.1-503.10, relating to the Uniform Computer Information Transactions Act.

Summary as passed:

Amending the Uniform Computer Information Transactions Act. Amends several provisions of the Uniform Computer Information Transactions Act (UCITA), Chapter 43 (§ 59.1-501.1 et seq.) of Title 59.1 of the Code of Virginia as recommended by the study directed by Senate Joint Resolution 239, Senate Bill 372 and House Bill 561 of the 2000 Session. The bill clarifies the definitions of "electronic agent" and "mass-market transaction"; modifies UCITA's scope over motion pictures and online service providers; clarifies the applicability of other statutes, rules and regulations; provides that a contract term that specifies a judicial forum must be expressly stated, and in a mass-market transaction, such contract term must be expressly and conspicuously stated; modifies the terms of mass-market licenses; creates a special rule for using standard form licenses with nonprofit libraries, archives, and educational institutions; modifies the terms governing transferability; clarifies the definition of automatic restraint; and modifies the restrictions on use of electronic self-help.

Patrons: May, Dudley, Nixon, O'Brien and Plum; *Senator:* Newman



HJ 805 Virginia Biotechnology Month.

Designating the month of October 2001 and each succeeding year as Virginia Biotechnology Month.

Summary as passed:

Virginia Biotechnology Month. Designates October, in 2001 and in each succeeding year, as Virginia Biotechnology Month.

Patron: O'Bannon

HOUSE & SENATE TRANSPORTATION



HB 1615 Overweight vehicles.

A BILL to amend and reenact § 46.2-1131 of the Code of Virginia and to amend the Code of Virginia by adding in Article 17 of Chapter 10 of Title 46.2 a section numbered 46.2-1138.3, relating to penalties for violations of vehicle weight limits; forwarding of certain records to Department of Motor Vehicles. 017065912

Summary as introduced:

Overweight vehicles. Provides for civil penalties for repeat violations of vehicle weight limits: \$1,000 for a second offense within a twelve-month period, \$5,000 for a third offense within a twelve-month period, and \$10,000 for a fourth or subsequent offense within a twelve-month period. These penalties are in addition to all other penalties and fees imposed or assessed for such violations, and may be assessed by the court against the operator of the vehicle, the owner or lessee of the vehicle, or the owner or consignor of the good being shipped, as the interests of justice may appear. The bill also provides for transmission to the Department of Motor Vehicles of records or abstracts of convictions for overweight violations so as to create a record of convictions that courts can use in assessing the additional penalties for repeat violations.

Patron: Robinson



HB 1619 Vehicles owned by local governments.

A BILL to amend and reenact § 46.2-750 of the Code of Virginia, relating to license plates displayed on vehicles owned by the Commonwealth and its political subdivisions. 015852932

Summary as introduced:

Vehicles owned by local governments. Allows government-owned vehicles used exclusively by chief administrative officers of local governments, at their request, to display license plates other than "local government use" license plates.

Patron: Sherwood



HB 1629 Use of wireless communications devices while driving.

A BILL to amend the Code of Virginia by adding in Article 5 of Chapter 8 of Title 46.2 a section numbered 46.2-847.1, relating to use of certain wireless communication devices while performing certain turning maneuvers; penalty. 015931696

Summary as introduced:

Use of wireless communications devices while driving. Prohibits use of hand-held wireless

communications devices while turning on to or off of highways, from one highway to another, or entering or leaving controlled access highways.

Patron: Darner



HB 1650 Drainage easements.

A BILL to amend and reenact § 33.1-223.2:4 of the Code of Virginia, relating to maintenance of drainage easements by the Virginia Department of Transportation. 015976612

Summary as introduced:

Drainage easements. Requires the Virginia Department of Transportation to maintain highway drainage easements, both on and off highway right-of-way.

Patrons: Armstrong and Rapp; *Senator:* Reynolds



HB 1670 Distribution of funds in highway condemnation cases.

A BILL to amend and reenact § 33.1-124 of the Code of Virginia, relating to proceedings for distribution of funds in highway condemnation cases. 010308684

Summary as introduced:

Distribution of funds in highway condemnation cases. Changes the timetable for distribution of funds in highway condemnation cases to require use of facsimile and overnight delivery services to ensure timely delivery of court orders and transfer of funds. The bill also establishes a 25 percent penalty imposed upon any payment made pursuant to this section if the payment is not timely made.

Patron: Cranwell



HB 1671 Life, accident and sickness insurance; discriminatory practices.

A BILL to amend the Code of Virginia by adding a section numbered 8.01-40.3, relating to cause of action for unfair discriminatory insurance practices. 010159804

Summary as introduced:

Discriminatory insurance contracting; private cause of action. Authorizes a person aggrieved by unfair discrimination between individuals of the same class and equal life expectation, or of essentially the same hazard, in rates charged, benefits payable, or other terms and conditions of any life insurance or annuity contract or contract or policy of accident or health insurance to bring an action to recover actual damages, costs and attorneys' fees against the person committing or permitting the unfair discrimination. Such discrimination is currently a prohibited insurance practice.

Patron: Jones, J.C.



HB 1672 Safety lap belts and shoulder harnesses; failure to wear.

A BILL to amend and reenact § 46.2-1094 of the Code of Virginia, relating to safety lap belts and shoulder harnesses. 013087804

Summary as introduced:

Safety lap belts and shoulder harnesses. Provides that a law-enforcement officer may stop a vehicle for failure of the driver or passengers to wear a seatbelt. However, the officer is not allowed to search or inspect a vehicle, its contents, the driver or a passenger because of a safety belt violation alone.

Patron: Jones, J.C.



HB 1676 Subdivision streets.

A BILL to amend and reenact §§ 33.1-72.1 and 33.1-75.1 of the Code of Virginia, relating to taking certain streets into the secondary system of state highways. 018833740

Summary as introduced:

Subdivision streets. Changes from July 1, 1988, to July 1, 1991, the date by which subdivision streets must have been open to the public in order to be brought up to standards for being taken into the state secondary system. *This bill was incorporated into HB 1645 (Jackson).*

Patron: Dudley



HB 1695 Subdivision streets.

A BILL to amend and reenact §§ 33.1-72.1 and 33.1-75.1 of the Code of Virginia, relating to taking certain streets into the secondary system of state highways. 013086684

Summary as introduced:

Subdivision streets. Changes from July 1, 1988, to July 1, 1991, the date by which subdivision streets must have been open to the public in order to be brought up to standards for being taken into the state secondary system. *This bill was incorporated into HB 1645 (Jackson).*

Patron: Cranwell



HB 1872 Vehicle speed and stopping distance tables.

An Act to amend and reenact § 46.2-880 of the Code of Virginia, relating to tables of vehicle stopping distances.

Summary as passed:

Vehicle speed and stopping distance tables. Revises the table of vehicle speeds and stopping distances contained in the Code of Virginia, according to recommendations of the Virginia Transportation Research Council.

Patron: Deeds



HB 1965 Allocation of urban highway system construction funds.

A BILL to amend and reenact § 33.1-23.3 of the Code of Virginia, relating to allocation of urban highway system construction funds. 015922536

Summary as introduced:

Allocation of urban highway system construction funds. Provides that, if requested by a resolution adopted by the local governing body, urban highway system construction allocations will be paid directly to the locality in the form of quarterly block grants. The locality would then be responsible for construction of projects funded with the grants, subject to such accounting procedures and standards and may be prescribed by the Commonwealth Transportation Commissioner. This process would be terminated if requested by another resolution of the local governing body.

Patrons: Wardrup, Drake, McDonnell, Purkey, Suit, Tata, Welch and Williams; Senators: Rerras, Stolle and Wagner



HB 1966 Urban system highway funds; use for debt on bonds.

An Act to amend and reenact § 33.1-23.3 of the Code of Virginia, relating to urban system highway funds used by cities and towns for debt service on bonds.

Summary as passed:

Urban system highway funds. Authorizes cities and towns to use up to one-third of their allocation of urban system highway funds for debt service on bonds or costs to be incurred on approved urban projects. Under current law, one-third of the urban system highway funds allocated to a city or town may be used to reimburse the city or town for debt service and costs already paid.

Patrons: Wardrup, Drake, McDonnell, Purkey, Suit, Tata, Welch and Williams; Senators: Rerras, Stolle and Wagner



HB 1990 Transportation revenue bonds; NOVA Transportation District Program.

A Bill to amend and reenact § 2 of Chapter 391 of the Acts of Assembly of 1993, as amended by Chapters 470 and 597 of the Acts of Assembly of 1994 and by Chapters 740 and 761 of the Acts of Assembly of 1998 and by Chapter 538 of the Acts of Assembly of 1999, relating to increasing the principal amount of bonds authorized to be issued for certain projects in the Northern Virginia Transportation District Program to \$500,200,000 and designating the projects qualifying for increased allocations. 012912636

Summary as passed House:

Transportation revenue bonds; Northern Virginia Transportation District Program. Increases the maximum principal amount of transportation revenue bonds that may be issued for the Northern Virginia Transportation District Program by \$29 million, from \$471.2 million to \$500.2 million, and designates the projects for the increased funding.

Patron: Black



HB 2018 "Pave-in-place" program.

An Act to amend and reenact § 33.1-70.1 of the Code of Virginia, relating to paving of certain secondary highways.

Summary as passed:

"Pave-in-Place" program. Repeals the July 1, 2001, "sunset" on VDOT's "Pave-in-Place" program. *This bill is the same as SB 1299 (Mims).*

Patrons: May and Black; Senator: Mims



HB 2019 "Photo-toll" toll payment photo-monitoring program.

An Act to amend and reenact § 46.2-819.1 of the Code of Virginia, relating to use of photo-monitoring systems to monitor payment of tolls; penalties.

Summary as passed:

"Photo-toll" toll payment photo-monitoring program. Allows operators of toll facilities to send vehicle owners bills or invoices prior to pursuing other remedies provided for collecting unpaid tolls. This bill is a duplicate of SB 1291 (Mims).

Patron: May



HB 2044 Value engineering in highway projects.

An Act to amend and reenact § 33.1-190.1 of the Code of Virginia, relating to value engineering required in connection with certain highway projects.

Summary as passed:

Value engineering. Increases from \$2 million to \$5 million the minimum cost of highway projects in connection with which value engineering must be used by the Department of Transportation. *This bill is the same as SB 1050 (Williams).*

Patron: Rollison



HB 2045 Highway projects cancelled by counties.

An Act to amend and reenact § 33.1-70.01 of the Code of Virginia, relating to reimbursement by counties for certain cancelled highway projects.

Summary as passed:

Highway projects cancelled by counties. Requires counties that cancel secondary system highway construction or improvement projects included in their six-year plans to reimburse the Commonwealth Transportation Board (CTB) for funds expended for planning, engineering, right-of-way acquisition, demolition, relocation, and construction. The bill also allows the CTB to waive the reimbursement. *This bill is the same as SB 1051 (Williams).*

Patrons: Rollison and Hull



HB 2046 Vehicle weight limits; liquidated damages, weighing vehicles.

An Act to amend and reenact §§ 46.2-1135 and 46.2-1137 of the Code of Virginia, relating to liquidated damages for violation of vehicle weight limits; procedures for weighing vehicles; penalties.

Summary as passed:

Vehicle weight limits; liquidated damages, procedures for weighing vehicles. Increases amounts of liquidated damages imposed for overweight violations. The bill also authorizes, with the exception of certain vehicles' operation on non-interstate highways, assessment of liquidated damages based on pre-shifting axle weights when shifting of a vehicle's cargo brings it into compliance with axle weight limits. *This bill is the same as SB 1097 (Mims).*

Patron: Rollison



HB 2047 Asset management by VDOT.

A BILL to amend and reenact § 33.1-23.02 of the Code of Virginia, relating to asset management by the Virginia Department of Transportation. 019016220

Summary as passed House:

Asset management by the Virginia Department of Transportation (VDOT). Provides a definition of "asset management" and requires VDOT to implement outcome-based asset management practices in operating, maintaining, and upgrading state highways.

Patrons: Rollison, Bolvin and Hull



HB 2048 Powers and duties of Commonwealth Transportation Board.

A BILL to amend and reenact § 33.1-12 of the Code of Virginia, relating to powers and duties of the Commonwealth Transportation Board; awarding of design-build contracts; standards for advancing projects from the feasibility stage to the construction stage. 019084220

Summary as passed House:

Powers and duties of Commonwealth Transportation Board (CTB). Allows the Commonwealth Transportation Board to award contracts for the construction of transportation projects on a design-build basis. The Board may annually award five design-build contracts valued at no more than \$20 million. The Board may also award design-build contracts valued at more than \$20 million, provided that no more than five of these latter contracts are in force at the same time. *This bill is the same as SB 1049 (Williams).*

Patron: Rollison



HB 2049 Secondary highways; resumption of responsibilities by counties.

An Act to amend the Code of Virginia by adding a section numbered 33.1-84.1, relating to resumption of responsibility for secondary highways by counties.

Summary as passed:

Secondary highways; resumption of responsibilities by counties. Provides a mechanism by which counties may resume responsibility for some or all of state secondary highways within their boundaries. *This bill is the same as HB 1949 (Hull) and SB 1045 (Williams).*

Patrons: Rollison, Bolvin and Hull



HB 2056 Speed limits.

An Act to amend and reenact § 46.2-870 of the Code of Virginia, relating to maximum speed limits generally.

Summary as enacted with Governor's Recommendations:

Speed limits. Authorizes 65-mile-per-hour speed limits, subject to traffic engineering studies, on HOV lanes that are physically separated from normal travel lanes and on highways constructed under the Public-Private Transportation Act of 1995.

Patrons: Albo and Tata



HB 2082 Tree-trimming regulations of Commonwealth Transportation Board.

An Act to amend the Code of Virginia by adding a section numbered 33.1-371.2, relating to tree-trimming policies of the Commonwealth Transportation Board.

Summary as passed:

Tree-trimming policies of Commonwealth Transportation Board. Requires the Commonwealth Transportation Board to adopt policies governing the trimming of roadside trees that do not adversely affect highway operations, maintenance, or safety. These policies would apply to pruning and trimming trees by the employees and agents of and contractors with the Virginia Department of Transportation. These policies must be consistent with generally accepted standards.

Patrons: Van Yahres, Pollard and Van Landingham; Senators: Howell and Ticer



HB 2110 Chesterfield County Toll Road Authority.

A BILL to repeal Chapter 619 of the Acts of Assembly of 1980, relating to the Chesterfield County Toll Road Authority. 017046820

Summary as introduced:

Chesterfield County Toll Road Authority. Repeals Chapter 619 of the 1980 Acts of Assembly. This act authorized the creation of the Chesterfield County Toll Road Authority, but the Authority has never gone into operation.

Patrons: Landes and Howell; Senators: Forbes and Mims



HB 2173 Scooters; limits use on highways in Arlington County.

An Act to amend and reenact § 46.2-932 of the Code of Virginia, relating to playing on highways.

Summary as passed:

Use of devices on wheels or runners on certain highways. Authorizes Arlington County by ordinance to permit use of "devices on wheels or runners" (rollerskates, sleds, scooters, skateboards, etc.) on highways under the county's control.

Patrons: Brink, Almand and Darner; Senators: Howell, Ticer and Whipple



HB 2214 Local vehicle licenses.

A BILL to amend and reenact § 46.2-752 of the Code of Virginia, relating to motor vehicle taxes and license fees imposed by counties, cities, and towns; free issue of licenses for vehicles owned by active duty military personnel. 015405620

Summary as introduced:

Local vehicle licenses. Allows localities to issue local vehicle licenses free of charge for vehicles owned by active duty military personnel.

Patron: Barlow



HB 2217 Use of highways by motorcycles.

An Act to amend and reenact § 33.1-13.1 of the Code of Virginia, relating to policy of the Commonwealth regarding use of highways by motorcycles.

Summary as passed:

Policy of the Commonwealth; use of highways by motorcycles. Prohibits closure by political subdivisions of the Commonwealth of any highway to motorcycles if public funds were used in the highway's construction. *This bill is the same as SB 861 (Houck).*

Patrons: Stump, Phillips and Tate; Senators: Puckett and Ruff



HB 2291 Subdivision streets.

A BILL to amend and reenact § 33.1-72.1 of the Code of Virginia, relating to taking certain streets into the secondary system of state highways. 013010952

Summary as introduced:

Subdivision streets. Decreases from one-half to one-quarter the county share of the costs associated with bringing subdivision streets up to standards for inclusion in the state secondary highway system.

Patrons: Tate and Stump; Senator: Puckett



HB 2303 VDOT contracts.

An Act to amend and reenact § 33.1-191 of the Code of Virginia, relating to contracts with the Virginia Department of Transportation; penalties for violation of terms or conditions of permits or contracts.

Summary as passed:

VDOT contracts. Mandates that Virginia Department of Transportation contracts require that contractors comply with all requirements, conditions, and terms of such contracts, including environmental permits that are part of the contracts. If a contractor violates a contract provision that results in environmental damage or violates environmental laws or environmental permits, the Department may suspend the contractor from future bidding or initiate debarment. In such cases, the Department may recover either (i) the loss or damage that the Department suffers as a result of such violation or (ii) any liquidated damages established in such contract plus (iii) reasonable attorney's fees and expert witness fees. *This bill is the same as SB 1052 (Williams).*

Patron: Wardrup



HB 2361 Richmond Metropolitan Authority; maintenance of facilities, etc.

A BILL to amend and reenact § 33-255.44:15.1 of the Code of Virginia, continued in effect and carried by reference in § 33.1-320 of the Code of Virginia, relating to the Richmond Metropolitan Authority. 013045868

Summary as introduced:

Richmond Metropolitan Authority; maintenance of facilities; application of net savings to debt service and reduction. Requires the Commonwealth Transportation Board to use state highway maintenance funds

for maintenance of highway facilities controlled by the Richmond Metropolitan Authority. The bill also requires the Richmond Metropolitan Authority to apply the net savings achieved as the result of this bill toward service and reduction of its outstanding debt.

Patron: Ware



HB 2368 Public-Private Transportation Act; imp of tolls on certain facilities.

A BILL to amend and reenact § 56-565 of the Code of Virginia, relating to powers and duties of operators of facilities under the Public-Private Transportation Act of 1995. 013037788

Summary as introduced:

Public-Private Transportation Act; imposition of tolls on certain facilities. Limits the number of Public-Private Transportation Act facilities that may be tolled by defining "reconstructed to provide for increased capacity."

Patron: Joannou



HB 2381 Drivers less than eighteen years old.

A BILL to amend and reenact § 46.2-334.01 of the Code of Virginia, relating to driver's licenses and learner's permits issued to persons less than eighteen years old. 016013908

Summary as introduced:

Drivers less than eighteen years old. Prohibits any driver under 18 who is driving under a learner's permit or has held his driver's license for less than 12 months from operating a motor vehicle between sunset and sunrise or using a hand-held wireless communication device while his vehicle is in motion.

Patron: Rhodes



HB 2418 Submission of claims to Department of Transportation.

An Act to amend and reenact § 33.1-386 of the Code of Virginia, relating to submission of claims to the Commonwealth Transportation Commissioner due to administrative oversight.

Summary as passed:

Submission of claims to the Department of Transportation and Commonwealth Transportation Board. Provides for reconsideration of contractor claims against VDOT when claims are denied because of administrative oversight.

Patrons: Rollison and Albo



HB 2420 Statewide Transportation Plan.

An Act to amend and reenact § 33.1-23.03 of the Code of Virginia, relating to preparation of a statewide transportation plan by the Commonwealth Transportation Board.

Summary as passed:

Statewide Transportation Plan. Requires the Secretary of Transportation to develop a statewide

transportation plan with a 20-year horizon and update that plan at least every five years. This plan supersedes the quinquennial assessment of highway needs by the Virginia Department of Transportation. *This bill is the same as SB 1047 (Williams).*

Patron: Wardrup



HB 2444 Parking fines; personal property taxes on vehicles.

An Act to amend and reenact § 46.2-752 of the Code of Virginia, relating to local vehicle licenses; proof of payment of certain personal property taxes and certain fines; penalty.

Summary as passed:

Parking fines; personal property taxes on vehicles. Allows local governing bodies to enter into regional compacts for the inter-jurisdictional enforcement of local parking and vehicular personal property tax ordinances.

Patrons: Almand, Brink and Darner; Senators: Ticer and Whipple



HB 2520 VDOT; procurement of professional services.

A BILL to amend the Code of Virginia by adding a section numbered 33.1-185.1, relating to the procurement of professional services by VDOT. 011127220

Summary as introduced:

VDOT; procurement of professional services. Authorizes VDOT, when procuring professional services for projects contained in the Virginia Transportation Development Plan, to negotiate with all offerors deemed qualified and experienced to arrive at a fair and reasonable price for the contract. The bill requires VDOT to comply with federal law and regulations governing transportation procurement activities. Currently, under the Virginia Public Procurement Act, a public body may only negotiate with one offeror at a time and if no contract can be reached, the public body must terminate negotiations with that offeror and begin negotiations with the next offeror. This bill would carve out an exception to this type of procurement for VDOT.

Patron: Reid



HB 2587 Northern Virginia Transportation District Program.

A BILL to amend and reenact § 2 of Chapter 391 of the Acts of Assembly of 1993, as amended by Chapters 470 and 597 of the Acts of Assembly of 1994 and by Chapters 740 and 761 of the Acts of Assembly of 1998, and as amended by Chapter 538 of the Acts of Assembly of 1999, relating to increasing the principal amount of bonds authorized to be issued for certain projects in the Northern Virginia Transportation District Program to \$500,200,000 and designating the projects qualifying for increased allocations. 010485500

Summary as introduced:

Transportation revenue bonds; Northern Virginia Transportation District Program. Increases the maximum principal amount of transportation revenue bonds that may be issued for the Northern Virginia Transportation District Program by \$29 million, from \$471.2 million to \$500.2 million, and designates the projects for the increased funding.

Patron: Scott



HB 2606 Northern Virginia Transportation Authority; study continued.

An Act to amend the Code of Virginia by adding in Title 15.2 a chapter numbered 48.1, consisting of sections numbered 15.2-4816 through 15.2-4828, relating to the Northern Virginia Transportation Authority.

Summary as passed:

Northern Virginia Transportation Authority. Establishes the Northern Virginia Transportation Authority, consisting of the Counties of Arlington, Fairfax, Loudoun, and Prince William, and the Cities of Alexandria, Fairfax, Falls Church, Manassas and Manassas Park. The authority's responsibilities shall include long-range transportation planning for regional transportation projects in Northern Virginia. The authority may issue bonds as authorized by law. It is the intention of the General Assembly that the Northern Virginia Transportation Commission shall merge and be consolidated with the Authority no later than July 1, 2003.

Patron: McClure



HB 2649 Overweight permits; trucks hauling concrete.

An Act to amend and reenact § 46.2-1142.1 of the Code of Virginia, relating to extension of overweight limits for vehicles that haul concrete on interstate highways.

Summary as passed:

Overweight permits; trucks hauling concrete. Allows weight limit extensions for trucks that haul concrete to apply to interstate highways as well as other highways, but only if the extensions are not inconsistent with federal law and will not jeopardize, bar, or reduce federal transportation funding otherwise available to the Commonwealth or any of its political subdivisions. *This bill is the same as SB 1343 (Williams).*

Patrons: Robinson and Williams



HB 2671 Special transportation/taxing district.

An Act to amend the Code of Virginia by adding in Title 33.1 a chapter numbered 15, consisting of sections numbered 33.1-430 through 33.1-446, relating to local transportation districts in counties having populations greater than 500,000.

Summary as passed:

Special transportation/taxing district. Creates a special transportation/taxing district, modeled on the existing Route 28 District, to provide a means of financing an extension of commuter rail service from the East Falls Church Metro Station to the vicinity of Dulles Airport. Applicability of the bill is limited to Fairfax County and towns therein.

Patrons: Callahan, Black, Plum and Scott; *Senators:* Howell and Mims



HB 2706 Truck covers.

An Act to amend and reenact § 46.2-1156 of the Code of Virginia, relating to covers used to keep vehicle loads from escaping.

Summary as passed:

Truck covers. Requires that covers used to prevent the escape of material from commercial vehicles used to

transport solid waste be of such design, installation, and construction to contain all of the vehicle's cargo within the vehicle, regardless of the vehicle's speed or weather conditions.

Patrons: Morgan, Albo and McQuigg



HB 2717 Public-Private Transportation Act of 1995; definitions.

An Act to amend and reenact § 56-557 of the Code of Virginia, relating to definitions applicable to the Public-Private Transportation Act of 1995.

Summary as passed:

Public-Private Transportation Act of 1995; definitions. Repeals the prohibition on considering "rail mass transit facilities owned by an interstate compact agency" to be transportation facilities for purposes of the Act.

Patron: Callahan



HB 2736 VDOT; reimbursement for certain lost revenues.

A BILL to amend the Code of Virginia by adding a section numbered 33.1-200.3, relating to reimbursement by Department of Transportation of certain public service corporations for loss of customer revenue. 015490816

Summary as introduced:

Virginia Department of Transportation (VDOT); reimbursement for certain lost revenues. Requires VDOT to reimburse utilities for customer revenue losses experienced because of relocation of the utility's lines required by or carried out in connection with a VDOT project.

Patron: Kilgore



HB 2740 Department of Transportation review of transp. needs; report data.

A BILL to amend and reenact § 33.1-23.03 of the Code of Virginia, relating to Department of Transportation review of transportation needs. 011432860

Summary as introduced:

Department of Transportation review of transportation needs. Requires the Department to report to the General Assembly and local officials those current transportation needs that are unmet under existing plans. The Department, working in cooperation with the Secretary of Transportation, shall further recommend a plan to help alleviate the unmet transportation needs. The recommendation shall include a means by which regions of the Commonwealth may be afforded greater flexibility to address such unmet needs, with appropriate state oversight, including the ability to establish regional transportation entities having broader authority with respect to planning, prioritizing, funding, and implementing transportation solutions for the region.

Patron: Moss



HJ 190 Constitutional amendment; Transportation Trust Fund.

Proposing an amendment to the Constitution of Virginia by adding in Article X a section numbered 12, relating to the inviolability of the Transportation Trust Fund. 004880824

Summary as passed House:

Constitutional amendment (first resolution); Transportation Trust Fund. Prohibits "raiding" of the Transportation Trust Fund by the General Assembly for nontransportation purposes.

Patron: Marshall



HJ 624 VDOT's Intelligent Transportation System.

Encouraging the Department of Transportation to continue implementing its Intelligent Transportation System, known as Smart Travel, and to draft guidelines for that implementation in consultation with localities.

Summary as passed:

VDOT's Intelligent Transportation System. Encouraging the Virginia Department of Transportation to continue implementing its Intelligent Transportation System, known as Smart Travel, and to draft guidelines for that implementation in consultation with localities.

Patrons: Plum, Bennett, Christian, May, O'Brien and Purkey; Senator: Howell



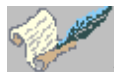
HJ 797 Interstate Route 64 median.

Memorializing the Virginia Department of Transportation to take all prudent and necessary measures to retain the grassy median on Interstate Route 64 between Virginia Route 199 in York County and Jefferson Avenue in the City of Newport News. 019196744

Summary as passed House:

Interstate Route 64. Memorializes VDOT, in widening I-64 in the vicinity of Williamsburg, to retain the highway's grassy median.

Patrons: Grayson and Rapp; Senator: Norment



SB 1045 Secondary highways; resumption of responsibilities by counties.

An Act to amend the Code of Virginia by adding a section numbered 33.1-84.1, relating to resumption of responsibility for secondary highways by counties.

Summary as passed:

Secondary highways; resumption of responsibilities by counties. Provides a mechanism by which counties may resume responsibility for some or all of state secondary highways within their boundaries. *This bill is the same as HB 1949 (Hull) and HB 2049 (Rollison).*

Patron: Williams



SB 1046 Assist. commissioner for the environment, transportation planning.

An Act to amend and reenact § 33.1-8 of the Code of Virginia, relating to employment of an assistant commissioner for the environment, transportation planning, and regulatory affairs by the Commonwealth Transportation Commissioner.

Summary as passed:

Assistant commissioner for the environment, transportation planning, and regulatory affairs. Requires the Commonwealth Transportation Commissioner to employ an assistant commissioner for the environment, transportation planning, and regulatory affairs. *This bill is the same as HB 2422 (Wardrup).*

Patron: Williams



SB 1047 Statewide Transportation Plan.

An Act to amend and reenact § 33.1-23.03 of the Code of Virginia, relating to preparation of a statewide transportation plan by the Commonwealth Transportation Board.

Summary as passed:

Statewide Transportation Plan. Requires the Secretary of Transportation to develop a statewide transportation plan with a 20-year horizon and update that plan at least every five years. This plan supersedes the quinquennial assessment of highway needs by the Virginia Department of Transportation. *This bill is the same as HB 2420 (Wardrup).*

Patron: Williams



SB 1049 Powers and duties of Commonwealth Transportation Board (CTB).

An Act to amend and reenact § 33.1-12 of the Code of Virginia, relating to powers and duties of the Commonwealth Transportation Board; awarding of design-build contracts; standards for advancing projects from the feasibility stage to the construction stage.

Summary as passed:

Powers and duties of Commonwealth Transportation Board (CTB). Allows the Commonwealth Transportation Board to award contracts for the construction of transportation projects on a design-build basis. The Board may annually award five design-build contracts valued at no more than \$20 million. The Board may also award design-build contracts valued at more than \$20 million, provided that no more than five of these latter contracts are in force at the same time. The bill also requires the CTB to recommend to the General Assembly objective criteria to be used by the CTB in selecting those transportation projects to be advanced from the feasibility to the construction stage. These criteria must include requirements for prequalification of contractors and competitive bidding processes. The contracts have to be of such size and scope as to encourage competition. If such criteria are enacted into law, the criteria will apply to the interstate, primary, and urban systems of highways.

Patron: Williams



SB 1050 Value engineering.

An Act to amend and reenact § 33.1-190.1 of the Code of Virginia, relating to value engineering required in connection with certain highway projects.

Summary as passed:

Value engineering. Increases from \$2 million to \$5 million the minimum cost of highway projects in connection with which value engineering must be used by the Department of Transportation. *This bill is the same as HB 2044 (Rollison).*

Patron: Williams



SB 1051 Highway projects cancelled by counties.

An Act to amend and reenact § 33.1-70.01 of the Code of Virginia, relating to reimbursement by counties for certain cancelled highway projects.

Summary as passed:

Highway projects cancelled by counties. Requires counties that cancel secondary system highway construction or improvement projects included in their six-year plans to reimburse the Commonwealth Transportation Board (CTB) for funds expended for planning, engineering, right-of-way acquisition, demolition, relocation, and construction. The bill also allows the CTB to waive the reimbursement. *This bill is the same as HB 2045 (Rollison).*

Patron: Williams



SB 1052 VDOT contracts.

An Act to amend and reenact § 33.1-191 of the Code of Virginia, relating to contracts with the Virginia Department of Transportation; penalties for violation of terms or conditions of permits or contracts.

Summary as passed:

VDOT contracts. Mandates that Virginia Department of Transportation contracts require that contractors comply with all requirements, conditions, and terms of such contracts, including environmental permits that are part of the contracts. If a contractor violates a contract provision that results in environmental damage or violates environmental laws or environmental permits, the Department may suspend the contractor from future bidding or initiate debarment. In such cases, the Department may recover either (i) the loss or damage that the Department suffers as a result of such violation or (ii) any liquidated damages established in such contract plus (iii) reasonable attorney's fees and expert witness fees. *This bill is the same as HB 2303 (Wardrup).*

Patron: Williams



SB 1053 Asset management by Department of Transportation (VDOT).

A BILL to amend and reenact § 33.1-23.02 of the Code of Virginia, relating to asset management by the Virginia Department of Transportation. 019015220

Summary as introduced:

Asset management by the Virginia Department of Transportation (VDOT). Provides a definition of "asset management" and requires VDOT to implement outcome-based asset management practices in operating, maintaining, and upgrading state highways.

Patron: Williams



SB 1097 Vehicle weight limits; liquidated damages, etc.

An Act to amend and reenact §§ 46.2-1135 and 46.2-1137 of the Code of Virginia, relating to liquidated damages for violation of vehicle weight limits; procedures for weighing vehicles; penalties.

Summary as passed:

Vehicle weight limits; liquidated damages, procedures for weighing vehicles. Increases amounts of

liquidated damages imposed for overweight violations. The bill also authorizes, with the exception of certain vehicles' operation on non-interstate highways, assessment of liquidated damages based on pre-shifting axle weights when shifting of a vehicle's cargo brings it into compliance with axle weight limits. *This bill is the same as HB 2046 (Rollison).*

Patrons: Mims and Whipple



SB 1213 Statewide transportation plan.

A BILL to amend and reenact § 2.1-51.42 of the Code of Virginia, relating to powers and duties of the Secretary of Transportation; preparation of statewide transportation plan. 010624564

Summary as introduced:

Virginia statewide transportation plan. Requires the Secretary of Transportation to prepare a statewide transportation plan and present it to the Governor and General Assembly. *This bill was incorporated into HB SB1047 (Williams).*

Patrons: Whipple, Byrne, Edwards and Miller, Y.B.; *Delegates:* Amundson, Brink, Larrabee, Parrish, Plum, Van Landingham and Williams



SB 1230 VDOT; procurement of professional services.

A BILL to amend the Code of Virginia by adding a section numbered 33.1-185.1, relating to the procurement of professional services by VDOT. 011128220

Summary as introduced:

VDOT; procurement of professional services. Authorizes VDOT, when procuring professional services for projects contained in the Virginia Transportation Development Plan, to negotiate with all offerors deemed qualified and experienced to arrive at a fair and reasonable price for the contract. The bill requires VDOT to comply with federal law and regulations governing transportation procurement activities. Currently, under the Virginia Public Procurement Act, a public body may only negotiate with one offeror at a time and if no contract can be reached, the public body must terminate negotiations with that offeror and begin negotiations with the next offeror. This bill would carve out an exception to this type of procurement for VDOT.

Patron: Trumbo



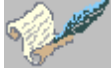
SB 1291 "Photo-toll" toll payment photo-monitoring program.

An Act to amend and reenact § 46.2-819.1 of the Code of Virginia, relating to use of photo-monitoring systems to monitor payment of tolls; penalties.

Summary as passed:

"Photo-toll" toll payment photo-monitoring program. Allows operators of toll facilities to send vehicle owners bills or invoices prior to pursuing other remedies provided for collecting unpaid tolls. *This bill is the same as HB 2019 (May).*

Patron: Mims



SB 1312 Overhead highway obstructions.

An Act to amend and reenact § 46.2-1110 of the Code of Virginia, relating to overhead highway obstructions; warning signs required.

Summary as passed:

Overhead highway obstructions. Requires installation of warning signs in advance of overhead highway structures that are 14 feet tall or less instead of 13 feet, 6 inches or less.

Patrons: Newman and Hawkins; *Delegate:* Byron



SB 1318 Vehicles used to transport municipal solid waste.

An Act to amend the Code of Virginia by adding a section numbered 46.2-1304.1, relating to local ordinances regulating construction and parking of commercial motor vehicles used to transport municipal waste; towing of trespassing vehicles; penalty.

Summary as passed:

Commercial Motor Vehicles used to transport municipal solid waste. Allows local governing bodies to adopt ordinances to regulate commercial motor vehicles used to transport municipal solid waste by prohibiting their being parked at locations other than those specified in their ordinances and requiring leak-proof construction of their cargo compartments. The term "municipal solid waste" would have the meaning provided by regulation by the Virginia Waste Management Board. Penalties could be no more stringent than those allowed for traffic infractions (fine up to \$200).

Patron: Byrne



SB 1326 Evaluation of highway construction impacts.

A BILL to amend the Code of Virginia by adding in Article 15 of Chapter 1 of Title 33.1 a section numbered 33.1-223.2:5, relating to evaluation of new highway capacity by Virginia Department of Transportation. 019087444

Summary as introduced:

Evaluation of highway construction impacts. Requires the Department of Transportation to evaluate the effectiveness and impact of all proposed new highways, new lanes added to existing highways, and new interchanges, wherever such proposed projects are estimated to cost \$20 million or more.

Patrons: Houck, Chichester and Couric; *Delegates:* Baskerville, Marshall, Pollard and Ware



SB 1329 Provisional driver's licenses.

An Act to amend and reenact §§ 22.1-205, 46.2-330, 46.2-334, 46.2-334.01, 46.2-335, and 46.2-335.2 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 46.2-334.02, relating to driver education programs; driver's license renewals; driver's licenses and learner's permits issued to persons less than twenty years old; penalties.

Summary as passed:

Operation of motor vehicles by person less than 20 years old. Requires that driver training programs include a minimum number of miles to be driven during the behind-the-wheel portion of the training; this

number will be determined by the state Board of Education. The bill further provides that, to be eligible to receive a driver's license, an applicant less than 18 years old must present a certification, signed by a parent or guardian or adult spouse, that he has driven at least 40 hours (10 of them after dark) while he held a learner's permit. In addition, the bill prohibits operation of a motor vehicle between midnight and 4:00 a.m. under a learner's permit. Also, the minimum age for obtaining a learner's permit is increased from 15 years to 15 years and six months; the minimum "hold period" for a learner's permit is increased from 6 months to 9 months.

As to driver's licenses, to receive a driver's license, an applicant must be at least 16 years and three months old (instead of 16 years old). Drivers less than 17 years old cannot transport more than one passenger who is less than 18 years old; drivers who are at least 17 but less than 18 years old cannot transport more than three passengers who are less than 18 years old. These limitations do not apply to members of the driver's family or household. Drivers less than 18 years old cannot drive between midnight and 4:00 a.m., except for going to or from businesses where they are employed, going to or from a school-sponsored activity, when accompanied by adult parents, guardians, or spouses, or in emergencies. Violations of the passenger restrictions and hours of operation restrictions are secondary offenses.

Drivers who are at least 18 but less than 20 must attend driver improvement clinics if they are convicted of a moving violation, a safety belt violation, or a child restraint violation.

The increase in the minimum age for issuance of a driver's licenses does not apply to persons who received learner's permits prior to July 1, 2001. *This bill is the same as HB 2554 (O'Brien).*

Patrons: Mims, Barry, Howell, Potts, Saslaw and Ticer; *Delegates:* Albo, Almand, Brink, Darner, Devolites, Howell, Landes, McClure, Nixon, Parrish, Plum, Scott and Van Lanningham



SB 1343 Overweight permits; trucks hauling concrete.

An Act to amend and reenact § 46.2-1142.1 of the Code of Virginia, relating to extension of overweight limits for vehicles that haul concrete on interstate highways.

Summary as passed:

Overweight permits; trucks hauling concrete. Allows weight limit extensions for trucks that haul concrete to apply to interstate highways as well as other highways, but only if the extensions are not inconsistent with federal law and will not jeopardize, bar, or reduce federal transportation funding otherwise available to the Commonwealth or any of its political subdivisions. *This bill is the same as HB 2649 (Robinson).*

Patron: Williams