

University of Virginia -- Office of State Governmental Relations
LAW REPORT
April 25, 2007

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HB1603 **Multiline telephone systems.**

Chief Patron: Melanie L. Rapp

Summary:

Multiline telephone systems. Requires multiline telephone systems acquired or installed on or after July 1, 2009, to be maintained and operated so that calls to 9-1-1 from each telephone station on the system provides either automatic location and number identification information or an alternative method of providing call location information. The Wireless E-911 Services Board is directed to monitor developments in E-911 service and multiline telephone system technologies.

Law Advice: **New Requirement**

Status:

03/19/07 Governor: Approved by Governor-Chapter 427 (effective 7/1/07)

HB1622 **Group accident and sickness insurance; student medical leaves of absence.**

Chief Patron: Kenneth C. Alexander

Summary:

Group accident and sickness insurance; student medical leaves of absence. Requires that coverage under a health insurance policy for a dependent child who is enrolled as a full-time student shall continue in force for up to 12 months from the date the child ceases to be a full-time student if the child is unable to continue as a full-time student due to a medical condition. The child's treating physician must certify when the child withdraws from school that the absence is medically necessary. The measure applies only to covered children under age 25.

Law Advice: **FYI - No Direct Impact**

Status:

03/19/07 Governor: Approved by Governor-Chapter 428 (effective 7/1/07)

HB1652 **Smoking in proximity to hospital oxygen source; penalty.**

Chief Patron: Ward L. Armstrong

Summary:

Smoking in proximity to hospital oxygen source; penalty. Provides that any person who smokes or uses an open flame within 25 feet of an oxygen source in a health care facility when the area is posted as an area where smoking and open flame are prohibited is guilty of a Class 2 misdemeanor.

Law Advice: **FYI - No Direct Impact**

Status:

03/19/07 Governor: Approved by Governor-Chapter 430 (effective 7/1/07)

HB1653 **Smoking in proximity to gas pumps; penalty.**

Chief Patron: Ward L. Armstrong

Summary:

Smoking in proximity to gas pumps; penalty. Provides that any person in the open air who smokes or uses an open flame within 20 feet of a pump used to fuel motor vehicles or a fueling tanker being used to deliver gasoline to a gasoline station, where smoking or the use of an open flame is prohibited by a posted sign, is guilty of a Class 3 misdemeanor, and is guilty of a Class 1 misdemeanor if the person causes a fire or explosion.

Law Advice: **FYI - No Direct Impact**

Status:

04/04/07 House: Enacted, Chapter 848 (effective 7/1/07)

HB1673 Commission on Immigration.

Chief Patron: Robert G. Marshall

Summary:

Commission on Immigration. Creates the Virginia Commission on Immigration as an advisory commission in the executive branch. The purpose of the Commission is to study, report, and make recommendations to address the costs and benefits of immigration on the Commonwealth, including the impact on education, health care, law enforcement, local demands for services and the economy, and the effect on the Commonwealth of federal immigration and funding policies. The Commission expires on August 1, 2009. This bill incorporates HJR 776 (Saxman)

Law Advice: Monitor and Track

Status:

04/04/07 House: Enacted, Chapter 849 (effective 7/1/07)

HB1681 Two-Year College Transfer Grant Program.

Chief Patron: Vincent F. Callahan, Jr.

Summary:

Two-Year College Transfer Grant Program. Establishes the Two-Year College Transfer Grant Program for the purpose of providing higher education grants of up to \$2,000 per year to domiciles of Virginia who have successfully completed an acceptable associate degree program at a public two-year institution of higher education. The State Council of Higher Education (SCHEV) must promulgate necessary and appropriate regulations for its administration.

To be eligible to receive a grant, a student must (i) have received an associate degree at a Virginia two-year public institution of higher education, (ii) have enrolled in a Virginia four-year public or private institution of higher education by the fall following the award of the associate degree, (iii) have applied for financial aid, and (iv) have financial need.

Eligibility is limited to three academic years or 70 credit hours.

This bill is identical to SB 749.

Law Advice: New Requirement

Companion to SB 749.

Status:

04/04/07 House: Enacted, Chapter 850 (effective 7/1/07)

HB1682 Board of Medicine; information to complaining parties.

Chief Patron: Vincent F. Callahan, Jr.

Summary:

Board of Medicine; information to complaining parties. Requires health regulatory boards to provide the source and subject of a complaint or report filed about a person licensed, certified, or registered by a health regulatory board with information about the investigative and disciplinary procedures of the Department of Health Professions.

Adds the provision that the relevant board may notify the source of the complaint or report of the process that the board followed in making a determination that a disciplinary proceeding need not be instituted. Provides that information on the date and location of any disciplinary proceeding, allegations against the respondent, and the list of statutes and regulations the respondent is alleged to have violated shall be provided to the source of the

complaint or report by the relevant board prior to the proceeding and that the source shall be notified of the disposition of the disciplinary case.

Law Advice: **FYI - No Direct Impact**

Status:

03/15/07 Governor: Approved by Governor-Chapter 395 (effective 7/1/07)

HB1691 **Transition to elimination of medical care facilities certificate of public need.**

Chief Patron: R. Steven Landes

Summary:

Transition to elimination of medical care facilities certificate of public need. Repeals 32.1-102.13, relating to the transition to elimination of medical care facilities certificate of public need. This bill is a recommendation of the Virginia Code Commission.

Law Advice: **Change in Requirement**

Status:

02/19/07 Governor: Approved by Governor-Chapter 5 (effective 7/1/07)

HB1740 **Board of Visitors of the University of Virginia.**

Chief Patron: William H. Fralin, Jr.

Summary:

Board of Visitors of the University of Virginia. Authorizes the board of visitors of the University of Virginia to invest and manage nongeneral fund reserves and balances as well as local funds of or held by the University. Exempts members of the board of visitors from personal liability for losses suffered by investment of nongeneral fund reserves and balances or local funds of or held by the University. The bill also exempts the investment and management of nongeneral fund reserves and balances and local funds of or held by the University from the Virginia Public Procurement Act. Finally, the bill allows the nongeneral fund reserves and balances and local funds of or held by the University to be invested or reinvested in derivatives, options, and financial securities.

An enactment clause clarifies that the University shall not invest revenues from tuition and educational fees that are used or required for the day-to-day operations of the University in other than cash accounts and fixed income securities.

Law Advice: **New Authority**

Status:

03/19/07 Governor: Approved by Governor-Chapter 434 (effective 7/1/07)

HB1785 **Devices for puncturing motor vehicle tires.**

Chief Patron: John A. Cosgrove

Summary:

Devices for puncturing motor vehicle tires. Provides that law-enforcement officers lawfully engaged in the discharge of their duties are not subject to the Class 1 misdemeanor for possessing or utilizing devices designed to puncture motor vehicle tires.

Law Advice: **FYI - No Direct Impact**

Status:

03/19/07 Governor: Approved by Governor-Chapter 437 (effective 7/1/07)

HB1791 **Freedom of Information Act; responses to requests for public records.**

Chief Patron: H. Morgan Griffith

Summary:

Freedom of Information Act; responses to requests for public records. Adds an additional response to address situations when a public body receives a request for public records under FOIA but cannot find the requested records or the requested records do not exist. The bill also clarifies the other responses to requests for public records under FOIA. The bill also contains technical amendments.

Law Advice: Change in Requirement

Status:

03/19/07 Governor: Approved by Governor-Chapter 439 (effective 7/1/07)

HB1798 Department of Professional and Occupational Regulation; boxing and wrestling events; Martial Arts Advisory Board.

Chief Patron: John A. Cosgrove

Summary:

Department of Professional and Occupational Regulation; boxing and wrestling events; Martial Arts Advisory Board. Establishes the Professional Boxing, Wrestling and Martial Arts Advisory Board to advise the Director of the Department of Professional and Occupational Regulation on matters relating to professional boxing and wrestling events and martial arts competitions in the Commonwealth. The bill accomplishes this by codifying an existing task force and expanding its membership to include a representative of the sport of nontraditional mixed martial arts and a member who is a martial arts instructor who has obtained the rank of black belt or higher.

Law Advice: FYI - No Direct Impact

Status:

04/04/07 House: Enacted, Chapter 853 (effective - see bill)

HB1801 Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects; powers; cease and desist orders; civil penalty.

Chief Patron: John A. Cosgrove

Summary:

Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects; powers; cease and desist orders; civil penalty. Authorizes the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects to issue cease and desist orders for unlicensed activity. The bill provides for a right of appeal of the Board's issuance of such an order and specifies the civil penalty.

Law Advice: FYI - No Direct Impact

Status:

03/20/07 Governor: Approved by Governor-Chapter 618 (effective 7/1/07)

HB1822 Reduced tuition; certain members of the military.

Chief Patron: Terrie L. Suit

Summary:

Reduced tuition; certain members of the military. Provides that any active duty members, activated guard or reservist members, or guard or reservist members mobilized or on temporary active orders for six months or more, that are either stationed or assigned by their military service to a work location in Virginia, and residing in Virginia, shall pay tuition to the public institution of higher education in which they are enrolled an amount no more than the

amount covered by their military service Tuition Assistance program or the institution's in-state tuition rate, whichever is greater.

Law Advice: **New Requirement**

Status:

03/08/07 Governor: Approved by Governor-Chapter 102 (effective 7/1/07)

HB1830 **Deferred compensation plan for state employees.**

Chief Patron: Lacey E. Putney

Summary:

Deferred compensation plan for state employees. Changes the participation in the deferred compensation plan for new state employees hired on or after January 1, 2008, to an "opt-out" plan rather than an "opt-in" plan.

Law Advice: **Change in Requirement**

Status:

03/12/07 Governor: Approved by Governor-Chapter 253 (effective 7/1/07)

HB1908 **Child restraint devices.**

Chief Patron: David B. Albo

Summary:

Child restraint devices. Increases the age that children must be secured in a child restraint device from five to eight and requires that rear-facing child restraint devices for infants from birth to one year shall be secured only in the back seat of motor vehicles manufactured after January 1, 1968. The bill also removes the exemption from required child restraint device use for the rear cargo area of vehicles other than pickup trucks and increases the age from less than six years old to eight years old for the permitted use of standard seat belt equipment for certain children.

Law Advice: **Change in Requirement**

Companion to SB 1060.

Status:

04/10/07 Governor: Approved by Governor-Chapter 935 (effective 7/1/07)

HB1913 **Virginia Teaching Scholarship Loan Program; revisions.**

Chief Patron: Jeion A. Ward

Summary:

Virginia Teaching Scholarship Loan Program; revisions. Revises and reorganizes the section to make it consistent with language in the general appropriation act. The bill revises the intent of the Program, so that it is established to (i) increase the number of teacher candidates pursuing careers in critical teacher shortage areas, as defined by the Board of Education; (ii) expand eligibility to teacher candidates, including graduate students and paraprofessionals, enrolled full-time or part-time in approved teacher education programs; and (iii) increase diversity of persons pursuing careers in teaching, including male teacher candidates enrolled in elementary or middle school education programs and minority teacher candidates enrolled in any teaching endorsement area.

The bill also eliminates the Diversity in Teaching Initiative, as it has not been funded.

Law Advice: **FYI - No Direct Impact**

Status:

02/19/07 Governor: Approved by Governor-Chapter 31 (effective 7/1/07)

HB1930 **DMV fees.**

Chief Patron: Melanie L. Rapp

Summary:

DMV fees. Exempts federal, state, and local officials from fees charged by DMV for obtaining data from DMV records.

Law Advice: **Change in Requirement**

Companion to SB 1097.

Status:

03/19/07 Governor: Approved by Governor-Chapter 447 (effective 7/1/07)

HB1963 **Prescription of certain controlled substances and devices by licensed physician assistants.**

Chief Patron: John M. O'Bannon, III

Summary:

Prescription of certain controlled substances and devices by licensed physician assistants. Authorizes licensed physician assistants to prescribe Schedule II through VI controlled substances and devices on and after July 1, 2007.

Law Advice: **Change in Authority**

Status:

02/19/07 Governor: Approved by Governor-Chapter 16 (effective 7/1/07)

HB1964 **Special license plates; nurses.**

Chief Patron: John M. O'Bannon, III

Summary:

Special license plates; nurses. Authorizes the issuance of revenue-sharing special license plates for nurses.

Law Advice: **FYI - No Direct Impact**

Status:

03/09/07 Governor: Approved by Governor-Chapter 184 (effective 7/1/07)

HB1984 **Alcoholic beverage control; definition of public place.**

Chief Patron: Matthew J. Lohr

Summary:

Alcoholic beverage control; definition of public place. Amends the definition of public place for the purpose of the alcoholic beverage control laws to include a sidewalk adjoining any highway, street, or lane. The bill also provides that a local governing body may adopt an ordinance regulating the possession of opened alcoholic beverage containers on a sidewalk adjoining any public street.

Law Advice: **FYI - No Direct Impact**

Status:

03/19/07 Governor: Approved by Governor-Chapter 454 (effective 7/1/07)

HB1996 **In-state tuition; dependents of certain military personnel.**

Chief Patron: Terrie L. Suit

Summary:

In-state tuition; dependents of certain military personnel. Clarifies the eligibility for in-state tuition for dependents of certain military personnel.

Law Advice: **Change in Requirement**

Status:

03/08/07 Governor: Approved by Governor-Chapter 108 (effective 7/1/07)

HB2030 Modeling and Simulation Advisory Council; created.

Chief Patron: John A. Cosgrove

Summary:

Modeling and Simulation Advisory Council; created. Creates the Modeling and Simulation Advisory Council to advise the Governor on policy and funding priorities to promote the modeling and simulation industry in the Commonwealth.

Law Advice: **FYI - No Direct Impact**

Status:

04/04/07 House: Enacted, Chapter 857 (effective 7/1/07)

HB2035 Required vaccinations; adds human papillomavirus vaccine.

Chief Patron: Phillip A. Hamilton

Summary:

Required vaccinations; adds human papillomavirus vaccine. Requires females to receive three properly spaced doses of human papillomavirus (HPV) vaccine. The first dose shall be administered before the child enters the sixth grade. After having reviewed materials describing the link between the human papillomavirus and cervical cancer approved for such use by the Board of Health, a parent or guardian may elect for his daughter not to receive this vaccine. This bill contains a delayed effective date of October 1, 2008. This bill incorporates HB 1914 and is identical to SB 1230 (Howell).

Law Advice: **New Requirement**

Delayed effective date: October 1, 2008. Companion to SB 1230.

Status:

04/04/07 House: Enacted, Chapter 858 (effective 10/1/08)

HB2036 Involuntary admission hearings; examination providers.

Chief Patron: Phillip A. Hamilton

Summary:

Involuntary admission hearings; examination providers. Adds community service boards and behavioral health authorities to the list of facilities by which an examiner may be employed.

Law Advice: **FYI - No Direct Impact**

Status:

03/15/07 Governor: Approved by Governor-Chapter 400 (effective 7/1/07)

HB2037 Administration of drugs or devices; addition of medical assistants

Chief Patron: Phillip A. Hamilton

Summary:

Administration of drugs or devices; addition of medical assistants. Authorizes personnel who have been properly

trained to assist a doctor of medicine or osteopathic medicine who are acting pursuant to a specific order for a patient and under a doctor's direct and immediate supervision to administer controlled substances, provided the method does not include intravenous, intrathecal, or epidural administration and the prescriber remains responsible for the administration.

Law Advice: **New Authority**

Status:

02/19/07 Governor: Approved by Governor-Chapter 17 (effective 7/1/07)

HB2084 Law-enforcement escorts.

Chief Patron: Albert C. Eisenberg

Summary:

Law-enforcement escorts. Provides that any federal, state, or local law-enforcement vehicle used in conducting a funeral escort, wide load escort, dignitary escort, or any other escort shall be considered an emergency vehicle and is exempt from obeying certain regulations such as speed limit and traffic signals and signs.

Law Advice: **FYI - No Direct Impact**

Companion to SB 924.

Status:

04/04/07 House: Enacted, Chapter 860 (effective 7/1/07)

HB2087 Health professions; direct access to physical therapists.

Chief Patron: William R. Janis

Summary:

Health professions; direct access to physical therapists. Allows patients to seek treatment from a licensed physical therapist, who also holds a certain certificate, without a referral when the following conditions are met: (i) the patient, at the time of presentation to a physical therapist, is not under the care of a physician; (ii) the patient identifies a practitioner from whom he intends to seek treatment if his condition does not improve; (iii) the patient gives written consent for the physical therapist to release all personal health information and treatment records to the identified practitioner; and (iv) the physical therapist notifies the identified practitioner no later than three days after treatment commences and provides the practitioner with a copy of the initial evaluation along with a copy of the patient history obtained by the physical therapist. The bill also contains requirements for a certificate allowing physical therapists to provide such services. This bill is identical to SB 1305 (Newman).

Law Advice: **FYI - No Direct Impact**

Companion to SB 1305.

Status:

02/19/07 Governor: Approved by Governor-Chapter 18 (effective 7/1/07)

HB2091 Virginia Retirement System; long-term disability health insurance credit.

Chief Patron: Robert Tata

Summary:

Virginia Retirement System; long-term disability health insurance credit. Clarifies that state employees receiving long-term disability benefits are eligible for health insurance credits.

Law Advice: **FYI - No Direct Impact**

Status:

02/19/07 Governor: Approved by Governor-Chapter 64 (effective 7/1/07)

HB2096 **Virginia Retirement System; accumulated contributions.**

Chief Patron: Robert Tata

Summary:

Virginia Retirement System; accumulated contributions. Clarifies that a member's "accumulated contributions" includes all employer-paid, tax-deferred contributions. The bill also makes a technical change.

Law Advice: **FYI - No Direct Impact**

Status:

02/21/07 Governor: Approved by Governor-Chapter 89 (effective 7/1/07)

HB2137 **Procurement of services by certain state agencies.**

Chief Patron: Benjamin L. Cline

Summary:

Procurement of services by certain state agencies. Requires the Director of the Division of Purchases and Supply of the Department of General Services, the CIO of VITA, and the Director of SCHEV to solicit from each state agency under their respective control a list of all procurements conducted by an agency that were competed with the private sector by October 1, 2009. The bill also requires that the Commonwealth Competition Council update its commercial activities list every two years.

Law Advice: **New Requirement**

Status:

03/20/07 Governor: Approved by Governor-Chapter 630 (effective 7/1/07)

HB2157 **Board of Medicine; disciplinary procedure.**

Chief Patron: John M. O'Bannon, III

Summary:

Board of Medicine; disciplinary procedure. Requires the Board to make available via any department website information regarding any final orders together with any associated notices which impose disciplinary action against a licensee of the Board. Prohibits the Board from posting notices that have not been adjudicated. Provides that notices and orders that did not result in disciplinary action may be removed upon written request of the licensee. Limits information regarding claims provided to consumers to medical malpractice judgments and settlements of more than \$10,000 within the most recent 10-year period. Changes requirement that Board assess competency of person on whose behalf three medical malpractice claims are paid within a 10-year period to requirement that the Board assess the competency of a person on whose behalf three medical malpractice settlements of more than \$10,000 are paid within the most recent 10-year period.

Law Advice: **FYI - No Direct Impact**

Status:

04/04/07 House: Enacted, Chapter 861 (effective 7/1/07)

HB2161 **Statewide emergency medical care system**

Chief Patron: John M. O'Bannon, III

Summary:

Statewide emergency medical care system. Adds provisions for additional performance improvement measures. Adds requirement that the statewide Trauma Triage Plan be updated triennially.

Law Advice: **FYI - No Direct Impact**

Status:

02/19/07 Governor: Approved by Governor-Chapter 15 (effective 7/1/07)

HB2178 **Schedule III controlled substances.**

Chief Patron: Harvey B. Morgan

Summary:

Schedule III controlled substances. Adds embutramide to the list of Schedule III controlled substances.

Law Advice: **FYI - No Direct Impact**

Status:

02/19/07 Governor: Approved by Governor-Chapter 14 (effective 7/1/07)

HB2179 **Virginia Military Survivors and Dependents Education Program.**

Chief Patron: William R. Janis

Summary:

Virginia Military Survivors and Dependents Education Program. Revises the Virginia Military Survivors and Dependents Education Program to clarify that qualified survivors and dependents shall be admitted to any public institution of higher education or other public accredited postsecondary institution of higher education or other public accredited postsecondary institution granting a degree, diploma, or certificate in the Commonwealth of Virginia, free of tuition and all required fees.

Establishes the Virginia Military Survivors and Dependents Education Fund to provide financial assistance for board and room charges, books and supplies, and other expenses. The State Council of Higher Education for Virginia is responsible for disbursing funds appropriated or otherwise made available to support the Fund. There are several technical amendments. This bill incorporates HB 2282 (Watts) and HB 2630 (Reid) and is identical to SB 1044 (O'Brien).

Law Advice: **Change in Requirement**

Companion to SB 1044.

Status:

03/08/07 Governor: Approved by Governor-Chapter 116 (effective 7/1/07)

HB2197 **Technology protection measures; public libraries.**

Chief Patron: Samuel A. Nixon, Jr.

Summary:

Technology protection measures; public libraries. Requires the library board or governing body of a library that receives state funding for any purpose to include in its acceptable use policy for the Internet provisions on selecting, installing and activating on those computers that have Internet access a technology protection measure to filter or block Internet access through such computers to child pornography as set out in 18.2-374.1:1, obscenity as defined in 18.2-372, and, with respect to minors, materials deemed harmful to juveniles as defined in 18.2-390. The bill also requires the policy to include a provision for disabling the technology protection measure at the request of a patron in instances of bona fide research or other lawful purposes. The bill is identical to Senate Bill 1393.

Law Advice: **FYI - No Direct Impact**

Companion to SB 1393.

Status:

03/19/07 Governor: Approved by Governor-Chapter 470 (effective 7/1/07)

HB2198 **Electronic health records.**

Chief Patron: Samuel A. Nixon, Jr.

Summary:

Electronic health records. Requires any electronic health records system or software purchased by a state agency to adhere to accepted standards for interoperability or to be certified by a recognized certification body. The bill also requires state agencies making grants available to other entities for electronic patient information or electronic health records to ensure that the systems or software adheres to accepted standards for interoperability, privacy and data exchange or has been certified by a nationally recognized certification body.

Law Advice: **New Requirement**

Status:

03/20/07 Governor: Approved by Governor-Chapter 635 (effective 7/1/07)

HB2211 **Virginia Emergency Medical Services (EMS) Registry and Virginia Statewide Trauma Registry.**

Chief Patron: John M. O'Bannon, III

Summary:

Virginia Emergency Medical Services (EMS) Registry and Virginia Statewide Trauma Registry. Creates the Virginia EMS Registry within the Emergency Medical Services Patient Care Information System to collect data previously collected by the prehospital patient care reporting procedure. Creates the Virginia Statewide Trauma Registry within the Emergency Medical Services Patient Care Information System to collect information on trauma injuries in the Commonwealth.

Law Advice: **Change in Requirement**

Status:

02/19/07 Governor: Approved by Governor-Chapter 13 (effective 7/1/07)

HB2212 **Health regulatory boards; summary restriction of licenses.**

Chief Patron: John M. O'Bannon, III

Summary:

Health regulatory boards; summary restriction of licenses. Allows health regulatory boards to summarily restrict the license, certificate, registration or multistate licensure privilege of any person holding a license, certificate, registration, or licensure privilege issued by it, if the relevant board finds that there is a substantial danger to the public health or safety that warrants this action. The board shall schedule an informal conference within a reasonable time of the date of the summary restriction.

Law Advice: **FYI - No Direct Impact**

Status:

02/19/07 Governor: Approved by Governor-Chapter 22 (effective 7/1/07)

HB2272 **Electronic filing of employer's reports with the Virginia Employment Commission.**

Chief Patron: Harry R. Purkey

Summary:

Electronic filing of employer's reports with the Virginia Employment Commission. Requires employers with 100 or more employees to file quarterly reports electronically commencing January 1, 2009. Currently, employers with 250 or more employees are required to file quarterly reports on a magnetic medium. Any employer required to file electronically who fails to do so without good cause shown shall, unless he has obtained a waiver, be assessed a

penalty of \$75.

Law Advice: Change in Requirement

Change effective January 1, 2009.

Status:

03/20/07 Governor: Approved by Governor-Chapter 638 (effective 7/1/07)

HB2319 Definition of abused or neglected child.

Chief Patron: John J. Welch, III

Summary:

Definition of abused or neglected child. Specifies that a decision by parents or another person with legal authority over a child to refuse a particular medical treatment for a child with a life-threatening condition shall not be deemed a refusal to provide necessary care if (i) such decision is made jointly by the parents or other person with legal authority for the child, and the child; (ii) the child has reached 14 years of age and is sufficiently mature to have an informed opinion on the subject of his medical treatment; (iii) the parents or other person with legal authority, and the child have considered alternative treatment options; and (iv) the parents or other person with legal authority, and the child believe in good faith that such decision is in the child's best interest. Stipulates that this test shall not be construed to limit the provisions of 16.1-278.4 on children in need of services.

Law Advice: New Authority

Companion to SB 905.

Status:

03/19/07 Governor: Approved by Governor-Chapter 479 (effective 7/1/07)

HB2367 Health care data reporting; repeals sunset.

Chief Patron: Phillip A. Hamilton

Summary:

Health care data reporting; repeals sunset. Repeals the July 1, 2008, sunset provision on health care data reporting. This bill is identical to SB 1112 (Houck).

Law Advice: FYI - No Direct Impact

Companion to SB 1112.

Status:

02/19/07 Governor: Approved by Governor-Chapter 21 (effective 7/1/07)

HB2378 Health Commissioner; goals of licensure.

Chief Patron: Phillip A. Hamilton

Summary:

Health Commissioner; goals of licensure. Requires the Commissioner to ensure, in the licensure of health care facilities, that quality of care, patient safety, and patient privacy are the overriding goals of such licensure and related enforcement efforts, to coordinate with the Department of Health's emergency preparedness and response efforts, and to ensure that prevention of disease and protection of public health remain the Department's overriding goals. This bill is identical to SB 1240 (Quayle).

Law Advice: FYI - No Direct Impact

Companion to SB 1240.

Status:

03/13/07 Governor: Approved by Governor-Chapter 320 (effective 7/1/07)

HB2408 **Higher education; articulation agreements.**

Chief Patron: Clifford L. Athey, Jr.

Summary:

Higher education; articulation agreements. Requires the State Council of Higher Education for Virginia to submit an annual report to the Senate Committee on Education and Health and the House Committee on Education specifying the total number of transfer students from the Virginia Community College System that each institution of higher education admitted, enrolled, and graduated.

Law Advice: **New Requirement**

HB 2408 requires SCHEV to report on transfer students to the General Assembly. The Restructuring Act and the Institutional Performance Standards also include similar provisions.

Status:

02/19/07 Governor: Approved by Governor-Chapter 46 (effective 7/1/07)

HB2438 **Eligibility for in-state tuition; dependents of active duty personnel.**

Chief Patron: Jeffrey M. Frederick

Summary:

Eligibility for in-state tuition; dependents of active duty personnel. Expands the eligibility for in-state tuition to dependents of active duty military personnel assigned to a permanent duty station in a state contiguous to Virginia or the District of Columbia, but who reside in Virginia. This bill incorporates HB 1971 (Amundson).

Law Advice: **New Requirement**

Status:

03/19/07 Governor: Approved by Governor-Chapter 491 (effective 7/1/07)

HB2513 **Economic education and financial literacy programs at institutions of higher education**

Chief Patron: Dwight Clinton Jones

Summary:

Economic education and financial literacy programs at institutions of higher education. Expands the subjects that may be covered in student life skills programs to include savings and investments, predatory lending practices and interest rates, consumer fraud, and identity theft and protection.

Law Advice: **Change in Requirement**

Status:

02/19/07 Governor: Approved by Governor-Chapter 47 (effective 7/1/07)

HB2520 **Health records privacy; exceptions.**

Chief Patron: Sal R. Iaquinto

Summary:

Health records privacy; exceptions. Creates an exception to an individual's right of privacy in the content of his health records so that health care entities may disclose records to law-enforcement officers for the purpose of identifying or locating a suspect, fugitive, person required to register with the Sex Offender and Crimes Against Minors Registry, material witness, or missing person. Specifies the type of information that may be disclosed.

Law Advice: **New Authority**

Status:

03/19/07 Governor: Approved by Governor-Chapter 497 (effective 7/1/07)

HB2527 Government Data Collection and Dissemination Practices Act; rights of data subjects.

Chief Patron: Sal R. Iaquinto

Summary:

Government Data Collection and Dissemination Practices Act; rights of data subjects. Requires agencies covered by the Government Data Collection and Dissemination Practices Act to respond to a data subject for inspection of his record in five working days after receiving the request or within a time period as may be mutually agreed upon by the agency and the data subject. The bill references the pertinent section of the Virginia Freedom of Information Act (FOIA) so as to treat requests made under the Government Data Collection and Dissemination Practices Act in the same manner as requests under FOIA, in terms of response time and invoking applicable exemptions, etc. The bill also clarifies that charges for document production shall be in accordance with FOIA provisions.

Law Advice: **Change in Requirement**

Status:

03/09/07 Governor: Approved by Governor-Chapter 232 (effective 7/1/07)

HB2528 Garnishment; child support payments.

Chief Patron: Sal R. Iaquinto

Summary:

Garnishment; child support payments. Provides that child support payments, whether current or arrears, received by a parent for the benefit of and owed to a child in his custody are not subject to garnishment. This bill does not affect the ability to garnish the income of a child support obligor. A depository wherein child support payments have been deposited has no obligation to determine what portion of the deposits are subject to garnishment.

Law Advice: **Change in Authority**

Status:

04/04/07 House: Enacted, Chapter 872 (effective 7/1/07)

HB2546 Definition of projects that require certificate of public need.

Chief Patron: Clarke N. Hogan

Summary:

Definition of projects that require certificate of public need. Increases the amount of a capital expenditure not subject to the certificate of public need requirements from \$5 million to \$15 million. Also requires annual revision of this amount to reflect inflation beginning July 1, 2008.

Law Advice: **Change in Requirement**

Status:

03/19/07 Governor: Approved by Governor-Chapter 502 (effective 7/1/07)

HB2567 Human research review committees; publication of results.

Chief Patron: Stephen C. Shannon

Summary:

Human research review committees; publication of results. Provides that each human research review committee of an institution or agency shall ensure that the approved human research projects and the results of such projects are made public on the institution's or agency's website unless otherwise exempt from disclosure under the Virginia Freedom of Information Act.

Law Advice: FYI - No Direct Impact

Human research at U.Va. is conducted pursuant to federal regulations; therefore, the University is exempt from the provisions of this act.

Status:

03/15/07 Governor: Approved by Governor-Chapter 413 (effective 7/1/07)

HB2618 Classification of real property; energy-efficient buildings.

Chief Patron: William H. Fralin, Jr.

Summary:

Classification of real property; energy-efficient buildings. Permits localities to tax certain energy-efficient buildings, not including the land on which they are located, at a lower tax rate than that imposed on the general class of real property by creating a separate classification for taxation purposes. An energy-efficient building is any building that exceeds the energy efficiency standards prescribed in the Virginia Uniform Statewide Building Code by 30 percent. Energy-efficient building certification shall be determined by any qualified licensed engineer or contractor who is not related to the taxpayer and who shall certify to the taxpayer that he has qualifications to provide the certification.

Law Advice: FYI - No Direct Impact

HB 2618 could potentially result in a positive fiscal impact on the U.Va. Foundation due to a possible decrease in taxes on energy-efficient buildings. Companion to SB 1051.

Status:

03/13/07 Governor: Approved by Governor-Chapter 328 (effective 7/1/07)

HB2624 Government Performance and Results Act; effect of the aging population on state agencies.

Chief Patron: John S. Reid

Summary:

Government Performance and Results Act; effect of the aging population on state agencies. Requires each agency to report by November 15 of each year to the Department for the Aging its progress in addressing the impact of the aging of the population, according to guidance established by the Secretary of Health and Human Resources. The bill also requires the Department for the Aging to prepare a report summarizing the progress made by the agencies and submit such report to the Governor and the General Assembly by June 30 of the following year year.

Law Advice: New Requirement

Annual report required by November 15 to the Department for the Aging.

Status:

03/19/07 Governor: Approved by Governor-Chapter 507 (effective 7/1/07)

HB2649 Board of Pharmacy; grounds for discipline.

Chief Patron: S. Chris Jones

Summary:

Board of Pharmacy; grounds for discipline. Consolidates, clarifies, and adds grounds for the discipline of persons and entities regulated by the Board of Pharmacy.

Law Advice: FYI - No Direct Impact

Status:

03/20/07 Governor: Approved by Governor-Chapter 662 (effective 7/1/07)

HB2669 Freedom of Information Act; electronic communication meetings; Governor-declared state of emergency.

Chief Patron: Beverly J. Sherwood

Summary:

Freedom of Information Act; electronic communication meetings; Governor-declared state of emergency. Allows state public bodies to meet by electronic communication means without a quorum of the public body physically assembled at one location when (i) the Governor has declared a state of emergency in accordance with 44-146.17, (ii) the meeting is necessary to take action to address the emergency, and (iii) the public body otherwise complies with the electronic communication meetings law.

Law Advice: **New Authority**

Status:

03/19/07 Governor: Approved by Governor-Chapter 512 (effective 7/1/07)

HB2684 Revised Uniform Anatomical Gift Act (UAGA).

Chief Patron: Jeffrey M. Frederick

Summary:

Revised Uniform Anatomical Gift Act (UAGA). Replaces current provisions in the Virginia Code with this Act, which was adopted, in substantial part, by the National Conference of Commissioners on Uniform State Laws (NCCUSL) in July of 2006. The original UAGA was promulgated by NCCUSL in 1968 and enacted by all states. In 1987, the UAGA was revised and updated, but only Virginia and 25 other states adopted that version. Since 1987, many states have adopted nonuniform amendments to their anatomical gift acts. This Act clarifies current law in Virginia, addresses the lack of uniformity among states, and brings the law into harmony with federal laws applicable to organ, tissue and eye donation.

The revised Act addresses each step in the donation process and establishes rules of decision to resolve uncertainties and ambiguities that have arisen under prior versions of the UAGA. It ensures that if an individual wishes to make an anatomical gift or to refuse to make such a gift, those wishes will be respected without exception. It preserves the right of other persons to make an anatomical gift if the decedent did not make a gift during life, and clarifies how, to whom, and for what purpose, the gift may be made. The Act facilitates donation by expanding the list of persons who can make an anatomical gift and by establishing the priority and circumstances under which such persons may make a gift, including when they will be considered available to exercise their right to consent to, or refuse, an anatomical gift. There are numerous default rules for the interpretation of a document of gift that lacks specificity. The Act affirms that procurement organizations will have access to documents of gift in donor registries, medical records, and DMV records. It also provides that taking measures to preserve the viability of organs, tissues and eyes for their donative purpose is not inconsistent with a health-care directive requesting the withholding or withdrawal of life support systems. Other provisions address the relationship between the medical examiner and procurement organizations to ensure, to the maximum extent possible, that anatomical gifts are made from decedents under the jurisdiction of the medical examiner. The revised Act creates a new crime of falsification of a gift document and continues to prohibit the sale of bodies or body parts and increases the criminal penalty from a Class 6 to a Class 4 felony.

Law Advice: **Change in Requirement**

Companion to SB 918.

Status:

02/23/07 House: Enacted, Chapter 92 (effective 7/1/07)

HB2691 Environmental Health Education and Training Fund; civil penalties.

Chief Patron: Terrie L. Suit

Summary:

Environmental Health Education and Training Fund; civil penalties. Establishes the Environmental Health Education and Training Fund to support, train, educate, and recognize public- and private-sector individuals in all areas of environmental health. This bill directs the Board of Health to establish a schedule of civil penalties for violations of regulations governing onsite sewage systems, which shall be credited to the Fund. It also establishes a re-inspection fee of \$250 for noncompliant onsite sewage systems, which fee shall be credited to the Fund.

Law Advice: FYI - No Direct Impact

Status:

03/19/07 Governor: Approved by Governor-Chapter 514 (effective 7/1/07)

HB2730 Hospital regulations; authorized visitor designation for hospital visitation.

Chief Patron: David L. Englin

Summary:

Hospital regulations; authorized visitor designation for hospital visitation. Requires the Department of Health to establish regulations requiring each licensed hospital to include in its visitation policy a provision allowing each adult patient to receive visits from any individual from whom the patient desires to receive visits, subject to certain restrictions.

Law Advice: New Requirement

Status:

03/26/07 Governor: Approved by Governor-Chapter 516 (effective 7/1/07)

HB2732 Brain and spinal cord injury registry.

Chief Patron: David L. Englin

Summary:

Brain and spinal cord injury registry. Specifies that the registry shall include all brain and spinal cord injuries, regardless of severity, and updates the language relating to research on human subjects to be consistent with state and federal law. The bill also exempts physicians from the reporting requirement, and changes the timeline for reporting to within 30 days of identification for spinal cord injuries, to be consistent with the requirement for brain injuries.

Law Advice: Change in Requirement

Status:

03/20/07 Governor: Approved by Governor-Chapter 666 (effective 7/1/07)

HB2738 Minimum wage; definition of employee.

Chief Patron: David L. Englin

Summary:

Minimum wage; definition of employee. Repeals the existing exclusion for persons who have reached age 65 from the definition of an employee under the Virginia Minimum Wage Act. This bill is identical to SB 758.

Law Advice: Change in Requirement

Companion to SB 758.

Status:

03/25/07 Governor: Approved by Governor-Chapter 832 (effective 7/1/07)

HB2749 Sex offender registration; child pornography; penalties.

Chief Patron: Robert Hurt

Summary:

Sex offender registration; child pornography; penalties. Requires a sex offender to include in the registration information any electronic mail address and any instant messaging screen name that he uses or will use. A sex offender must register any changes in email addresses, instant message, or other identity information within 30 minutes of such information changing. The bill defines child pornography as sexually explicit visual material which utilizes or has as a subject a person less than 18 years of age. The bill establishes enhanced penalties for the production, distribution, solicitation, participation, financing, or photographing of child pornography. The bill also clarifies that, for purposes of punishing production, child pornography means sexually explicit visual material that uses an identifiable minor, and that for purposes of punishing possession or reproduction, a person depicted by text or title or who appears to be less than 18 years of age in sexually explicit material is inferred to be less than 18 years of age. The bill repeals 18.2-374.1:2 but inserts similar language in 18.2-374.1:1 relating to facilitating payment for or access to child pornography. This bill is identical to SB 1071.

Law Advice: Change in Authority

Companion to SB 1071.

Status:

03/23/07 Governor: Approved by Governor-Chapter 759 (effective 7/1/07)

HB2758 Freedom of Information Act; posting of meeting notices and minutes.

Chief Patron: Robert Hurt

Summary:

Freedom of Information Act; posting of meeting notices and minutes. Clarifies where meeting notices and minutes of state public bodies must be posted. The bill also specifies that only notices of public hearings on regulations need be published in the Virginia Register. The bill is a recommendation of the Virginia Code Commission.

Law Advice: New Requirement

Status:

03/12/07 Governor: Approved by Governor-Chapter 300 (effective 7/1/07)

HB2809 Virginia National Guard; employment protection.

Chief Patron: Roslyn Tyler

Summary:

Virginia National Guard; employment protection. Extends the employment protections for service in state duty to service under Title 32 of the United States Code. Upon return to duty, a guardsman would have 14 days to make written application to his previous employer for reemployment. The Code currently requires such application to be made within five days. In addition, the bill would add attorney fees and costs to the damages recoverable for violation of these employment provisions. The bill is identical to Senate Bill 1309.

Law Advice: Change in Requirement

Companion to SB 1309.

Status:

03/09/07 Governor: Approved by Governor-Chapter 214 (effective 7/1/07)

HB2840 **Virginia Personnel Act; personnel administration; preference for veterans for employment with the Commonwealth.**

Chief Patron: Franklin P. Hall

Summary:

Virginia Personnel Act; personnel administration; preference for veterans for employment with the Commonwealth. Provides a veteran who applies for employment with the Commonwealth a preference during the selection process, if the veteran (i) has received an honorable discharge and served more than 180 consecutive days of full-time active duty in the armed forces of the United States or reserve components thereof, including the National Guard, or (ii) has a service-connected disability rating. The bill directs the Department of Human Resource Management to develop and distribute guidelines on this issue. This bill is identical to SB 1033.

Law Advice: **Change in Requirement**

Companion to SB 1033.

Status:

03/13/07 Governor: Approved by Governor-Chapter 336 (effective 7/1/07)

HB2845 **Emergency preparedness; orders of isolation and quarantine.**

Chief Patron: John M. O'Bannon, III

Summary:

Emergency preparedness; orders of isolation and quarantine. Makes several revisions to the procedures related to orders of quarantine and isolation. The bill also authorizes persons who are otherwise not authorized by law to administer or dispense all necessary drugs when the Governor has declared a disaster or a state of emergency and allows for electronic legal filings in order to protect the public from communicable diseases. The bill is identical to Senate Bill 1108.

Law Advice: **Change in Authority**

Companion to SB 1108.

Status:

03/21/07 Governor: Approved by Governor-Chapter 699 (effective 7/1/07)

HB2882 **Southwest Virginia Health Facilities Authority.**

Chief Patron: Clarence E. Phillips

Summary:

Southwest Virginia Health Facilities Authority. Establishes a health facilities authority for Southwest Virginia. The Authority may acquire, construct, equip, establish, improve, maintain, and/or operate hospitals or health centers and may condemn property and issue bonds and other obligations for such purpose. However, the bonds and other obligations of the Authority shall not be a debt of any locality or of the Commonwealth.

Law Advice: **New Authority**

Status:

03/20/07 Governor: Approved by Governor-Chapter 676 (effective 7/1/07)

HB2893 **Student information; public schools, public institutions of higher education.**

Chief Patron: Clarence E. Phillips

Summary:

Student information; public schools, public institutions of higher education. Authorizes public schools and public institutions of higher education in Virginia to retain copies of enrolled students' birth certificates as part of the

students' records.

Law Advice: **New Authority**

Status:

02/19/07 Governor: Approved by Governor-Chapter 49 (effective 7/1/07)

HB2954 **Public uses; eminent domain.**

Chief Patron: Robert B. Bell

Summary:

Public uses; eminent domain. Defines the term "public uses" as embracing only the acquisition of property where (i) the land is taken for the possession, occupation and enjoyment by the public or a public corporation; (ii) the land is taken for construction, maintenance and operation of public facilities by public corporations or by private entities provided that there is a written agreement with a public corporation providing for the use of the facility by the public; (iii) the land is taken for the creation or functioning of a public service corporation, public service company, or railroad; (iv) the land is taken for the provision of utility services by a government utility corporation; (v) the land taken is blighted and is taken for the elimination of blight; or (vi) the property is taken in a redevelopment or conservation area that is abandoned or the acquisition is needed to clear title where one of the owners agrees to such acquisition or the acquisition is by agreement of all the owners. The bill also states that property can only be taken when the public interest dominates the private gain and the primary purpose is not private financial gain, private benefit, an increase in tax base or revenues, or an increase in employment, except if the property is taken for the creation or functioning of a public service corporation, public service company, or railroad, or for the provision of authorized utility services by a government utility corporation. The bill defines the terms "blighted property," "government utility corporation," "public corporation," and "public facilities." The bill also provides that a property owner may challenge that a taking is a pretext for an unauthorized use. A former property owner, or his successors, may also request to repurchase the taken property upon the completion or abandonment of the stated public use. The bill does not apply to the forfeiture of property in connection with criminal act or real property that is subject to a certificate of take or deposit recorded prior to July 1, 2007. The bill also does not affect the ability of a redevelopment and housing authority to acquire property under a plan adopted prior to January 1, 2007, until July 1, 2010. The bill also does not prohibit the Norfolk Redevelopment and Housing Authority or the City of Norfolk from acquiring property through the use of eminent domain for the location of a recreational facility, to be owned or operated by a nonprofit entity, that will be open to the public, provided that such acquisitions are instituted prior to July 1, 2010. This bill is identical to SB 781 and SB 1296.

Law Advice: **Change in Authority**

Companion to SB 781 and SB 1296.

Status:

04/04/07 House: Enacted, Chapter 882 (effective 7/1/07)

HB2955 **Mental health; temporary detention orders.**

Chief Patron: Robert B. Bell

Summary:

Mental health; temporary detention orders. Requires a magistrate issuing a temporary detention order to consider the recommendations of any treating or examining physician licensed in Virginia, if available, prior to rendering a decision.

Law Advice: **FYI - No Direct Impact**

Status:

03/19/07 Governor: Approved by Governor-Chapter 526 (effective 7/1/07)

HB2969 **Supervised training programs for medical students; prohibition of unauthorized pelvic exams.**

Chief Patron: Robert B. Bell

Summary:
Supervised training programs for medical students; prohibition of unauthorized pelvic exams. Prohibits students participating in a course of professional instruction or clinical training program from performing a pelvic examination on an anesthetized or unconscious female patient unless the patient or her authorized agent gives informed consent to such examination, the performance of such examination is within the scope of care ordered for the patient, or in the case of a patient incapable of giving informed consent, the examination is necessary for diagnosis or treatment of such patient.

Law Advice: **Change in Authority**

Status:
03/20/07 Governor: Approved by Governor-Chapter 678 (effective 7/1/07)

HB3061 **Health professions; authority to send laboratory test results directly to patients.**

Chief Patron: Jeffrey M. Frederick

Summary:
Health professions; authority to send laboratory test results directly to patients. Allows any health care practitioner licensed pursuant to Title 54.1 who orders a laboratory test or other examination of the physical condition of any person to, if so requested by the patient or his legal guardian, inform the laboratory or other facility conducting the test or examination to provide a copy of the report of the results directly to the patient or his legal guardian. This bill incorporates HB 2843 and is identical to SB 1341.

Law Advice: **New Authority**

Companion to SB 1341.

Status:
04/04/07 House: Enacted, Chapter 887 (effective 7/1/07)

HB3064 **Institutions of higher education; policies.**

Chief Patron: Albert C. Eisenberg

Summary:
Institutions of higher education; policies. Directs the governing boards of each public institution of higher education to develop and implement policies that advise students, faculty, and staff, including residence hall staff, of the proper procedures for identifying and addressing the needs of students that exhibit suicidal tendencies or behavior.

Law Advice: **New Requirement**

Status:
03/21/07 Governor: Approved by Governor-Chapter 705 (effective 7/1/07)

HB3068 **Electric utility regulation.**

Chief Patron: Clarke N. Hogan

Summary:
Electric utility regulation. Advances the scheduled expiration of the capped rate period from December 31, 2010, to December 31, 2008, establishes a new mechanism for regulating the rates of investor-owned electric utilities, and limits the ability of most consumers to purchase electric generation service from competing suppliers. The ratemaking procedure requires the State Corporation Commission (SCC) to conduct a rate case for

investor-owned utilities in 2009; thereafter, the SCC will review each utility's rates, terms, and conditions using two 12-month test periods ending December 31, 2010, though the SCC is given discretion to stagger the years in which it conducts such reviews. In these biennial reviews the SCC will determine fair rates of return on common equity for the utility's generation and distribution services, using any methodology it finds consistent with the public interest. However, the return shall not be set: (i) lower than the average of the returns on common equity reported to the Securities and Exchange Commission for the three most recent annual periods by a peer group of a majority of the other vertically-integrated investor-owned electric utilities in the southeastern United States with a Moody's bond rating of at least Baa or (ii) higher than 300 basis points above that average. Increases in the rate of return are capped based on the rate of increases in the Consumer Price Index (CPI). The SCC may increase or decrease the rate of return by a Performance Incentive of up to 100 basis points based on the generating plant performance, customer service, operations and efficiency of a utility. In setting the return on equity, the SCC is required to strive to maintain costs of retail electric energy that are cost competitive with costs of retail electric energy provided by the other peer group investor-owned electric utilities. If the combined rate of return on common equity earned is no more than one half of one percent above or below this rate of return, the return shall not be considered either excessive or insufficient. Each utility may seek rate adjustment clauses to recover (i) costs for transmission services provided by PJM Interconnection under applicable rates, terms and conditions approved by the Federal Energy Regulatory Commission (FERC) and costs of FERC-approved demand response programs; (ii) deferred environmental and reliability costs authorized under prior capped rate rules; (iii) costs of providing incentives for the utility to design and operate fair and effective demand-management, conservation, energy efficiency, and load management programs; (iv) costs of participation in the new renewable energy portfolio standard program; and (v) costs of projects that the SCC finds to be necessary to comply with state or federal environmental laws or regulations applicable to generation facilities used to serve the utility's native load obligations, which costs may include the enhanced rate of return for new base load generation if the project would reduce the need for construction of new generation facilities by enabling the continued operation of existing generation facilities. A utility may also apply a rate adjustment clause for recovery from customers of the costs of (i) a coal-fired generation facility that utilizes Virginia coal and is located in the coalfield region of the Commonwealth, (ii) one or more other generation facilities, or (iii) one or more major unit modifications of generation facilities, to meet the utility's projected native load obligations. The utility may recover an enhanced rate of return on common equity associated with the type of project, which may include projects utilizing nuclear power, renewable technologies, carbon capture facilities, combined cycle combustion turbines, and conventional coal facilities. The period over which the enhanced rate of return may be collected depends on the type of facility, as determined by the SCC within specified ranges. The SCC's final order on any petition filed for any of the rate adjustment clauses shall be entered within a specified period after the filing of the petition, and any rate increase required by the clause shall go into effect within 60 days or upon the end of capped rates, whichever is later. The SCC is required to consider petitions for rate adjustment clauses on a stand-alone basis, without regard to the other costs or revenues of the utility. The enhanced returns are subject to revocation if permits are not applied for or construction is not commenced by specified dates. If the SCC determines in a biennial review that a utility underearned by at least 50 basis points on its generation and distribution services, excluding provisions for new generation facilities, the SCC is required to increase the utility's rates to a level necessary to provide the opportunity to fully recover the costs of providing the utility's services and to earn such fair rate of return. If the SCC determines in a biennial review that a utility earned more than 50 basis points above a fair combined rate of return on its generation and distribution services, excluding provisions for new generation facilities, the SCC is required to direct that 60 percent of such overearnings be credited to customers' bills over a period of between 6 and 12 months, to be determined by the SCC. In addition, if the SCC determines that the utility's earnings exceed this limit for two consecutive biennial review periods, it shall also order reductions to the utility's rates, provided that rates may not be reduced to levels below what would provide the utility with the opportunity to fully recover its costs and to earn a fair combined rate of return on its generation and distribution services, excluding provisions for new

generation facilities. If the Commission determines that and the utility's total aggregate regulated rates would exceed the annual increases in CPI, when compared to the utility's rates as determined in the biennial review for a base period (either the utility's first test period or the most recent test period for which credits are applied to customers' bills), the Commission shall direct, unless such action would not be in the public interest, that any or all of such overearnings be credited to customers' bills. An electric utility that demonstrates that it has a reasonable expectation of achieving 12 percent of its base year electric energy sales from certain renewable energy sources during calendar year 2022 may participate in a renewable energy portfolio standard program. Under the program, a participating utility that meets specified percentage goals for sales of eligible renewable energy is eligible for a Performance Incentive that increases the fair combined rate of return on common equity for the utility by a 50 basis points through the third succeeding biennial review if it continues to meet the RPS Goals. It is also entitled to an enhanced rate of return on the costs associated with the construction of renewable energy generation facilities used to provide the renewable energy. Participating utilities may recover their incremental costs of meeting the RPS Goals from customers other than large industrial customers purchasing electricity at large general service rates and at primary or transmission voltage. Double credits will be provided for energy from solar or wind sources. Specific provisions address the use of certain wood products for projects qualifying to meet the renewable energy goals. With regard to the ability of customers to purchase generation services from competing providers, the measure provides that after the capped rate period ends, only customers whose annual demand exceeds five megawatts will be permitted to shop. The complete summary and full text of the bill can be accessed via the LIS website, <http://leg1.state.va.us/>.

Law Advice: Change in Authority

Companion to SB 1416.

Status:

04/04/07 House: Enacted, Chapter 888 (effective 7/1/07)

HB3082 Religious freedom.

Chief Patron: L. Scott Lingamfelter

Summary:

Religious freedom. Reiterates an individual's freedom of religion and prohibits a government entity from unduly burdening such right. The bill provides a cause of action for declaratory or injunctive relief for violation. A person prevailing in such an action may recover reasonable costs and attorney fees, but not monetary damages. A petition for appeal to the Court of Appeals may be made from any decision to grant or deny declaratory and injunctive relief. The provisions of the bill shall not prevent any governmental institution or facility from maintaining health, safety, security, or discipline. The bill does not apply to the Department of Corrections, the Department of Juvenile Justice, any facility of the Department of Mental Health, Mental Retardation and Substance Abuse Services that treats civilly committed sexually violent predators, or any local, regional or federal correctional facility.

Law Advice: FYI - No Direct Impact

Status:

04/04/07 House: Enacted, Chapter 889 (effective 7/1/07)

HB3090 Privileged communications; physician peer review and physician accreditation entities.

Chief Patron: David B. Albo

Summary:

Privileged communications; physician peer review and physician accreditation entities. Clarifies that privilege attaches to the proceedings, minutes, records, and reports of a quality assurance, quality of care, or peer review committee of a national or state physician peer review entity or physician accreditation entity.

Law Advice: FYI - No Direct Impact

Status:

03/19/07 Governor: Approved by Governor-Chapter 530 (effective 7/1/07)

HB3113 Department of Environmental Quality.

Chief Patron: R. Steven Landes

Summary:

Department of Environmental Quality. Consolidates the State Air Pollution Control Board, the State Water Control Board, and the Waste Management Board into one eleven-member citizen board--the Virginia Board of Environmental Quality--with the authority to adopt regulations, including general permit regulations. All other responsibilities of the existing boards, including the authority to issue licenses and permits, shall be transferred to the Department of Environmental Quality. The Department will hold public meetings for the presentation of staff recommendations on major permitting decisions. A citizen appeals board is established and granted the authority to hear appeals on decisions of the Director of the Department of Environmental Quality and to recommend reconsideration by the Director. The bill includes a "re-enactment clause" that requires the General Assembly of 2008 to reaffirm the legislation and delays the effective date until July 1, 2008. This bill is identical to SB 1403.

Law Advice: FYI - No Direct Impact

HB 3113 must be reenacted by the 2008 Session of the General Assembly and will become effective July 1, 2008. Companion to SB 1403.

Status:

03/26/07 House: Bill became law without Governor's signature, Chapter 838 (effective - see bill)

HB3117 Criminal Justice Services Board; Committee on Training.

Chief Patron: Paula J. Miller

Summary:

Criminal Justice Services Board; Committee on Training. Adds the active-duty law-enforcement officer representing police and fraternal organizations on the Criminal Justice Services Board to the Board's Committee on Training. This increases the membership of the Committee on Training from 13 to 14 members.

Law Advice: FYI - No Direct Impact

Status:

03/09/07 Governor: Approved by Governor-Chapter 228 (effective 7/1/07)

HB3131 Secretary of Health and Human Resources; duties.

Chief Patron: Brian J. Moran

Summary:

Secretary of Health and Human Resources; duties. Requires the Secretary of Health and Human Resources to coordinate the disease prevention activities of agencies in the Secretariat to ensure efficient, effective delivery of health related services and financing. The bill is identical to SB 1374.

Law Advice: FYI - No Direct Impact

Companion to SB 1374.

Status:

03/19/07 Governor: Approved by Governor-Chapter 534 (effective 7/1/07)

HB3132 Employment; leave for crime victims to attend criminal proceedings.

Chief Patron: Brian J. Moran

Summary:

Employment; leave for crime victims to attend criminal proceedings. Requires employers to allow an employee who is a victim of a crime to leave work, without compensation, to exercise his right to be present at criminal proceedings relating to the crime. An employer may limit the leave if it creates an undue hardship. Employers are prohibited from dismissing or otherwise discriminating against an employee who is a victim of a crime because he exercises the right to leave work.

Law Advice: **New Requirement**

Status:

03/15/07 Governor: Approved by Governor-Chapter 423 (effective 7/1/07)

HB3137 **Expedited review of final adverse health coverage decisions.**

Chief Patron: William H. Fralin, Jr.

Summary:

Expedited review of final adverse health coverage decisions. Requires the Commissioner of Insurance or his designee to issue a final ruling no later than one business day following the receipt of the impartial health entity's recommendation if the regular process for the issuance of a ruling will delay the rendering of treatment for a patient whose condition would be terminal without the treatment. Currently, he has 10 working days to issue his final ruling. The utilization review entity is required to comply with the Commissioner's ruling within three business days of receipt of an expedited ruling. The State Corporation Commission is required to promulgate regulations regarding expedited consideration of appeals in cases involving a terminal condition.

Law Advice: **FYI - No Direct Impact**

Status:

03/13/07 Governor: Approved by Governor-Chapter 346 (effective 7/1/07)

HB3162 **Board for Contractors; elevator mechanics.**

Chief Patron: Terrie L. Suit

Summary:

Board for Contractors; elevator mechanics. Requires the certification of elevator mechanics in order for them to practice their trade. The bill requires the Board for Contractors to issue temporary certifications in the event of a work stoppage or emergency under certain conditions. The bill contains technical amendments.

Law Advice: **Change in Requirement**

Status:

03/15/07 Governor: Approved by Governor-Chapter 424 (effective 7/1/07)

HB3167 **Lead poisoning prevention.**

Chief Patron: Adam P. Ebbin

Summary:

Lead poisoning prevention. Requires the Board of Health to promulgate regulations to require physicians to make available to parents information on the dangers of lead poisoning, along with a list of available resources, as part of regular well check visits for all children.

Law Advice: **New Requirement**

Status:

03/20/07 Governor: Approved by Governor-Chapter 691 (effective 7/1/07)

HB3171 **Virginia Economic Development Partnership Authority.**

Chief Patron: R. Steven Landes

Summary:

Virginia Economic Development Partnership Authority. Provides that the General Assembly may appropriate grants to the Authority for use by a nonprofit, public benefit research institute that (i) conducts research and development for government agencies, commercial businesses, foundations, and other organizations and (ii) commercializes technology. The Authority is authorized to create a nonprofit, nonstock corporation to administer the payment of such grants.

Law Advice: New Authority

Status:

03/20/07 Governor: Approved by Governor-Chapter 693 (effective 7/1/07)

HB3183 Pregnant Women Support Act.

Chief Patron: Ward L. Armstrong

Summary:

Pregnant Women Support Act. Provides that, as a routine component of prenatal care, every licensed practitioner who renders prenatal care may provide information and support services to patients receiving a positive test diagnosis for Down Syndrome or other prenatally diagnosed conditions. This bill also creates the Virginia Pregnant Women Support Fund as a special nonreverting fund to be administered by the Board of Health to support women and families who are facing an unplanned pregnancy.

Law Advice: New Authority

Similar to SB 1088.

Status:

03/24/07 Governor: Approved by Governor-Chapter 822 (effective 7/1/07)

HB3188 Electronic payment of Medicaid providers.

Chief Patron: Mark D. Sickles

Summary:

Electronic payment of Medicaid providers. Requires the Department of Medical Assistance Services to utilize, to the extent practicable, electronic funds transfer technology for reimbursement to contractors and enrolled providers for the provision of health care services under Medicaid and FAMIS.

Law Advice: FYI - No Direct Impact

Status:

03/19/07 Governor: Approved by Governor-Chapter 536 (effective 7/1/07)

HJ566 National Action Week of the United States Bone and Joint Decade.

Chief Patron: Christopher K. Peace

Summary:

National Action Week of the United States Bone and Joint Decade. Designates October 12-20, in 2007 and in each succeeding year through 2011, as National Action Week of the United States Bone and Joint Decade in Virginia in support of the national program.

Law Advice: FYI - No Direct Impact

HJ575 Energy Conservation Awareness Week.

Chief Patron: John A. Cosgrove

Summary:

Energy Conservation Awareness Week. Designates the first week in October, in 2007 and each succeeding year, as "Energy Conservation Awareness Week" in Virginia in support of the national initiative.

Law Advice: FYI - No Direct Impact

HJ584 Study; continuing the Joint Subcommittee to Study Medical, Ethical, and Scientific Issues Relating to Stem Cell Research Conducted in the Commonwealth; Report.

Chief Patron: Robert G. Marshall

Summary:

Study; continuing the Joint Subcommittee to Study Medical, Ethical, and Scientific Issues Relating to Stem Cell Research Conducted in the Commonwealth; Report. Continues the study for another year for the purpose of monitoring the progress of the Virginia Cord Blood Bank Initiative and reviewing new and emerging issues in stem cell research.

Law Advice: Monitor and Track

HJ587 Internet Safety Month.

Chief Patron: William H. Fralin, Jr.

Summary:

Internet Safety Month. Designates the month of September, in 2007 and in each succeeding year, as Internet Safety Month in Virginia.

Law Advice: FYI - No Direct Impact

HJ611 Study; business, law, and policy graduate programs in state institutions of higher education; report.

Chief Patron: Harry R. Purkey

Summary:

Study; business, law, and policy graduate programs in state institutions of higher education; report. Establishes a joint subcommittee to study science and technology education in business, law, and policy graduate programs in state institutions of higher education.

Law Advice: Monitor and Track

HJ642 Study; Virginia's competitiveness in attracting and retaining faculty for public institutions of higher education.

Chief Patron: David A. Nutter

Summary:

Study; Virginia's competitiveness in attracting and retaining faculty for public institutions of higher education. Requests the State Council of Higher Education to conduct as a follow up to the development of its new strategic plan, an assessment of Virginia's competitiveness in attracting and retaining faculty at Virginia's public institutions of higher education.

Law Advice: Monitor and Track

HJ647 Nanotechnology Users Network.

Chief Patron: Harry R. Purkey

Summary:

Nanotechnology Users Network. Requests the Secretary of Technology, in conjunction with the Virginia Research and Technology Advisory Council, to develop recommendations to enable the networking of and access to nanotechnology instrumentation at Commonwealth institutions of higher education, forming a Nanotechnology Users Network.

Law Advice: Monitor and Track

HJ686 Study; green power program; report.

Chief Patron: Kenneth R. Plum

Summary:

Study; green power program; report. Directs the Commission on Electric Utility Restructuring to include in its deliberations an evaluation of the efficacy of a voluntary program to encourage the production of electricity from renewable resources.

Law Advice: Monitor and Track

HJ694 Study; the impacts of biosolids; report.

Chief Patron: Kathy J. Byron

Summary:

Study; the impacts of biosolids; report. Requests the Secretary of Natural Resources and the Secretary of Health and Human Resources to convene a panel of experts to study the impact of land application of biosolids (sewage sludge) on human health and the environment

Law Advice: Monitor and Track

HJ701 Study; health care provider liability; report.

Chief Patron: Phillip A. Hamilton

Summary:

Study; health care provider liability; report. Establishes a joint subcommittee to study the feasibility of offering liability protections to health care providers rendering aid during a state or local emergency. The joint subcommittee shall examine the estimated benefits to the citizens of the Commonwealth of enhanced liability protections for health care providers during emergencies as well as determine how many other states provide these kinds of liability protections. This resolution is identical to SJR 390 (Newman).

Law Advice: Monitor and Track

Companion to SJ 390.

HJ774 Resolution; mental health services.

Chief Patron: Terry G. Kilgore

Summary:

Resolution; mental health services. Recognizes the Department of Mental Health, Mental Retardation, and Substance Abuse Services as the primary state agency responsible for the planning and delivery of mental health services in the Commonwealth. This resolution also states that neither the Department of Social Services nor the Office of Comprehensive Services is the default system for the provision of mental health services.

Law Advice: Monitor and Track

SB749 Two-Year College Transfer Grant Program.

Chief Patron: Walter A. Stosch

Summary:

Two-Year College Transfer Grant Program. Establishes the Two-Year College Transfer Grant Program for the purpose of providing higher education grants of up to \$2,000 per year to domiciles of Virginia who have successfully completed an acceptable associate degree program at a public two-year institution of higher education. The State Council of Higher Education (SCHEV) must promulgate necessary and appropriate regulations for its administration.

To be eligible to receive a grant, a student must (i) have received an associate degree at a Virginia two-year public institution of higher education, (ii) have enrolled in a Virginia four-year public or private institution of higher education by the fall following the award of the associate degree, (iii) have applied for financial aid, and (iv) have financial need.

Eligibility is limited to three academic years or 70 credit hours.

This bill is identical to HB 1681.

Law Advice: New Requirement

Companion to HB 1681.

Status:

04/04/07 House: Enacted, Chapter 899 (effective 7/1/07)

SB758 Minimum wage; definition of employee.

Chief Patron: Walter A. Stosch

Summary:

Minimum wage; definition of employee. Repeals the existing exclusion for persons who have reached age 65 from the definition of an employee under the Virginia Minimum Wage Act. This bill is identical to HB 2738.

Law Advice: Change in Requirement

Companion to HB 2738.

Status:

03/23/07 Governor: Approved by Governor-Chapter 816 (effective 7/1/07)

SB781 Public uses; eminent domain.

Chief Patron: Ken T. Cuccinelli, II

Summary:

Public uses; eminent domain. Defines the term "public uses" as embracing only the acquisition of property where (i) the land is taken for the possession, occupation and enjoyment by the public or a public corporation; (ii) the land is taken for construction, maintenance and operation of public facilities by public corporations or by private entities provided that there is a written agreement with a public corporation providing for the use of the facility by the public; (iii) the land is taken for the creation or functioning of a public service corporation, public service company, or railroad; (iv) the land is taken for the provision of utility services by a government utility corporation; (v) the land taken is blighted and is taken for the elimination of blight; or (vi) the property is taken in a redevelopment or conservation area that is abandoned or the acquisition is needed to clear title where one of the owners agrees to such acquisition or the acquisition is by agreement of all the owners. The bill also states that property can only be taken when the public interest dominates the private gain and the primary purpose is not private financial gain, private benefit, an increase in tax base or revenues, or an increase in employment, except if the property is taken for the creation or functioning of a public service corporation, public service company, or railroad, or for the provision of authorized utility services by a government utility corporation. The bill defines the terms "blighted property," "government utility corporation," "public corporation," and "public facilities." The bill also provides that a property owner may challenge that a taking is a pretext for an unauthorized use. A former property owner, or his

successors, may also request to repurchase the taken property upon the completion or abandonment of the stated public use. The bill does not apply to the forfeiture of property in connection with criminal act or real property that is subject to a certificate of take or deposit recorded prior to July 1, 2007. The bill also does not affect the ability of a redevelopment and housing authority to acquire property under a plan adopted prior to January 1, 2007, until July 1, 2010. The bill also does not prohibit the Norfolk Redevelopment and Housing Authority or the City of Norfolk from acquiring property through the use of eminent domain for the location of a recreational facility, to be owned or operated by a nonprofit entity, that will be open to the public, provided that such acquisitions are instituted prior to July 1, 2010. This bill incorporates SB 1037 and SB 1096. This bill is identical to SB 1296 and HB 2954.

Law Advice: **Change in Authority**

Companion to HB 2954 and identical to SB 1296.

Status:

04/04/07 House: Enacted, Chapter 901 (effective 7/1/07)

SB800 **Criminal history record information.**

Chief Patron: Frank M. Ruff

Summary:

Criminal history record information. Provides that the requirement that the person on whom the data is being obtained consent under oath to a request for his criminal history record information does not apply if an employer or prospective employer makes a written request and the person on whom the data is being obtained consented in writing and presented a photo-identification to the employer.

Law Advice: **New Requirement**

Status:

03/15/07 Governor: Approved by Governor-Chapter 361 (effective 7/1/07)

SB841 **Virginia Coastal Energy Research Consortium; membership.**

Chief Patron: Jeannemarie D. Davis

Summary:

Virginia Coastal Energy Research Consortium; membership. Adds Virginia Commonwealth University, the University of Virginia, and Hampton University to the Virginia Coastal Energy Research Consortium and adds each institution's president or his designee to the board of the Research Consortium. The board is also expanded to include members appointed by the Hampton Roads Technology Council and the Hampton Roads Clean Cities Coalition.

Law Advice: **New Requirement**

Status:

04/04/07 House: Enacted, Chapter 904 (effective 7/1/07)

SB890 **Involuntary mental health commitment; custody orders.**

Chief Patron: R. Creigh Deeds

Summary:

Involuntary mental health commitment; custody orders. Allows an emergency or temporary custody order to include transportation to a medical facility for a medical evaluation if required by a physician at the hospital to which the person is being transported.

Law Advice: **FYI - No Direct Impact**

Status:

02/19/07 Governor: Approved by Governor-Chapter 7 (effective 7/1/07)

SB905 **Definition of abused or neglected child.**

Chief Patron: Nick Rerras

Summary:

Definition of abused or neglected child. Specifies that a decision by parents or another person responsible to refuse a particular medical treatment for a child with a life-threatening condition shall not be deemed a refusal to provide necessary care if (i) such decision is made jointly by the parents or other person responsible and the child; (ii) the child has reached the age of 14 and is sufficiently mature to have an informed opinion on the subject of his medical treatment; (iii) the parents or other person responsible and the child have considered alternative treatment options; and (iv) the parents or other person responsible and the child believe in good faith that such decision is in the child's best interest.

Law Advice: **New Authority**

Companion to HB 2319.

Status:

03/20/07 Governor: Approved by Governor-Chapter 597 (effective 7/1/07)

SB918 **Revised Uniform Anatomical Gift Act (UAGA).**

Chief Patron: Janet D. Howell

Summary:

Revised Uniform Anatomical Gift Act (UAGA). Replaces current provisions in the Virginia Code with this Act, which was adopted, in substantial part, by the National Conference of Commissioners on Uniform State Laws (NCCUSL) in July of 2006. The original UAGA was promulgated by NCCUSL in 1968 and enacted by all states. In 1987, the UAGA was revised and updated, but only Virginia and 25 other states adopted that version. Since 1987, many states have adopted nonuniform amendments to their anatomical gift acts. This Act clarifies current law in Virginia, addresses the lack of uniformity among states, and brings the law into harmony with federal laws applicable to organ, tissue and eye donation.

The revised Act addresses each step in the donation process and establishes rules of decision to resolve uncertainties and ambiguities that have arisen under prior versions of the UAGA. It ensures that if an individual wishes to make an anatomical gift or to refuse to make such a gift, those wishes will be respected without exception. It preserves the right of other persons to make an anatomical gift if the decedent did not make a gift during life, and clarifies how, to whom, and for what purpose, the gift may be made. The Act facilitates donation by expanding the list of persons who can make an anatomical gift and by establishing the priority and circumstances under which such persons may make a gift, including when they will be considered available to exercise their right to consent to, or refuse, an anatomical gift. There are numerous default rules for the interpretation of a document of gift that lacks specificity. The Act affirms that procurement organizations will have access to documents of gift in donor registries, medical records, and DMV records. It also provides that taking measures to preserve the viability of organs, tissues and eyes for their donative purpose is not inconsistent with a health-care directive requesting the withholding or withdrawal of life support systems. Other provisions address the relationship between the medical examiner and procurement organizations to ensure, to the maximum extent possible, that anatomical gifts are made from decedents under the jurisdiction of the medical examiner. The revised Act creates a new crime of falsification of a gift document and continues to prohibit the sale of bodies or body parts and increases the criminal penalty from a Class 6 to a Class 4 felony.

Law Advice: Change in Requirement

Companion to HB 2684.

Status:

04/04/07 House: Enacted, Chapter 907 (effective 7/1/07)

SB924 Law-enforcement escorts.

Chief Patron: Patricia S. Ticer

Summary:

Law-enforcement escorts. Provides that any federal, state, or local law-enforcement vehicle used in conducting a funeral escort, wide-load escort, dignitary escort, or any other escort shall be considered an emergency vehicle and is exempt from obeying certain regulations such as speed limit and traffic signals and signs.

Law Advice: FYI - No Direct Impact

Companion to HB 2084.

Status:

04/04/07 House: Enacted, Chapter 908 (effective 7/1/07)

SB945 Income deduction order; remitting payments.

Chief Patron: Frederick M. Quayle

Summary:

Income deduction order; remitting payments. Requires that all employers with at least 100 employees and payroll processing firms with at least 50 clients remit support payments under income deduction orders via electronic funds transfer.

Law Advice: New Requirement

Status:

03/19/07 Governor: Approved by Governor-Chapter 557 (effective 7/1/07)

SB1001 Freedom of Information Act; electronic communication meetings.

Chief Patron: R. Edward Houck

Summary:

Freedom of Information Act; electronic communication meetings. Reduces the notice requirement for electronic communication meetings from seven to three working days and clarifies that political subdivisions, other than units of local government, may conduct electronic communication meetings. The bill also allows an individual member of a public body to participate in a meeting through electronic communication means from a remote location that is not open to the public in the event of an emergency, temporary or permanent disability or other medical condition, or when a member of a regional public body's principal residence is more than 60 miles from the primary meeting location. For a member to participate in the above described manner, the bill requires that a quorum of the public body be physically assembled at the primary or central meeting location and that the public body make arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location. The bill defines "regional public body." The bill also contains technical amendments and is a recommendation of the Virginia Freedom of Information Advisory Council.

Law Advice: Change in Requirement

Report required by annually by December 15 to the Virginia Freedom of Information Council and the Joint Commission on Technology and Science if conduct meetings by electronic communication.

Status:

04/10/07 Governor: Approved by Governor-Chapter 945 (effective 7/1/07)

SB1003 **Freedom of Information Act; venue for enforcement actions.**

Chief Patron: R. Edward Houck

Summary:

Freedom of Information Act; venue for enforcement actions. Clarifies that venue for the enforcement of FOIA rights and privileges against state public bodies, including state institutions, may be brought in general district court or the circuit court of the residence of the aggrieved party or of the City of Richmond. The bill addresses a recent Supreme Court of Virginia case of *William F. Shaw v. John T. Casteen, et al*, where the Supreme Court upheld the trial court's decision that a FOIA action against the University of Virginia could not be brought where the aggrieved party lived. The bill contains technical amendments and is a recommendation of the Virginia Freedom of Information Advisory Council.

Law Advice: **Change in Authority**

Status:

03/19/07 Governor: Approved by Governor-Chapter 560 (effective 7/1/07)

SB1033 **Virginia Personnel Act; personnel administration; preference for veterans for employment with the Commonwealth.**

Chief Patron: Jay O'Brien

Summary:

Virginia Personnel Act; personnel administration; preference for veterans for employment with the Commonwealth. Provides a veteran who applies for employment with the Commonwealth a preference during the selection process. Under the bill, the Department of Human Resource Management shall develop and distribute guidelines as an addendum to the Hiring Policy for Executive Branch agencies to provide guidance to agencies to comply with the veterans' preference requirement. This bill is identical to HB2840.

Law Advice: **Change in Requirement**

Companion to HB 2840.

Status:

03/20/07 Governor: Approved by Governor-Chapter 605 (effective 7/1/07)

SB1044 **Virginia Military Survivors and Dependents Education Program.**

Chief Patron: Jay O'Brien

Summary:

Virginia Military Survivors and Dependents Education Program. Clarifies that qualified survivors and dependents who have been admitted to a public institution of higher education must be admitted free of tuition and all required fees. Establishes the Virginia Military Survivors and Dependents Education Fund to provide financial assistance for board and room charges, books and supplies, and other expenses. The State Council of Higher Education for Virginia is responsible for disbursing funds appropriated or otherwise made available to support the Fund. This bill is identical to HB 2179.

Law Advice: **Change in Requirement**

Companion to HB 2179.

Status:

03/21/07 Governor: Approved by Governor-Chapter 717 (effective 7/1/07)

SB1051 **Classification of real property; energy-efficient buildings.**

Chief Patron: John S. Edwards

Summary:

Classification of real property; energy-efficient buildings. Permits localities to tax certain energy-efficient buildings, not including the land on which they are located, at a lower tax rate than that imposed on the general class of real property by creating a separate classification for taxation purposes. An energy-efficient building is any building that exceeds the energy efficiency standards prescribed in the Virginia Uniform Statewide Building Code by 30 percent. Energy-efficient building certification shall be determined by any qualified licensed engineer or contractor who is not related to the taxpayer and who shall certify to the taxpayer that he has qualifications to provide the certification.

Law Advice: **FYI - No Direct Impact**

SB 1051 could potentially result in a positive fiscal impact on the U.Va. Foundation due to a possible decrease in taxes on energy-efficient buildings. Companion to HB 2618.

Status:

03/13/07 Governor: Approved by Governor-Chapter 354 (effective 7/1/07)

SB1060 **Child restraint devices.**

Chief Patron: John C. Watkins

Summary:

Child restraint devices. Increases the age that children must be secured in a child restraint device from five to eight and requires that rear-facing child restraint devices for infants from birth to one year shall be secured only in the back seat of motor vehicles manufactured after January 1, 1968. The bill also removes the exemption from required child restraint device use for the rear cargo area of vehicles other than pickup trucks and increases the age from less than six years old to eight years old for the permitted use of standard seat belt equipment for certain children.

Law Advice: **Change in Requirement**

Companion to HB 1908.

Status:

02/23/07 Governor: Approved by Governor-Chapter 91 (effective 7/1/07)

SB1071 **Sex offender registration; child pornography; penalties.**

Chief Patron: Ryan T. McDougle

Summary:

Sex offender registration; child pornography; penalties. Requires a sex offender to include in the registration information any electronic mail address and any instant messaging screen name that he uses or will use. A sex offender must register any changes in email addresses, instant message, or other identity information within 30 minutes of such information changing. The bill defines child pornography as sexually explicit visual material which utilizes or has as a subject a person less than 18 years of age. The bill establishes enhanced penalties for the production, distribution, solicitation, participation, financing, or photographing of child pornography. The bill also clarifies that, for purposes of punishing production, child pornography means sexually explicit visual material that uses an identifiable minor, and that for purposes of punishing possession or reproduction, a person depicted by text or title or who appears to be less than 18 years of age in sexually explicit material is inferred to be less than 18 years of age. The bill repeals 18.2-374.1:2 but inserts similar language in 18.2-374.1:1 relating to facilitating payment for or access to child pornography. This bill is identical to HB 2749.

Law Advice: **Change in Authority**

Companion to HB 2749.

Status:

03/24/07 Governor: Approved by Governor-Chapter 823 (effective 7/1/07)

SB1084 Pharmacy benefits management.

Chief Patron: Phillip P. Puckett

Summary:

Pharmacy benefits management. Requires every contract for pharmacy benefits management to provide that payment for clean claims submitted electronically by participating pharmacies be paid electronically if the claim is required to be submitted electronically, the claim is in the form required by the payor, the pharmacy agrees to accept payments electronically, and the pharmacy provides accurate electronic funds transfer information. The measure will become effective if reenacted by the 2008 Session of the General Assembly.

Law Advice: FYI - No Direct Impact

SB 1084 must be reenacted by the 2008 Session of the General Assembly and will become effective July 1, 2008.

Status:

03/26/07 House: Bill became law without Governor's signature, Chapter 839 (effective - see bill)

SB1088 Pregnant Women Support Act.

Chief Patron: Phillip P. Puckett

Summary:

Pregnant Women Support Act. Requires that, as a routine component of prenatal care, every licensed practitioner who renders prenatal care shall provide information and support services to patients receiving a positive test diagnosis for Down Syndrome or other prenatally diagnosed conditions. This bill also creates the Virginia Pregnant Women Support Fund as a special nonreverting fund to be administered by the Board of Health to support women and families who are facing an unplanned pregnancy.

Law Advice: New Requirement

Similar to HB 3183.

Status:

03/23/07 Governor: Approved by Governor-Chapter 780 (effective 7/1/07)

SB1097 Records of the Department of Motor Vehicles.

Chief Patron: Martin E. Williams

Summary:

Records of the Department of Motor Vehicles. Eliminates the fee to receive driving record abstracts from the Department of Motor Vehicles for (i) local government group self-insurance pools, (ii) law-enforcement officers, (iii) attorneys and court officials for the Commonwealth, (iv) officials of counties, cities, and towns, and (v) court, police, and licensing officials of other states and of the federal government.

Law Advice: Change in Requirement

Companion to HB 1930.

Status:

03/09/07 Governor: Approved by Governor-Chapter 156 (effective 7/1/07)

SB1108 Emergency preparedness; orders of isolation and quarantine.

Chief Patron: William C. Wampler, Jr.

Summary:

Emergency preparedness; orders of isolation and quarantine. Makes several revisions to the procedures related to orders of quarantine and isolation. The bill also authorizes persons who are otherwise not authorized by law to administer or dispense all necessary drugs when the Governor has declared a disaster or a state of emergency and allows for electronic legal filings in order to protect the public from communicable diseases. This bill is identical to HB 2845.

Law Advice: **Change in Authority**

Companion to HB 2845.

Status:

03/23/07 Governor: Approved by Governor-Chapter 783 (effective 7/1/07)

SB1111 Freedom of Information Act; closed meetings; security of public buildings.

Chief Patron: R. Edward Houck

Summary:

Freedom of Information Act; closed meetings; security of public buildings. Adds a closed meeting exemption for the discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.

Law Advice: **New Authority**

Status:

03/19/07 Governor: Approved by Governor-Chapter 566 (effective 7/1/07)

SB1112 Health care data reporting; repeals sunset.

Chief Patron: R. Edward Houck

Summary:

Health care data reporting; repeals sunset. Repeals the July 1, 2008, sunset provision on health care data reporting. This bill is identical to HB 2367.

Law Advice: **FYI - No Direct Impact**

Companion to HB 2367.

Status:

02/19/07 Governor: Approved by Governor-Chapter 6 (effective 7/1/07)

SB1166 Retirement; benefits for certain state and local public safety officers.

Chief Patron: Kenneth W. Stolle

Summary:

Retirement; benefits for certain state and local public safety officers. Makes several changes to the benefits of state and local public safety officers and the funding of such benefits.

Deputy sheriffs. All deputy sheriffs would become members of the Law Enforcement Officers' Retirement System (LEOs) beginning July 1, 2008.

State police officers. State police officers would receive a 1.85% average final compensation retirement multiplier, and would continue to receive the additional annual supplement.

Law Advice: **Change in Requirement**

Status:

03/23/07 Governor: Approved by Governor-Chapter 819 (effective 7/1/07)

SB1187 **Waiver of tuition for children and spouses of certain public safety personnel.**

Chief Patron: Harry B. Blevins

Summary:

Waiver of tuition for children and spouses of certain public safety personnel. Includes the spouses and children of members of the Virginia National Guard or members of the Virginia State Defense Force killed in the line of duty among the beneficiaries entitled to free undergraduate tuition and the payment of required fees at any public institution of higher education in Virginia.

Law Advice: **New Requirement**

Status:

03/09/07 Governor: Approved by Governor-Chapter 161 (effective 7/1/07)

SB1225 **Health Commissioner; women's health.**

Chief Patron: Janet D. Howell

Summary:

Health Commissioner; women's health. Requires the Health Commissioner to designate a senior official of the Department, who shall be a licensed physician or nurse practitioner, to coordinate all women's health efforts in the Department.

Law Advice: **FYI - No Direct Impact**

Status:

03/23/07 Governor: Approved by Governor-Chapter 793 (effective 7/1/07)

SB1230 **Required vaccinations; adds human papillomavirus vaccine.**

Chief Patron: Janet D. Howell

Summary:

Required vaccinations; adds human papillomavirus vaccine. Requires females to receive three properly spaced doses of human papillomavirus (HPV) vaccine. The first dose shall be administered before the child enters the sixth grade. After having reviewed materials describing the link between the human papillomavirus and cervical cancer approved for such use by the Board of Health, a parent or guardian may elect for his daughter not to receive this vaccine. This bill contains a delayed effective date of October 1, 2008. This bill is identical to HB 2035.

Law Advice: **New Requirement**

Delayed effective date: October 1, 2008. Companion to HB 2035.

Status:

04/05/07 House: Enacted, Chapter 922 (effective 10/1/08)

SB1240 **Health Commissioner; goals of licensure.**

Chief Patron: Frederick M. Quayle

Summary:

Health Commissioner; goals of licensure. Requires the Commissioner to ensure, in the licensure of health care facilities, that quality of care, patient safety, and patient privacy are the overriding goals of such licensure and related enforcement efforts, to coordinate with the Department of Health's emergency preparedness and response efforts, and to ensure that prevention of disease and protection of public health remain the Department's overriding goals. This bill is identical to HB 2378.

Law Advice: FYI - No Direct Impact

Companion to HB 2378.

Status:

03/23/07 Governor: Approved by Governor-Chapter 797 (effective 7/1/07)

SB1284 Auditor of Public Accounts.

Chief Patron: Walter A. Stosch

Summary:

Auditor of Public Accounts. Provides that the searchable database of state agency expenditures and revenues shall not include activity of private gifts, including endowment funds and unrestricted gifts received by state-supported institutions of higher education. The bill clarifies that all appropriated funds and other sources under the control of a state-supported institution of higher education shall be included in the database and that the exclusion of the private gifts activity shall not affect the public access to such records unless otherwise specifically exempted by law.

Law Advice: Change in Requirement

Status:

03/19/07 Governor: Approved by Governor-Chapter 577 (effective 7/1/07)

SB1296 Public uses; eminent domain.

Chief Patron: Thomas K. Norment, Jr.

Summary:

Public uses; eminent domain. Defines the term "public uses" as embracing only the acquisition of property where (i) the land is taken for the possession, occupation and enjoyment by the public or a public corporation; (ii) the land is taken for construction, maintenance and operation of public facilities by public corporations or by private entities provided that there is a written agreement with a public corporation providing for the use of the facility by the public; (iii) the land is taken for the creation or functioning of a public service corporation, public service company, or railroad; (iv) the land is taken for the provision of utility services by a government utility corporation; (v) the land taken is blighted and is taken for the elimination of blight; or (vi) the property is taken in a redevelopment or conservation area that is abandoned or the acquisition is needed to clear title where one of the owners agrees to such acquisition or the acquisition is by agreement of all the owners. The bill also states that property can only be taken when the public interest dominates the private gain and the primary purpose is not private financial gain, private benefit, an increase in tax base or revenues, or an increase in employment, except if the property is taken for the creation or functioning of a public service corporation, public service company, or railroad, or for the provision of authorized utility services by a government utility corporation. The bill defines the terms "blighted property," "government utility corporation," "public corporation," and "public facilities." The bill also provides that a property owner may challenge that a taking is a pretext for an unauthorized use. A former property owner, or his successors, may also request to repurchase the taken property upon the completion or abandonment of the stated public use. The bill does not apply to the forfeiture of property in connection with criminal act or real property that is subject to a certificate of take or deposit recorded prior to July 1, 2007. The bill also does not affect the ability of a redevelopment and housing authority to acquire property under a plan adopted prior to January 1, 2007, until July 1, 2010. The bill also does not prohibit the Norfolk Redevelopment and Housing Authority or the City of Norfolk from acquiring property through the use of eminent domain for the location of a recreational facility, to be owned or operated by a nonprofit entity, that will be open to the public, provided that such acquisitions are instituted prior to July 1, 2010. This bill incorporates SB 1304 and SB 1390. This bill is identical to SB 781 and HB 2954.

Law Advice: Change in Authority

Companion to HB 2954 and identical to SB 781.

Status:

04/04/07 House: Enacted, Chapter 926 (effective 7/1/07)

SB1305 **Health professions; direct access to physical therapists.**

Chief Patron: Stephen D. Newman

Summary:

Health professions; direct access to physical therapists. Allows patients to seek treatment from a licensed physical therapist, who also holds a certain certificate, without a referral when the following conditions are met: (i) the patient, at the time of presentation to a physical therapist, is not under the care of a physician; (ii) the patient identifies a practitioner from whom he intends to seek treatment if his condition does not improve; (iii) the patient gives written consent for the physical therapist to release all personal health information and treatment records to the identified practitioner; and (iv) the physical therapist notifies the identified practitioner no later than three days after treatment commences and provides the practitioner with a copy of the initial evaluation along with a copy of the patient history obtained by the physical therapist. The bill also contains requirements for a certificate allowing physical therapists to provide such services. This bill is identical to HB 2087.

Law Advice: **FYI - No Direct Impact**

Companion to HB2087.

Status:

02/19/07 Governor: Approved by Governor-Chapter 9 (effective 7/1/07)

SB1309 **Virginia National Guard; employment protection.**

Chief Patron: L. Louise Lucas

Summary:

Virginia National Guard; employment protection. Extends the employment protections for service in state duty to service under Title 32 of the United States Code. Upon return to duty, a guardsman would have 14 days to make written application to his previous employer for reemployment. The Code currently requires such application to be made within five days. In addition, the bill would add attorney fees and costs to the damages recoverable for violation of these employment provisions. This bill is identical to HB 2809.

Law Advice: **Change in Requirement**

Companion to HB 2809.

Status:

03/09/07 Governor: Approved by Governor-Chapter 167 (effective 7/1/07)

SB1341 **Health professions; authority to send laboratory test results directly to patients.**

Chief Patron: Linda T. Puller

Summary:

Health professions; authority to send laboratory test results directly to patients. Requires any health care practitioner who, within the scope of his practice, orders a laboratory test or other examination of the physical condition of any person to provide a copy of the report of the results of such test or examination directly to the patient or his legal guardian, if so requested by the patient or his guardian. Authorizes a health care practitioner to inform the laboratory that a copy of the report of the results shall be provided directly to the patient or his legal guardian. Provides that the patient or his legal guardian shall be considered authorized to receive the report or result for the purposes of the federal Clinical Laboratory Improvement Amendments. This bill is identical to HB 3061.

Law Advice: **New Authority**

Companion to HB 3061.

Status:

04/04/07 House: Enacted, Chapter 930 (effective 7/1/07)

SB1374 Secretary of Health and Human Resources; duties.

Chief Patron: Yvonne B. Miller

Summary:

Secretary of Health and Human Resources; duties. Requires the Secretary of Health and Human Resources to coordinate the disease prevention activities of agencies in the Secretariat to ensure efficient, effective delivery of health related services and financing. This bill is identical to HB3131.

Law Advice: FYI - No Direct Impact

Companion to HB 3131.

Status:

03/19/07 Governor: Approved by Governor-Chapter 581 (effective 7/1/07)

SB1386 Joint Legislative Audit and Review Commission; analysis of state agency budget submissions.

Chief Patron: Kenneth W. Stolle

Summary:

Joint Legislative Audit and Review Commission; analysis of state agency budget submissions. Requires the Joint Legislative Audit and Review Commission to conduct a pilot program to analyze and evaluate estimates submitted by state agencies and provided to the Chairmen of the Senate Committee on Finance and the House Committee on Appropriations for the biennial budget to ascertain that sums requested are appropriated based on the missions, operations, practices, and duties of such agencies. The Commission must report the results of the pilot program to the General Assembly in 2009.

Law Advice: FYI - No Direct Impact

Status:

03/23/07 Governor: Approved by Governor-Chapter 803 (effective 7/1/07)

SB1393 Technology protection measures; public libraries.

Chief Patron: Walter A. Stosch

Summary:

Technology protection measures; public libraries. Requires the library board or governing body of a local library to include in its acceptable use policy for the Internet provisions for the selection, installation and activation of a technology protection measure on computers that have Internet access and that are accessible to the public to filter or block Internet access through such computers to child pornography as set out in 18.2-374.1:1, obscenity as defined in 18.2-372, and, with respect to minors, materials deemed harmful to juveniles as defined in 18.2-390. The bill also requires the policy to include a provision for disabling or bypassing the technology protection measure at the request of a patron in instances of bona fide research or other lawful purposes. In addition, the bill provides that no state funding shall be withheld and no other adverse action taken against a library by the Librarian of Virginia or any other official of state government when the technology protection measure fails, provided that such library promptly has taken reasonable steps to rectify and prevent such failures in the future.

Law Advice: FYI - No Direct Impact

Companion to HB 2197.

Status:

03/19/07 Governor: Approved by Governor-Chapter 583 (effective 7/1/07)

SB1403 **Department of Environmental Quality.**

Chief Patron: Phillip P. Puckett

Summary:

Department of Environmental Quality. Consolidates the State Air Pollution Control Board, the State Water Control Board, and the Waste Management Board into one eleven-member citizen board--the Virginia Board of Environmental Quality--with the authority to adopt regulations, including general permit regulations. All other responsibilities of the existing boards, including the authority to issue licenses and permits, shall be transferred to the Department of Environmental Quality. The Department will hold public meetings for the presentation of staff recommendations on major permitting decisions. A citizen appeals board is established and granted the authority to hear appeals on decisions of the Director of the Department of Environmental Quality and to recommend reconsideration by the Director. The bill includes a "reenactment clause" that requires the General Assembly of 2008 to reaffirm the legislation and delays the effective date until July 1, 2008. This bill is identical to HB 3113.

Law Advice: **FYI - No Direct Impact**

SB 1403 must be reenacted by the 2008 Session of the General Assembly and will become effective July 1, 2008. Companion to HB 3113.

Status:

03/26/07 House: Bill became law without Governor's signature, Chapter 841 (effective - see bill)

SB1408 **Commonwealth Competition Council; powers and duties.**

Chief Patron: Emmett W. Hanger, Jr.

Summary:

Commonwealth Competition Council; powers and duties. Requires the Commonwealth Competition Council to review the procurement process under the Public-Private Transportation and the Public-Private Education Facilities and Infrastructure Acts.

Law Advice: **FYI - No Direct Impact**

Status:

03/19/07 Governor: Approved by Governor-Chapter 584 (effective 7/1/07)

SB1416 **Electric utility regulation.**

Chief Patron: Thomas K. Norment, Jr.

Summary:

Electric utility regulation. Advances the scheduled expiration of the capped rate period from December 31, 2010, to December 31, 2008, establishes a new mechanism for regulating the rates of investor-owned electric utilities, and limits the ability of most consumers to purchase electric generation service from competing suppliers. The ratemaking procedure requires the State Corporation Commission (SCC) to conduct a rate case for investor-owned utilities in 2009; thereafter, the SCC will review each utility's rates, terms, and conditions using two 12-month test periods ending December 31, 2010, though the SCC is given discretion to stagger the years in which it conducts such reviews. In these biennial reviews the SCC will determine fair rates of return on common equity for the utility's generation and distribution services, using any methodology it finds consistent with the public interest. However, the return shall not be set: (i) lower than the average of the returns on common equity reported to the Securities and Exchange Commission for the three most recent annual periods by a peer group of a majority of the other vertically-integrated investor-owned electric utilities in the southeastern United States with a Moody's bond rating of at least Baa or (ii) higher than 300 basis points above that average. Increases in the rate of return

are capped based on the rate of increases in the Consumer Price Index (CPI). The SCC may increase or decrease the rate of return by a Performance Incentive of up to 100 basis points based on the generating plant performance, customer service, operations and efficiency of a utility. In setting the return on equity, the SCC is required to strive to maintain costs of retail electric energy that are cost competitive with costs of retail electric energy provided by the other peer group investor-owned electric utilities. If the combined rate of return on common equity earned is no more than one half of one percent above or below this rate of return, the return shall not be considered either excessive or insufficient. Each utility may seek rate adjustment clauses to recover (i) costs for transmission services provided by PJM Interconnection under applicable rates, terms and conditions approved by the Federal Energy Regulatory Commission (FERC) and costs of FERC-approved demand response programs; (ii) deferred environmental and reliability costs authorized under prior capped rate rules; (iii) costs of providing incentives for the utility to design and operate fair and effective demand-management, conservation, energy efficiency, and load management programs; (iv) costs of participation in the new renewable energy portfolio standard program; and (v) costs of projects that the SCC finds to be necessary to comply with state or federal environmental laws or regulations applicable to generation facilities used to serve the utility's native load obligations, which costs may include the enhanced rate of return for new base load generation if the project would reduce the need for construction of new generation facilities by enabling the continued operation of existing generation facilities. A utility may also apply a rate adjustment clause for recovery from customers of the costs of (i) a coal-fired generation facility that utilizes Virginia coal and is located in the coalfield region of the Commonwealth, (ii) one or more other generation facilities, or (iii) one or more major unit modifications of generation facilities, to meet the utility's projected native load obligations. The utility may recover an enhanced rate of return on common equity associated with the type of project, which may include projects utilizing nuclear power, renewable technologies, carbon capture facilities, combined cycle combustion turbines, and conventional coal facilities. The period over which the enhanced rate of return may be collected depends on the type of facility, as determined by the SCC within specified ranges. The SCC's final order on any petition filed for any of the rate adjustment clauses shall be entered within a specified period after the filing of the petition, and any rate increase required by the clause shall go into effect within 60 days or upon the end of capped rates, whichever is later. The SCC is required to consider petitions for rate adjustment clauses on a stand-alone basis, without regard to the other costs or revenues of the utility. The enhanced returns are subject to revocation if permits are not applied for or construction is not commenced by specified dates. If the SCC determines in a biennial review that a utility underearned by at least 50 basis points on its generation and distribution services, excluding provisions for new generation facilities, the SCC is required to increase the utility's rates to a level necessary to provide the opportunity to fully recover the costs of providing the utility's services and to earn such fair rate of return. If the SCC determines in a biennial review that a utility earned more than 50 basis points above a fair combined rate of return on its generation and distribution services, excluding provisions for new generation facilities, the SCC is required to direct that 60 percent of such overearnings be credited to customers' bills over a period of between 6 and 12 months, to be determined by the SCC. In addition, if the SCC determines that the utility's earnings exceed this limit for two consecutive biennial review periods, it shall also order reductions to the utility's rates, provided that rates may not be reduced to levels below what would provide the utility with the opportunity to fully recover its costs and to earn a fair combined rate of return on its generation and distribution services, excluding provisions for new generation facilities. If the Commission determines that and the utility's total aggregate regulated rates would exceed the annual increases in CPI, when compared to the utility's rates as determined in the biennial review for a base period (either the utility's first test period or the most recent test period for which credits are applied to customers' bills), the Commission shall direct, unless such action would not be in the public interest, that any or all of such overearnings be credited to customers' bills. An electric utility that demonstrates that it has a reasonable expectation of achieving 12 percent of its base year electric energy sales from certain renewable energy sources during calendar year 2022 may participate in a renewable energy portfolio standard program. Under the program, a participating utility that meets specified percentage goals for sales of eligible renewable energy is eligible for a

Performance Incentive that increases the fair combined rate of return on common equity for the utility by a 50 basis points through the third succeeding biennial review if it continues to meet the RPS Goals. It is also entitled to an enhanced rate of return on the costs associated with the construction of renewable energy generation facilities used to provide the renewable energy. Participating utilities may recover their incremental costs of meeting the RPS Goals from customers other than large industrial customers purchasing electricity at large general service rates and at primary or transmission voltage. Double credits will be provided for energy from solar or wind sources. Specific provisions address the use of certain wood products for projects qualifying to meet the renewable energy goals. With regard to the ability of customers to purchase generation services from competing providers, the measure provides that after the capped rate period ends, only customers whose annual demand exceeds five megawatts will be permitted to shop. The complete summary and full text of the bill can be accessed via the LIS website, <http://leg1.state.va.us/>.

Law Advice: Change in Authority

Companion to HB 3068.

Status:

04/04/07 House: Enacted, Chapter 933 (effective 7/1/07)

SJ334 Financial Aid Awareness Month.

Chief Patron: Frank M. Ruff

Summary:

Financial Aid Awareness Month. Designates February, in 2007 and in each succeeding year, as Financial Aid Awareness Month in Virginia.

Law Advice: FYI - No Direct Impact

SJ372 Study; health insurance experience pool for educators and local government employees; report.

Chief Patron: Thomas K. Norment, Jr.

Summary:

Study; health insurance experience pool for educators and local government employees; report. Establishes a joint subcommittee to study the feasibility of a state-wide health insurance experience pool for educators and local government employees, including state and local early retirees not eligible for Medicare. The joint subcommittee must submit its findings and recommendations to the 2008 Session of the General Assembly. This resolution incorporates SJR 308 (Miller).

Law Advice: Monitor and Track

SJ390 Study; health care provider liability; report.

Chief Patron: Stephen D. Newman

Summary:

Study; health care provider liability; report. Creates a joint subcommittee to study the feasibility of offering liability protections to health care providers rendering aid during a state or local emergency. The joint subcommittee shall examine the estimated benefits to the citizens of the Commonwealth of enhanced liability protections for health care providers during emergencies as well as determine how many other states provide these kinds of liability protections. This resolution is identical to HJR 701 (Hamilton).

Law Advice: Monitor and Track

Companion to HJ 701.

SJ395 **Study; Joint Legislative Audit and Review Commission; substance abuse issues that impact state and local fiscal expenditures; report.**

Chief Patron: Emmett W. Hanger, Jr.

Summary:

Study; Joint Legislative Audit and Review Commission; substance abuse issues that impact state and local fiscal expenditures; report. Directs JLARC to study the impact of issues related to substance abuse on state and local fiscal expenditures. In conducting its study, the Commission shall examine existing programs, the need for new programs, and funding initiatives that could potentially save significant sums of money focusing on prevention and treatment of substance abuse.

Law Advice: **Monitor and Track**